

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

Case No. 10-CRF-015

SHAFIK AHMAD, M.D.

*

ORDER AND ENTRY

On March 10, 2010, the State Medical Board of Ohio issued a Notice of Opportunity for Hearing to Shafik Ahmad, M.D., based on allegations that Dr. Ahmad engaged in sexual misconduct with multiple patients, failed to conform to minimal standards of care in regard to multiple patients, and made false, fraudulent or misleading statements in regard to his sexual contact with one patient. Dr. Ahmad requested a hearing based on the Notice, which hearing was held on July 6, 2011, before Hearing Officer Gretchen L. Petrucci.

Subsequently, on April 14, 2011, the Ohio Board issued a second Notice of Opportunity for Hearing to Dr. Ahmad based on Dr. Ahmad's conviction in or about January 2011, in the Montgomery County Court of Common Pleas on one felony count of Conspiracy to Commit Murder. Dr. Ahmad failed to request a hearing based upon the April 14, 2011, Notice.

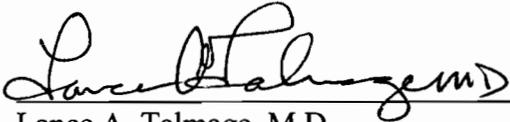
On the basis of the allegations set forth in the April 14, 2011, Notice of Opportunity for Hearing, the Board entered an Order on July 13, 2011, permanently revoking the license of Shafik Ahmad, M.D., to practice medicine and surgery in the state of Ohio. No appeal of that Order was filed within the statutorily provided time period. In that the permanent revocation of Dr. Ahmad's Ohio license makes further consideration of the March 10, 2010, allegations moot, it is ORDERED that the Notice of Opportunity for Hearing issued on March 10, 2010, be and is hereby DISMISSED without prejudice.

This Order is entered by the State Medical Board of Ohio and on its behalf.

In the matter of Shafik Ahmad, M.D.
Case No. 10-CRF-015
Page 2

So ORDERED this 9th day of August 2011.

(SEAL)



Lance A. Talmage, M.D.
Secretary

August 9, 2011

Date



Jack C. Amato, M.D.
Supervising Member

August 9, 2011

Date

CERTIFIED MAIL NO. 91 7108 2133 3936 3082 6519
RETURN RECEIPT REQUESTED

Duplicate Mailing:

Shafik Ahmad, M.D.
Inmate No. A647900
Noble Correctional Institution
15708 McConnellsville Road
Caldwell, Ohio 43724

CERTIFIED MAIL NO. 91 7108 2133 3936 3073 8508
RETURN RECEIPT REQUESTED

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

July 13, 2011

Shafik Ahmad, M.D.
9108 Woodstream Lane
Centerville, OH 45458

RE: 11-CRF-035

Dear Dr. Ahmad:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on July 13, 2011.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board and the Franklin County Court of Common Pleas. The Notice of Appeal must set forth the Order appealed from and state that the State Medical Board's Order is not supported by reliable, probative, and substantive evidence and is not in accordance with law. The Notice of Appeal may, but is not required to, set forth the specific grounds of the appeal. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT:baj
Enclosures

CERTIFIED MAIL RECEIPT NO. 91 7108 2133 3936 3082 6663
RETURN RECEIPT REQUESTED

Mailed 7-14-11

In the matter of Shafik Ahmad, M.D.

Page 2

Duplicate Mailing:

Shafik Ahmad, M.D.

Inmate No. A647900

Noble Correctional Institution

15708 McConnelsville Road

Caldwell, OH 43724

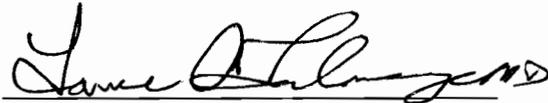
CERTIFIED MAIL RECEIPT NO. 91 7108 2133 3936 3082 6656

RETURN RECEIPT REQUESTED

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry approved by the State Medical Board, meeting in regular session on July 13, 2011, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Shafik Ahmad, M.D., Case No. 11-CRF-035, as it appears in the Journal of the State Medical Board of Ohio.

This Certification is made by the authority of the State Medical Board of Ohio in its behalf.



Lance A. Talmage, M.D.
Secretary

(SEAL)

July 13, 2011

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

CASE NO. 11-CRF-035

SHAFIK AHMAD, M.D.

*

FINDINGS, ORDER AND JOURNAL ENTRY

By letter dated April 13, 2011, notice was given to Shafik Ahmad, M.D., that the State Medical Board intended to consider disciplinary action regarding his license to practice medicine and surgery in the State of Ohio, and that he was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice. In accordance with Section 119.07, Ohio Revised Code, said notice was sent via certified mail, return receipt requested, to the address of record of Dr. Ahmad, that being 9108 Woodstream Lane, Centerville, Ohio 45458. A duplicate mailing of the notice was also sent to Shafik Ahmad, Inmate No. A647900, Noble Correctional Institution, 15708 McConnelsville Road, Caldwell, Ohio 43724.

On May 5, 2011, the Board received an Acknowledgement of Receipt signed by Dr. Ahmad on May 3, 2011. Although other correspondence was received from Dr. Ahmad, no hearing request was made and more than thirty (30) days have now elapsed since the mailing of that notice and the matter is now properly before the Board for final disposition.

WHEREFORE, having reviewed the April 13, 2011, Notice of Opportunity for Hearing, the affidavit of Kay L. Rieve, Administrative Officer, the affidavit of Barbara A. Jacobs, Senior Executive Staff Attorney, and the affidavit of Mark R. Blackmer, Enforcement Attorney, which are attached hereto and incorporated herein, the Board hereby finds that:

In or about January 2011, in the Montgomery County Court of Common Pleas, Dr. Ahmad was found guilty on one felony count of Conspiracy to Commit Murder in the State of Ohio vs. Shafik Ahmad, Case Number 2009 CR 03532.

Further, the Board hereby concludes that:

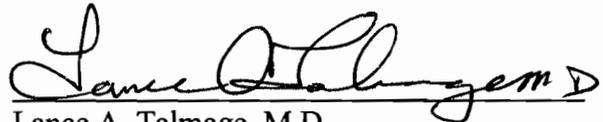
1. Section 4731.22(B)(9), Ohio Revised Code, authorizes the State Medical Board of Ohio to refuse to issue a license or to discipline a licensee based upon a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony.
2. Dr. Ahmad was convicted in or about January 2011 in the Montgomery County Court of Common Pleas on one felony count of Conspiracy to Commit Murder, in violation of Sections 2903.02(A) and 2923.01(A)(1), Ohio Revised Code.
3. On or about April 13, 2011, the Board issued a Notice of Opportunity for Hearing to Dr. Ahmad. Such Notice was mailed via certified mail, return receipt requested, to Dr. Ahmad's address of record and to Noble Correctional Institution on April 14, 2011. A signed acknowledgement of receipt was received from Dr. Ahmad.
4. Pursuant to Section 119.07, Ohio Revised Code, Dr. Ahmad had thirty days from April 14, 2011, in which to submit a written hearing request to the Board.
5. The thirtieth and final day upon which Dr. Ahmad could submit a written hearing request was Monday, May 16, 2011.
6. On or about May 5, 2011, the Board received a motion from Dr. Ahmad; however, such motion did not contain a request for hearing.
7. No further letters or hearing requests have been received from Dr. Ahmad.
8. Section 119.07, Ohio Revised Code, requires the State Medical Board of Ohio to grant an administrative hearing if such hearing is requested within thirty days of the mailing of the Notice of Opportunity for Hearing.
9. Section 4731.22(J), Ohio Revised Code, authorizes the State Medical Board of Ohio to enter a final order that contains the Board's findings without an administrative hearing if the individual subject to a Notice of Opportunity for Hearing does not timely request a hearing in accordance with Section 119.07.
10. As stated above, Dr. Ahmad failed to timely submit a request for a hearing prior to the thirtieth day from the mailing of the Notice of Opportunity for Hearing on April 14, 2011.

Accordingly, the Board hereby ORDERS that:

The license of Shafik Ahmad, M.D., to practice medicine and surgery in the State of Ohio be PERMANENTLY REVOKED.

This Order shall become effective IMMEDIATELY.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 13th day of July 2011 and the original thereof shall be kept with said Journal.



Lance A. Talmage, M.D.

Secretary

(SEAL)

July 13, 2011

Date

AFFIDAVIT

The State of Ohio
Franklin County, SS

I, Kay L. Rieve, being duly cautioned and sworn, do hereby depose and say that:

- 1) I am employed by the State Medical Board of Ohio (hereinafter, "The Board").
- 2) I serve the Board in the position of Administrative Officer.
- 3) In such position I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code;
- 4) I have this day carefully examined the records of the Board pertaining to Shafik Ahmad, M.D.
- 5) Based on my examination, I have found the last known address of record of Dr. Ahmad to be:

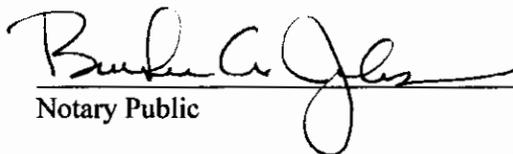
9108 Woodstream Lane
Centerville, Ohio 45458

- 6) Further, Affiant Sayeth Naught.



Kay L. Rieve
Administrative Officer

Sworn to and signed before me, Barbara A. Jacobs, Notary Public,
this 18th day of May, 2011.



Notary Public

BARBARA ANN JACOBS, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.

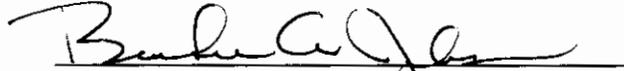
AFFIDAVIT

The State of Ohio
Franklin County, SS

I, Barbara A. Jacobs, being duly cautioned and sworn, do hereby depose and state that the following is true based upon my first-hand knowledge:

- 1) I am employed by the State Medical Board of Ohio (hereinafter, "The Board").
- 2) I serve the Board in the position of Senior Executive Staff Attorney.
- 3) In the course of my regular duties, I am responsible for seeing that all procedural requirements of Chapter 119., Ohio Revised Code, regarding service of any notice issued by the Board are met.
- 4) According to the Board's records, the Board issued a Notice of Opportunity for Hearing to Shafik Ahmad, M.D., on April 13, 2011. Such notice was mailed by certified mail, return receipt requested, to Dr. Ahmad's address of record, that being 9108 Woodstream Lane, Centerville, Ohio 45458. A duplicate copy of the April 13, 2011, Notice was also sent to Dr. Ahmad at Noble Correctional Institution, 15708 McConnellsville Road, Caldwell, Ohio 43724, where Dr. Ahmad is currently incarcerated.
- 5) The Notice which was sent to Dr. Ahmad's address of record was returned to the Board offices with a notation from the United States Postal Service that the item was undeliverable as addressed - unable to forward.
- 6) On May 5, 2011, the Board received a signed Acknowledgment of Receipt from Dr. Ahmad from the duplicate mailing which was sent to Dr. Ahmad at Noble Correctional Institution.
- 7) Attached hereto and incorporated herein is a true and accurate copy of the April 13, 2011, Notice of Opportunity for Hearing with the signed Acknowledgment of Receipt.
- 8) On May 5, 2011, the Board received a motion from Dr. Ahmad; however such motion did not contain a request for hearing.
- 9) As of the date of this affidavit, the Board has received no further correspondence from Dr. Ahmad.

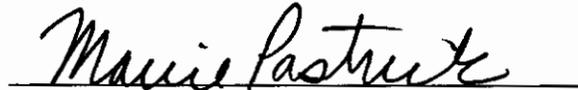
10) Further, Affiant Sayeth Naught.


Barbara A. Jacobs
Senior Executive Staff Attorney

Sworn to and signed before me, Marcie A. Pastrick, Notary Public, this 18th day of
May, 2011.



Marcie Pastrick
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.


Notary Public

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

April 13, 2011

Case number: 11-CRF- 035

Shafik Ahmad, M.D.
9108 Woodstream Lane
Centerville, OH 45458

Dear Doctor Ahmad:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about March 10, 2010, the Board issued to you a Notice of Opportunity for Hearing, which includes allegations relating to violations of minimal standards and ethical principles, and the hearing is currently pending.

On or about November 10, 2010, you contractually agreed to not practice medicine and surgery in the State of Ohio, pursuant to the terms of an Interim Agreement Between Shafik Ahmad, M.D., and the State Medical Board of Ohio.

- (2) On or about November 23, 2009, in the Montgomery County Common Pleas Court [Court], in Dayton, Ohio, an Indictment was filed charging you with Conspiracy to Commit Murder, in violation of Sections 2903.02(A) and 2923.01(A)(1), Ohio Revised Code. On or about January 28, 2011, a Verdict Entry was filed with the Court, indicating that on or about January 27, 2011, you had been found guilty of the charge of Conspiracy to Commit Murder as charged in the Indictment.

On or about March 23, 2011, the Court sentenced you to imprisonment for a term of seven years, to be followed by five years of post-release control after you are released from imprisonment.

The facts as alleged in paragraph (2) above, constitute "[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony," as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing

Mailed 4-14-11

Shafik Ahmad, M.D.
Page 2

and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

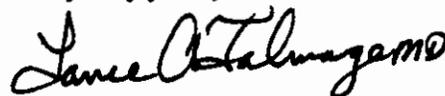
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/MRB/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3938 3023 5326
RETURN RECEIPT REQUESTED

Duplicate Mailing:

Shafik Ahmad, M.D.
Inmate No. A647900
Noble Correctional Institute
15708 McConnellsville Road
Caldwell, OH 43724

CERTIFIED MAIL #91 7108 2133 3938 3023 5319
RETURN RECEIPT REQUESTED

State Medical Board of Ohio
10 E. Broad Street, 3rd Floor
Columbus, OH 43215



91 7108 2133 3938 3023 5326



MLNA

STATE MEDICAL BOARD
OF OHIO
2011 APR 18 PM 2:15

Charif Ahmad MD

- A
- C
- S
- INSUFFICIENT ADDRESS
- ATTEMPTED NOT KNOWN
- NO SUCH NUMBER/STREET
- NOT DELIVERABLE AS ADDRESSED
- OTHER



45458 AHMAD CITE

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

ACKNOWLEDGMENT OF RECEIPT

I, Shafik Ahmad, M.D., do acknowledge that on or about May 1st 2011,
(Date)
received a copy of the April 13, 2011, Notice of Opportunity for Hearing in the matter of
Shafik Ahmad, M.D. I understand that I have thirty (30) days from the date of the
mailing of the Notice to request a hearing.



Shafik Ahmad, M.D.



Witness

5/3/11

Date

5/3-2011

Date

The Acknowledgment of Receipt is to be signed and witnessed, and returned in the attached postage paid, self-addressed envelope.

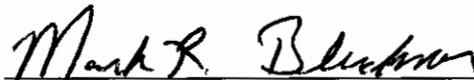
STATE MEDICAL BOARD
OF OHIO
2011 MAY -5 PM 1:49

AFFIDAVIT

The State of Ohio
Franklin County, SS

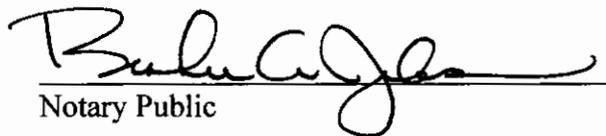
I, Mark R. Blackmer, being duly cautioned and sworn, do hereby depose and state that the following is true based upon my first-hand knowledge:

- 1) I am employed by the State Medical Board of Ohio (hereinafter, "Board").
- 2) I serve the Board in the position of Enforcement Attorney.
- 3) In the course of my regular duties, I am responsible for coordinating the investigation of complaints against applicants and licensees under the jurisdiction of the Board and assembling the evidence necessary to prove potential violations of the Medical Practices Act of Ohio, Chapters 4730., 4731., 4760., and 4762., Ohio Revised Code.
- 4) I coordinated the investigation of the complaints filed against Shafik Ahmad, M.D., which resulted in the issuance of a Notice of Opportunity for Hearing by the Board on April 13, 2011.
- 5) Attached hereto and incorporated herein are certified copies of the Indictment, Verdict Entry, and Termination Entry in the matter of the State of Ohio vs. Shafik Ahmad, Case Number 2009 CR 03532, in the Montgomery County Court of Common Pleas.
- 6) Further, Affiant Sayeth Naught.



Mark R. Blackmer
Enforcement Attorney

Sworn to and signed before me, Barbara A. Jacobs, Notary Public, this
20th day of June, 2011.


Notary Public

BARBARA ANN JACOBS, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.

I hereby certify this to be a true and correct copy.

Witness my hand and seal this 16th day of March, 2011.

Gregory C. Bush, Clerk

Clerk of Common Pleas
Court of Montgomery County, Ohio

By Gregory C. Bush, Deputy



FILED
OF COMMON PLEAS
2009 NOV 23 PM 2:56

GREGORY C. BUSH
CLERK OF COURTS
MONTGOMERY CO. OHIO
5

09CRA2134/Kettering Municipal Court

THE STATE OF OHIO, MONTGOMERY COUNTY

2009 CR 03532

THE COURT OF COMMON PLEAS

(September Term in the year Two Thousand and Nine)

MONTGOMERY COUNTY, ss.

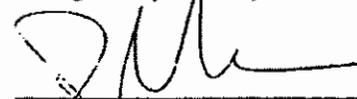
THE GRAND JURORS of the County of Montgomery, in the name, and by the authority of the State of Ohio, upon their oaths do find and present that: **SHAFIK AHMAD**, between **August 1, 2009 and October 22, 2009** in the County of Montgomery, aforesaid, and State of Ohio, with purpose to commit or to promote or facilitate the commission of Murder, a violation of Section 2903.02(A) of the Revised Code, did plan or aid in planning the commission of such offense with another person or persons and that subsequent to the accused's entrance into said conspiracy, a substantial overt act in furtherance of said conspiracy was done by him or a person with whom he conspired, to wit: Drove to the bank to cash a check in the amount of \$2,000 to facilitate the murder of Kristen Hornsby, the intended victim of the offense, and/or Cashed a check in the amount of \$2,000 to facilitate the murder of Kristen Hornsby, the intended victim of the offense, and/or Drove to the parking lot of Neo Limits in Centerville with possession of \$2,000 to provide for the hit man to murder Kristin Hornsby, the intended victim of the offense, and/or Provided \$2,000 in payment for the hit man to murder Kristin Hornsby, the intended victim of the offense, and/or Instructed on his desire that the murder of Kristin Hornsby, the intended victim of the offense, not look like a planned murder or "hit", and/or Instructed on his preference that the hit man locate Kristin Hornsby, the intended victim of the offense, at his son's school, in order to facilitate her murder, and /or Obtained, possessed, and/or was delivering the photographs of Kristin Hornsby, the intended victim of the offense, to facilitate the hit man in her murder, and/or Obtained, possessed, and/or was delivering a written location of his son's school, to facilitate the hit man in locating Kristen Hornsby, the

intended victim of the offense, and/or Drove to the parking lot of Neo Limits in Centerville with possession of the afore-described photographs and written location to facilitate the hit man, in murdering Kristen Hornsby, the intended victim of the offense; contrary to the form of the statute (in violation of Section 2923.01(A)(1) of the Ohio Revised Code) in such case made and provided, and against the peace and dignity of the State of Ohio.

Respectfully submitted,

MATHIAS H. HECK, JR.,
Prosecuting Attorney
Montgomery County, Ohio

By



Assistant Prosecuting Attorney

Supreme Court # 0059445

"NOTICE: UNDER SECTION 2923.13 OF THE OHIO REVISED CODE, NO PERSON WHO IS CHARGED BY THIS INDICTMENT/INFORMATION OR CONVICTED OF THE CHARGE(S) IN THIS INDICTMENT/INFORMATION MAY KNOWINGLY ACQUIRE, HAVE, CARRY OR USE ANY FIREARM OR DANGEROUS ORDNANCE."

ld

JUDGE A. J. WAGNER/ROBERT C DESCHLER 0059445

ORDER

**TO: PHIL PLUMMER, Sheriff
Montgomery County, Ohio**

You are commanded by the court to notify

SHAFIK AHMAD

9108 WOODSTREAM LN.

WASHINGTON TOWNSHIP, OH 45458-0001

MONTGOMERY COUNTY JAIL

THAT SHAFIK AHMAD has been indicted by the Grand Jury of Montgomery County and that the person named in the indictment is hereby ordered to personally appear at 8:30 A.M. on December 1, 2009 before a Presiding Judge of the Montgomery County Common Pleas Court, Courtroom #6, **THIRD FLOOR**, 41 North Perry Street, Dayton, Ohio, and that **FAILURE TO APPEAR WILL RESULT IN A WARRANT FOR ARREST, FORFEITURE OF BOND, IF ANY, OR ADDITIONAL CRIMINAL CHARGES FOR FAILURE TO APPEAR UNDER Section 2937.99, Ohio Revised Code.** You have the right to an attorney. If you are unable to hire an attorney, call the Montgomery County Public Defender's Office at 225-4652 between the hours of 9:00 a.m. and 4:00 p.m. to determine if you qualify for attorney services at no cost to you. **PLEASE BRING THIS INDICTMENT TO COURT WITH YOU.**

I certify that the attached indictment is a true copy of the original indictment on file in this office.

**GREGORY A. BRUSH, Clerk
Court of Common Pleas, Montgomery County**

By _____

RETURN

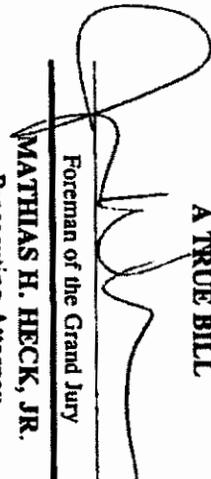
On the date stated next to the name of the defendant(s) below, I served a duly certified copy of the within Indictment and Order for appearance by handing the same to said defendant(s).

Fees \$ _____

PHIL PLUMMER, Sheriff

By _____, Deputy

A TRUE BILL



Foreman of the Grand Jury
MATHIAS H. HECK, JR.
Prosecuting Attorney
Montgomery County

**INDICTMENT FOR
CONSPIRACY TO COMMIT
MURDER FI**

SHAFIK AHMAD

vs.

The State of Ohio

September Term, 2009

**THE STATE OF OHIO,
MONTGOMERY COUNTY
COURT OF COMMON PLEAS**

NO. 2009 CR 03532



FILED
COURT OF COMMON PLEAS

2011 JAN 28 PM 12:42

CLERK OF COURTS
MONTGOMERY CO. OHIO
8

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

STATE OF OHIO,

Plaintiff(s),

-vs-

SHAFIK AHMAD,

Defendant(s).

CASE NO.: 2009 CR 03532

JUDGE JOHN W. KESSLER
(Visiting Judge by Assignment
for Judge Steven K. Dankof, Sr.)

VERDICT ENTRY

The Prosecuting Attorney, Robert Deschler, the Defendant, Shafik Ahmad, with Counsel, Jon Paul Rion, appeared in open court and the case was heard by a duly empanelled and sworn jury.

After all of the testimony, the arguments of counsel, and the jury charge delivered by the Court were heard, the jury deliberated, in the charge of the Bailiff, and returned to open court with the following verdict.

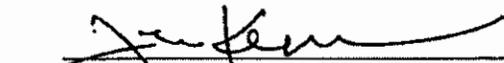
VERDICT

On January 27, 2011 the Defendant, Shafik Ahmad, was found **GUILTY** of the charge of Conspiracy To Commit Murder as charged in the Indictment. The jury further found the defendant, Shafik Ahmad, DID instruct on his preference that the hit man locate Kristin Hornsby, the intended victim of the offense, at his son's school in order to facilitate her murder, and/or, the defendant, Shafik Ahmad, DID obtain, possess, and/or deliver photographs of Kristin Hornsby, the intended victim of the offenses, to facilitate the hit man in her murder, and/or, the defendant, Shafik Ahmad, DID obtain, possess, and/or deliver a written location of his son's school, to facilitate the hit man in locating Kristin Hornsby, the intended victim of the offense, and/or, the defendant, Shafik Ahmad, DID drive to the parking lot of Neo Limits in

Centerville with possession of the afore-described photographs and written location to facilitate the hit man in murdering Kristin Hornsby, the intended victim of the offense.

The Verdict of the jury is filed herewith.

The jury was discharged from further consideration of this cause.


JUDGE JOHN W. KESSLER
(Visiting Judge by Assignment
for Judge Steven K. Dankof, Sr.)

I hereby certify this to be a true and correct copy.

Witness my hand and seal this 16th
day of March 2011.

, Clerk

Clerk of Common Pleas
Court of Montgomery County, Ohio

By 
Deputy



FILED
COURT OF COMMON PLEAS

2011 MAR 25 PM 2:50

GREGORY A. BRUSH
CLERK OF COURTS
MONTGOMERY CO. OHIO
34

**IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
CRIMINAL DIVISION**

STATE OF OHIO

CASE NO. 2009 CR 03532

Plaintiff

VISITING JUDGE JOHN W. KESSLER

vs.

SHAFIK AHMAD

TERMINATION ENTRY

DOB: 04/05/1961 SSN: [REDACTED]

Defendant

The defendant herein having been found Guilty by a Jury of the offense **CONSPIRACY TO COMMIT MURDER - 2903.02(A)/2923.01(A)(1) F1**, was on **March 23, 2011**, brought before the Court.

WHEREFORE, it is the JUDGMENT and SENTENCE of the Court that the defendant herein be delivered to the **CORRECTIONAL RECEPTION CENTER** there to be imprisoned and confined for a term of **SEVEN (7) YEARS**.

The Court hereby ORDERS no fines and no court costs.

The number of days for which the defendant should receive jail time credit is indicated in the entry and warrant to transport filed in this case.

After reviewing the criminal history of the defendant, the pre-sentence investigation, the facts and circumstances of the offense, and any victim impact statement, the Court found the defendant ineligible for placement in a program of shock incarceration under Section 5120.031 of the Revised Code, or in the intensive program prison under Section 5120.032 of the Revised Code.

The Court notifies the defendant that, as a part of this sentence, the defendant **WILL** be supervised by the Parole Board for a period of **FIVE (5) years** Post-Release Control after the defendant's release from imprisonment.

SH

PAGE: 2
CASE NO. 2009 CR 03532
STATE VS. SHAFIK AHMAD

Should the defendant violate any post-release control sanction or any law, the adult parole board may impose a more restrictive sanction. The parole board may increase the length of the post-release control. The parole board also could impose up to an additional nine (9) months prison term for each violation for a total of up to fifty percent (50%) of the original sentence imposed by the court. If the violation of the sanction is a felony, in addition to being prosecuted and sentenced for the new felony, the defendant may receive from the court a prison term for the violation of the post-release control itself.

Pursuant to R.C. 2929.19(B)(3)(f), the defendant is ordered not to ingest or be injected with a drug of abuse. The defendant is ordered to submit to random drug testing as provided in section 341.26, 753.33, or 5120.63 of the Revised Code. The results of the drug test administered shall indicate that the defendant did not ingest and was not injected with a drug of abuse.

The Court did fully explain to the defendant his appellate rights and the defendant informed the Court that said rights were understood.

BOND IS RELEASED.


VISITING JUDGE JOHN W. KESSLER

MATHIAS H. HECK, JR.
PROSECUTING ATTORNEY

By: 
ROBERT C. DESCHLER, #0059445
Assistant Prosecuting Attorney

Defense Counsel: **JOHN H. RION, 130 WEST SECOND STREET, SUITE 2150, P O BOX 10126, DAYTON, OH 45402**

Montgomery County Sheriff's Office, Attn: Jail Records
Montgomery County Clerk of Courts – Bookkeeping Dept.

PJW - 3/24/2011

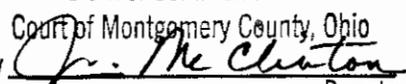
I hereby certify this to be a true and correct copy.

Witness my hand and seal this 28th
day of March 2011.

, Clerk

Clerk of Common Pleas

Court of Montgomery County, Ohio

By 
Deputy



State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

April 13, 2011

Case number: 11-CRF- *035*

Shafik Ahmad, M.D.
9108 Woodstream Lane
Centerville, OH 45458

Dear Doctor Ahmad:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about March 10, 2010, the Board issued to you a Notice of Opportunity for Hearing, which includes allegations relating to violations of minimal standards and ethical principles, and the hearing is currently pending.

On or about November 10, 2010, you contractually agreed to not practice medicine and surgery in the State of Ohio, pursuant to the terms of an Interim Agreement Between Shafik Ahmad, M.D., and the State Medical Board of Ohio.

- (2) On or about November 23, 2009, in the Montgomery County Common Pleas Court [Court], in Dayton, Ohio, an Indictment was filed charging you with Conspiracy to Commit Murder, in violation of Sections 2903.02(A) and 2923.01(A)(1), Ohio Revised Code. On or about January 28, 2011, a Verdict Entry was filed with the Court, indicating that on or about January 27, 2011, you had been found guilty of the charge of Conspiracy to Commit Murder as charged in the Indictment.

On or about March 23, 2011, the Court sentenced you to imprisonment for a term of seven years, to be followed by five years of post-release control after you are released from imprisonment.

The facts as alleged in paragraph (2) above, constitute “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony,” as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing

Mailed 4-14-11

Shafik Ahmad, M.D.

Page 2

and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/MRB/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3938 3023 5326
RETURN RECEIPT REQUESTED

Duplicate Mailing:

Shafik Ahmad, M.D.
Inmate No. A647900
Noble Correctional Institute
15708 McConnelsville Road
Caldwell, OH 43724

CERTIFIED MAIL #91 7108 2133 3938 3023 5319
RETURN RECEIPT REQUESTED

**INTERIM AGREEMENT
BETWEEN
SHAFIK AHMAD, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO
CASE NO. 10-CRF-015**

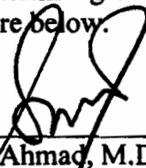
Shafik Ahmad, M.D., [Dr. Ahmad] hereby agrees that he will not practice medicine and surgery in the State of Ohio in any form or manner until the allegations contained in the March 10, 2010 Notice of Opportunity for Hearing [March 2010 Notice] issued by the State Medical Board of Ohio [Board] have been adjudicated by the Board and the Board has issued a Final Order. Dr. Ahmad further agrees that any violation of the above-referenced limitation shall subject him to further disciplinary action pursuant to Section 4731.22, Ohio Revised Code.

Dr. Ahmad admits that he is currently awaiting trial in Montgomery County Ohio on a criminal charge of Conspiracy to Commit Murder. Dr. Ahmad states that he is requesting a continuance of the proceedings in his administrative case with the Board because he intends to focus his time and effort on the criminal charge pending in Montgomery County, Ohio. Dr. Ahmad agrees that this Interim Agreement in no way limits the Board in its potential pursuit of any further investigations or issuance of additional formal charges pursuant to Section 4731.22, Ohio Revised Code, including but not limited to the automatic suspension and/or permanent revocation of Dr. Ahmad's certificate pursuant to Section 4731.22(I), Ohio Revised Code.

The Board, by its acceptance of this Interim Agreement, hereby agrees not to object, through its counsel, to continuing the administrative hearing on the March 2010 Notice until such time as the criminal case currently pending in Montgomery County has been concluded by trial or plea agreement, provided that Dr. Ahmad is otherwise in full compliance with this Interim Agreement.

This Interim Agreement shall not be construed as an admission by Dr. Ahmad to the allegations contained in the March 2010 Notice. Nothing in this Interim Agreement shall be construed to limit Dr. Ahmad's right to a full administrative hearing on the allegations contained in the Board's March 2010 Notice.

This Interim Agreement shall become effective immediately upon the last date of signature below.



Shafik Ahmad, M.D.

11/08/10

Date



Lance Talmage, M.D., Secretary
State Medical Board of Ohio

11-10-10

Date

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

March 10, 2010

Case number: 10-CRF- *015*

Shafik Ahmad, M.D.
9108 Woodstream Lane
Centerville, OH 45458

Dear Doctor Ahmad:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) From in or around 2000 to 2008, you undertook the care of Patients 1-13, as identified in the attached Patient Key (Key is confidential and shall be withheld from public disclosure).
- (2) In or around May 2004, Patient 1, whom you were treating for depression, presented to your office for an appointment. While with Patient 1 in an exam room, you inappropriately touched her by groping her breasts and pushing your crotch or groin area against her knee.
- (3) In or around September 2006, Patient 2, whom you had treated for depression, presented to your office for an appointment. While with Patient 2 in an exam room, you inappropriately touched her by kissing her and trying to stick your tongue in her mouth. Further, you engaged in prolonged hugging with Patient 2, you rubbed her back, and you made inappropriate comments, which included telling the patient that you had feelings for her.
- (4) In or around March 2007, Patient 3, who had a history of depression, presented to your office for an appointment. While in an exam room with Patient 3, you engaged in behavior that constituted "sexual misconduct" as that term is defined in Rule 4731-26-01(G), Ohio Administrative Code. Such sexual misconduct included kissing her and sticking your tongue in her mouth, putting your hand on her chest/breast, holding her hands and running your fingers through her hair, and asking the patient why she stayed with her husband.

Mailed 3-11-10

- (5) In or around April 2007, Patient 4 presented to your office for an appointment. While in an exam room with Patient 4, you engaged in behavior that constituted “sexual misconduct” as that term is defined in Rule 4731-26-01(G), Ohio Administrative Code. Such sexual misconduct included slipping your finger in the patient’s bra and touching her breast even after she told you that she had no moles on her breasts, putting your arms around the patient’s neck and pulling her close as to hug, and telling the patient that her eyes were pretty.
- (6) In or around 2003, Patient 5 presented you your office for an appointment. While in an exam room with Patient 5, you inappropriately touched her by pressing your pelvic area against her thigh/leg, giving her a prolonged hug, and caressing her face, back and neck.
- (7) In or around 2004 to 2006, Patient 6 presented herself to your office for appointments. The patient had a history of being abused as a child. While in an exam room with Patient 6, you inappropriately touched her by engaging in prolonged hugging and touching. In addition, you made inappropriate comments to Patient 6.
- (8) In or around 2005, Patient 7, whom you had diagnosed with depression and anxiety, presented to your office for an appointment. While in an exam room with Patient 7, you inappropriately touched her by rubbing your groin area against her, playing with her hair, smelling her hair and neck, and rubbing her upper legs. In addition, you made inappropriate comments to Patient 7, by, *inter alia*, asking for a “real kiss.”
- (9) In or around December 2006, Patient 8, whom you were treating for depression, presented to your office for an appointment. While in an exam room with Patient 8, you engaged in behavior that constituted “sexual misconduct” as that term is defined in Rule 4731-26-01(G), Ohio Administrative Code. Such sexual misconduct included hugging her and telling her to hug you tighter, soliciting a relationship by asking her to tell you what you wanted to hear, asking her what kind of man she wanted, and telling her that she should have an active sex life.
- (10) In or around 2006, Patient 9 presented to your office for an appointment. The patient reported being in a stressful situation, and that she had experienced an anxiety attack. While in an exam room with Patient 9, you inappropriately touched her by hugging her during which you rubbed your chest against her chest. In addition, you made inappropriate comments by calling her a “dick tease.”

- (11) In or around October 2007, Patient 10 presented to your office for an appointment. While in an exam room with Patient 10, you engaged in behavior that constituted “sexual misconduct” as that term is defined in Rule 4731-26-01(G), Ohio Administrative Code. Such sexual misconduct included kissing her and massaging her back. You also put your phone number in her cell phone. You further engaged in behavior that constituted “sexual misconduct” when Patient 10 returned to your office on or about October 22, 2007, to pick up a prescription, by asking her why she had not called you.
- (12) In or around October 2008 and November 2008, Patient 11 presented to your office for appointments. While in an exam room with Patient 11 on those two dates, you engaged in behavior that constituted “sexual misconduct” as that term is defined in Rule 4731-26-01(G), Ohio Administrative Code. Such sexual misconduct included hugging her to the extent that she patted your shoulder, and then pushed you away to end the contact. You also engaged in behavior that constituted “sexual misconduct” when you asked Patient 11 what she thought of you as a man and telling her that you loved her.
- (13) In or around August 2007, Patient 12 presented to your office for an appointment. While in the exam room with Patient 12, you engaged in behavior that constituted “sexual misconduct” as that term is defined in Rule 4731-26-01(G), Ohio Administrative Code. Such sexual misconduct included grabbing and holding Patient 12’s hands; telling the patient that she needed a hug and after having the patient stand up, pulling her close to you; and while purportedly hugging the patient, you moved your hands down her back, and touched her buttocks area.
- (14) In or around April 2005, you provided information to the Board in which you stated that you had never engaged in any sexual activity and/or sexual contact with a former patient.

In fact, as you later stated to Board staff on or about May 30, 2006, you had sexual contact with Patient 13, who you indicated was a former patient when the sexual relationship commenced.

- (15) Further, in the regular course of your clinical treatments of Patients 2, 3, 5, 6, 7, 8, 9 and 11, you practiced below minimal standards of care, including, but not limited to, the following:
 - (a) In the course of treating Patient 2, you inappropriately provided repeated weekly injections of an iron supplement, INFeD, which has black box warnings to only use in iron deficiency anemia if not amenable to oral therapy and in a setting where resuscitation is available due to severe

anaphylactic-type reactions. The medication was not appropriate for Patient 2, who had a borderline low Hgb of 11.4 and normal iron reserves.

- (b) In the course of treating Patient 3, you prescribed Imitrex on or about June 28, 2005, without documenting an appropriate diagnosis. On or about October 12, 2005, the patient was given an injection of Toradol, but you failed to appropriately examine or diagnose the patient and/or you failed to document an examination or diagnosis. On or about September 13, 2005, you first prescribed Provigil to Patient 3, but you failed to document a diagnosis and that medication was continued through April 4, 2007. On or about January 12, 2006, the patient chart indicates that Patient 3 received a "T" in the left hip and a "K" in the right hip, but you failed to document an examination or diagnosis.
- (c) Patient 5's patient chart indicated that she suffered a miscarriage at eleven weeks gestation on or around January 31, 2003. In the course of treating Patient 5, you prescribed a teratogenic blood pressure medication, Lisinopril, which was not stopped until on or about January 2, 2003. It is inappropriate to prescribe Lisinopril to a patient who is or may become pregnant.
- (d) In the course of treating Patient 6, she received an injection of Toradol on or about September 24, 2004, but you only documented a diagnosis of a yeast infection. On or about January 13, 2005, the patient was given injections of Toradol and Bentyl for treatment of constipation and a hernia. A CT scan on January 19, 2005, showed no hernia, but a complex mass of the left ovary was noted; however, you failed to order and/or perform, and/or document ordering or performing, the recommended follow-up exam. A CT scan of the abdomen only was performed on or about November 25, 2005, which was ordered by another physician, but did not include the pelvis. On or about September 12, 2005, the patient was given Toradol and Phenergan injections, but you failed to document a diagnosis or examination related to the injection. On or about July 3, 2006, the patient was simultaneously started on an atypical antipsychotic medication, an antidepressant, a medication for ADHD and a blood pressure medication, even though her blood pressure was not elevated, for symptoms of nausea, anxiety and stress. It was inappropriate to simultaneously start the patient on the aforementioned medications when her blood pressure was already low; or in the alternative, there was inappropriate and/or incomplete documentation.
- (e) On or about September 26, 2005, you first saw Patient 7 and she was given injections of Kenalog and Toradol. You also made a notation of "1.2 mU."

You failed to document the patient's history, an examination or diagnosis for that date.

- (f) On or about August 2, 2006, lab tests done on Patient 8 revealed that she had diabetes with an abnormal HbA1c. While you saw Patient 8 on September 7, 2006, for "f/u weight and diabetes," you failed to document whether the patient was treated or had further monitoring performed for the new diagnosis of diabetes. On or about September 7, 2006, Prempro was prescribed, but you failed to document an appropriate pelvic exam, or the need for such an examination in connection with this medication in the future.
- (g) During Patient 9's first visit on or about July 7, 2006, she asked for a medication refill of Xanax 1 mg TID. No examination is documented in the patient chart for that date. On or about July 21, 2006, Patient 8 saw you for a follow-up appointment for an anxiety attack and possible pneumonia, and you prescribed two different antidepressants, one of which is not indicated for treatment of anxiety and may worsen agitation.
- (h) During Patient 11's office visit on or around October 22, 2008, she expressed a concern of elevated blood pressure. You simultaneously started Patient 11 on Luvox CR 100 mg and Effexor XR 75 mg. However, there is a warning when using Luvox CR together with Effexor; and the starting dose of Effexor is 37.5 mg and one of its side effects is worsening hypertension. Patient 11 developed the symptoms of impairment of sleep, poor appetite, muscle twitching and hallucinations, all of which are side effects of these medications and may indicate a serotonin syndrome reaction. When the patient returned to your office on or about November 12, 2008, the dose of Luvox was increased. It was inappropriate to simultaneously start the patient on two different serotonin medications at an inappropriate starting dosage, and/or there was inappropriate and/or incomplete documentation in the patient chart.

Your acts, conduct, and/or omissions as alleged in paragraphs (1), (4), (5), (9), (11), (12) and (13), above, individually and/or collectively, constitute "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Rule 4731-26-02, Ohio Administrative Code. Pursuant to Rule 4731-26-03(A), Ohio Administrative Code, a violation of Rule 4731-26-02, Ohio Administrative Code, also violates Section 4731.22(B)(6), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) through (12) and (15), above, individually and/or collectively, constitute "[a] departure from, or the

failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established,” as that clause is used in Section 4731.22(B)(6), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) through (12), above, individually and/or collectively, constitute “[v]iolation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule,” as that clause is used in Section 4731.22(B)(18), Ohio Revised Code, to wit: Principles I, II, IV and XIII of the American Medical Association’s Principles of Medical Ethics.

Further, your acts, conduct, and/or omissions as alleged in paragraph (14) above, individually and/or collectively, constitute “[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board,” as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate an individual’s certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not

Shafik Ahmad, M.D.

Page 7

accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/MRB/flb

Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3069 5283
RETURN RECEIPT REQUESTED

Duplicate Mailing:

Shafik Ahmad, M.D. (0926095)
Montgomery County Sheriff's Office
345 W. Second Street
Dayton, OH 45427

CERTIFIED MAIL #91 7108 2133 3936 3069 5191
RETURN RECEIPT REQUESTED