



State Medical Board of Ohio

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May 13, 1998

Capt. John J. Magri, IV, M.D.
45th MDG/SGOMF
1381 S. Patrick Drive
Patrick AFB, FL 32925-3606

Dear Doctor Magri:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Suzanne E. Kelly, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on May 13, 1998, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

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

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Anand G. Garg, M.D.
Secretary

AGG:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. Z 233 839 056
RETURN RECEIPT REQUESTED

cc: Kevin P. Byers, Esq.
CERTIFIED MAIL RECEIPT NO. Z 233 839 057
RETURN RECEIPT REQUESTED

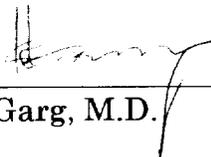
Mailed 5/19/98

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Suzanne E. Kelly, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on May 13, 1998, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the Matter of John J. Magri, IV, M.D., as it appears in the Journal of the State Medical Board of Ohio.

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

(SEAL)



Anand G. Garg, M.D.
Secretary

May 13, 1998

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

JOHN J. MAGRI, IV, M.D.

*

ENTRY OF ORDER

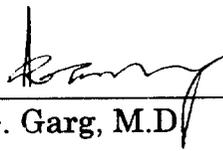
This matter came on for consideration before the State Medical Board of Ohio on May 13, 1998.

Upon the Report and Recommendation of Suzanne E. Kelly, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

1. The allegations against John J. Magri, IV, M.D., as specified in the State Medical Board's Notice of Opportunity for Hearing letter dated October 8, 1997, are hereby DISMISSED.
2. The application of Captain Magri for licensure to practice medicine and surgery in the State of Ohio is hereby GRANTED, on the condition that Captain Magri otherwise meets all statutory and regulatory requirements.

(SEAL)



Anand G. Garg, M.D.
Secretary

May 13, 1998
Date

**REPORT AND RECOMMENDATION 98 MAR 18 PM 12:35
IN THE MATTER OF CAPTAIN JOHN J. MAGRI, IV, M.D.**

The Matter of Captain John J. Magri, IV, M.D., came on for hearing before Suzanne E. Kelly, Esq., Hearing Examiner for the State Medical Board of Ohio, on January 20, 1998.

INTRODUCTION

I. Basis for Hearing

- A. The State Medical Board of Ohio [Board] notified Captain John J. Magri, IV, M.D., by letter dated October 8, 1997, that the Board intended to determine whether to discipline his certificate to practice medicine and surgery for the following reasons:

On or about March 20, 1997, Captain Magri filed an Application for Certificate to Practice Medicine and Surgery in the State of Ohio, which is currently pending.

The section of Captain Magri's Exam Application, entitled, "Additional Information-Medicine or Osteopathic Medicine" is prefaced with the instruction: "If you answer "YES" to any of the following questions, you are required to furnish complete details, including date, place, reason and disposition of the matter. All affirmative answers must be thoroughly explained on a separate sheet of paper."

Captain Magri responded "YES" to question No. 4, listed below.

"Have you ever resigned from, withdrawn from, or have you ever been warned by, censured by, been put on probation by, been requested to withdraw from, dismissed from, been refused renewal of a contract by, or expelled from, a medical school, clinical clerkship, externship, preceptorship, or graduate medical education?"

Captain Magri's explanations provided with the Exam Application and in an August 19, 1997, letter to the Board, spoke solely to Captain Magri's resignation from his residency in General Surgery Department of the Wright State University (WSU) School of Medicine "for personal reasons." In his explanations, Captain Magri failed to inform the Board that:

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On or about April 13, 1994, Captain Magri was notified by WSU that because of his performance on the American Board of Surgery In-Training Examination [ABSITE] for his PGY-1 year, Captain Magri was placed on academic probation by WSU for the 1994-95 (PGY-2 year) and;

On or about April 7, 1995, Captain Magri was notified by WSU that he was placed on professional clinical probation for the next twelve months (PGY-3 year) because of numerous concerns with his professional behavior, including alcohol use and overall integrity.

The Board alleged that these acts, conduct, and/or omissions, individually and/or collectively, constituted "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the Board," as that clause is used in Section 4731.22(A), Ohio Revised Code.

Additionally, the Board alleged that these acts, conduct, and/or omissions, individually and/or collectively, constituted, "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code. Further, the Board alleged that these acts, conduct, and/or omissions, individually and/or collectively, constituted a failure to furnish satisfactory proof of good moral character as required by Section 4731.08, Ohio Revised Code.

The Board advised Captain Magri of his right to request a hearing in this Matter. (State's Exhibit 1)

- B. Kevin P. Byers, Esq., requested a hearing on behalf of Captain Magri on November 7, 1997. (State's Exhibit 2)

II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by Christopher Wasson, Assistant Attorney General.
- B. On behalf of the Respondent: Kevin P. Byers, Esq.

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EVIDENCE EXAMINED

I. Testimony Heard

A. Presented by the State

James B. Peoples, M.D.

B. Presented by the Respondent

Captain John J. Magri, IV, M.D.
Charles Goodwin, M.D.

II. Exhibits Examined

In addition to State's Exhibits 1 and 2, noted above, the following exhibits were identified and admitted into evidence:

A. Presented by the State

1. State's Exhibit 3: Copy of November 10, 1997, letter to Attorney Byers from the Board advising that a hearing had initially been set for November 17, 1997, but further advising that the hearing had been postponed pursuant to Section 119.09, Ohio Revised Code. (2 pp.)
2. State's Exhibit 4: Copy of November 18, 1997, letter to Attorney Byers from the Board scheduling the hearing for December 23, 1997. (2 pp.)
3. State's Exhibit 5: Copy of December 10, 1997, Entry granting Motion for Continuance and rescheduling the hearing to January 20, 1998.
4. State's Exhibit 6: Copy of August 27, 1997, letter to the Board from James B. Peoples, M.D., FACS, Wright State University, regarding Captain Magri with attached certified copies of documents. (7 pp.)
5. State's Exhibit 7: Certified copies from the records of the Board in the matter of John J. Magri, IV, M.D. (21 pp.)
6. State's Exhibit 8: Copy of June 17, 1997, letter to Captain Magri from the Board. (2 pp.)

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7. State's Exhibit 9: Copy of July 25, 1997, letter to Captain Magri from the Board regarding his Application for Licensure. (2 pp.)
8. State's Exhibit 10: Copy of August 19, 1997, letter addressed "Dear Sir" from John J. Magri, IV, Capt., USAF.
9. State's Exhibit 11: Copy of September 2, 1997, letter to Captain Magri from the Board regarding his Licensure Application. (2 pp.)

B. Presented by the Respondent

Respondent's Exhibit C: Copy of June 30, 1996, letter to the Board from Wright State University regarding Summary Evaluation for John J. Magri, M.D. (2 pp.)

SUMMARY OF THE EVIDENCE

All exhibits and transcripts of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

1. John James Magri, M.D., earned a bachelor of science degree from the University of Virginia in electrical engineering in 1984. Immediately following graduation, Captain Magri worked for IBM. After six years of employment, Captain Magri entered the Medical College of Virginia in 1989. He graduated with a medical degree in 1993. Captain Magri began his first year as a general surgery resident in July 1993 at Wright State University [WSU]. (Transcript at [Tr.] 49-52)

To finance his medical education, Captain Magri joined the United States Air Force and received a Health Professional Scholarship [HPSP]. The HPSP obligated Captain Magri to provide four years of service to the U.S. Air Force upon the completion of his residency. (Tr. 53-54, 78-80)

2. On March 19, 1997, Captain Magri filed an Application for Certificate to Practice Medicine and Surgery in the State of Ohio [Application], which is currently pending. The section of the Application, entitled, "Additional Information-Medicine or Osteopathic Medicine" is prefaced with the instruction: "If you answer "YES" to any of the following questions, you are required to furnish complete details, including date, place, reason and

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disposition of the matter. All affirmative answers must be thoroughly explained on a separate sheet of paper." (State's Exhibit [St. Ex.] 7)

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Captain Magri responded "YES" to Question No. 4, listed below.

Have you ever resigned from, withdrawn from, or have you ever been warned by, censured by, been put on probation by, been requested to withdraw from, dismissed from, been refused renewal of a contract by, or expelled from, a medical school, clinical clerkship, externship, preceptorship, or graduate medical education?

(St. Ex. 7 at 11) Captain Magri's explanation provided with the Exam Application and in his August 19, 1997, letter to the Board, spoke solely to his resignation from his residency in General Surgery Department of the WSU School of Medicine:

I resigned from a general surgery residency in June 1996 after successfully completing 3 years. This was because I changed my career plans and do not want to perform general surgery. I currently plan to complete a plastic surgery fellowship at a later date.

(St. Ex. 7 at 10; see also St. Ex. 10) Captain Magri did not reveal that he had been on probation during his second or third year of his residency. (Tr. 55-56)

3. James B. Peoples, M.D., holds the position of professor and chair of the Department of Surgery, Program Director of General Surgery Residency, at WSU. (Tr. 12, 43-47) Dr. Peoples supervises approximately 45 residents in the residency program. Dr. Peoples teaches residents who rotate on his service, teaches seminars, conferences, and rounds, and chairs the residency program committee which oversees the residency program at WSU. (Tr. 13-14)
4. Dr. Peoples testified that Captain Magri started the general surgery residency at WSU in July 1993. In April 1994, Captain Magri received an evaluation of his performance. Captain Magri did not receive a satisfactory score on his American Board of Surgery In-Training Examination [ABSITE]. Other than Captain Magri's ABSITE score, his evaluation indicated that he had difficulty completing his surgical operative log and attending City-Wide Grand Rounds. Further, his rotation evaluations ranged from below average to exceptionally fine. Therefore, the General Surgery Residency Committee [Committee] placed Captain Magri on academic probation for the 1994-1995 year. The Committee also promoted Captain Magri to the PGY-2 level of training. (St. Ex. 6; Tr. 16-21, 30)

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5. In April 1995, Dr. Peoples testified that the Committee removed Captain Magri from academic probation due to his improved performance on the ABSITE. However, hospital staff raised concerns relating to attitude problems. Dr. Peoples elaborated that he had received complaints from the nurses that Captain Magri did not respond in a timely fashion to pages. Further, the medical records department at the hospital complained that Captain Magri did not complete his records promptly. The residency coordinator noted that Captain Magri continued to be delinquent in his submission of surgical operative logs. (St. Ex. 6; Tr. 22-26, 30, 32-33, 37-38, 45-46)

Additionally, a physician reported a single incident when Captain Magri smelled of alcohol at the hospital. Dr. Peoples explained that Captain Magri had not been on call, had drunk wine with dinner, and had been recalled to the hospital. This provided adequate justification for the Committee to bring these incidents to Captain Magri's attention and place him on clinical probation. Nevertheless, the Committee promoted him to PGY-3. Dr. Peoples admitted that the concerns regarding records and attitude were common. Dr. Peoples described probation as a "formal reprimand." (St. Ex. 6; Tr. 22-26, 30, 32-33, 37-38, 45-46)

6. Dr. Peoples testified that in April 1996, Captain Magri made the decision to withdraw from the surgery program at WSU. To Dr. Peoples' knowledge, Captain Magri based his decision on his personal problems and his performance in the program. Additionally, Captain Magri owed several years of service to the Air Force in exchange for his education. At the time Captain Magri made this decision, he knew that his ABSITE score was again below the 20th percentile which required his placement on academic probation. Dr. Peoples recalled that Captain Magri's clinical evaluations were excellent. Accordingly, Captain Magri left the residency program with a full three years of credit. (Respondent's Exhibit [Res. Ex.] C; Tr. 26-30, 34-36)

When Captain Magri left the program, Dr. Peoples prepared a summary evaluation of Captain Magri's performance. Dr. Peoples stated:

In summary, Captain Magri is an intelligent, personable, technically gifted individual who possesses the necessary qualities to become a very good surgeon. Unfortunately, he has encountered personal problems which have made it very difficult for him to achieve and maintain the focus necessary to achieve his goals at this time. I know he is very disappointed in his performance and genuinely

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wishes to resolve his difficulties so that he can continue in his training. I recommend him to you.

(Res. Ex. C; Tr. 40-43)

7. At hearing, Captain Magri testified that he had reasoned that a copy of his summary evaluation which detailed his probations during his residency would be better than his own rendition of the facts. Accordingly, Captain Magri had called Dr. Peoples and asked that a summary evaluation of his residency be forwarded to the Board. Captain Magri described this summary evaluation as a "recommendation." Subsequent to filing his application, Captain Magri did not confirm whether WSU had sent the document to the Board. (St. Ex. 7 at 10; see also St. Ex. 10; Tr. 57-58)
8. In June 1997, Captain Magri received a letter from the Board requesting additional information. Specifically, the Board requested, "a more detailed explanation of events to include copies of all correspondence from you, Wright-Patterson AFB and Wright State University during this residency, to include credentialing, and your decision not to continue on in general surgery." Captain Magri failed to respond to this letter. Captain Magri explained that he thought the Board already had the information. Captain Magri also testified that he had misplaced the June 17, 1997, letter during his transition from Ohio to Florida. (St. Ex. 7; Tr. 59-60, 69)
9. On July 25, 1997, the Board reiterated its request for information from Captain Magri. Captain Magri testified that this letter reminded him of the previous letter. On August 19, 1997, Captain Magri supplied the following explanation for his separation from WSU general surgery residency:

I resigned from my General Surgery program at WSU for personal reasons related to the difficulties it was causing my wife and two small children, as well as my decision to no longer practice General Surgery. I left the program in good standing after successfully completing three years of residency. I have had Dr. Peoples, Chairman WSU General Surgery Program, send you a letter of recommendation to this effect.

I have enclosed the only correspondence I have copies of relating to this matter: 1) Dr. Peoples' acceptance of my resignation and 2) USAF approval of my resignation and reassignment.

(St. Ex. 10) Captain Magri testified that because the Board letter did not reference his probation, he did not understand what information the Board

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wanted. He perceived the problem as one of miscommunication. Captain Magri assumed that the summary evaluation provided a detailed explanation of his history as a resident, including his probations. Therefore, if the Board had questions regarding his probation, the letters would have requested the information. Further, Captain Magri assumed that the Board had received the summary evaluation which detailed his residency probations. Accordingly, Captain Magri focused his response on the issues raised in the June 1997 letter. (St. Ex. 10; Res. Ex. C; Tr. 61-62, 68-72, 87-88)

10. At hearing, Captain Magri learned that the Board never received the summary evaluation from Dr. Peoples. Captain Magri testified that he never intended to commit fraud, misrepresentation or deception upon the Board. Further, Captain Magri did not send a copy of the summary evaluation to the Board because, despite the June 1997 letter, he felt that the Board required that the information come from the residency program. Captain Magri testified that his primary reason for resigning from his residency program was the stress it placed on his family. His performance was only a secondary reason. (Res. Ex. C; Tr. 68-73, 83-85)
11. The Ohio licensure application was the first one Captain Magri completed. When he filed subsequently his application in Florida, Captain Magri learned from his experiences. Captain Magri submitted a written explanation that included his reasons for resignation, as well as for his probationary periods during his residency. In addition, Captain Magri directed that Dr. Peoples send a copy of the summary evaluation. Captain Magri appeared before the Florida credentialing committee for an interview on the issue of his resignation from his WSU residency program. (Tr. 74-77, 84)
12. Charles Goodwin, M.D., testified on behalf of Captain Magri. Dr. Goodwin taught Captain Magri during his residency. In Dr. Goodwin's opinion, Captain Magri's fund of medical knowledge and technical skills were average to above average. Dr. Goodwin had no concerns regarding Captain Magri's moral character. (Tr. 94-102)

FINDINGS OF FACT

1. On or about March 20, 1997, Captain Magri filed an Application for Certificate to Practice Medicine and Surgery in the State of Ohio, which is currently pending.
2. The section of Captain Magri's Exam Application, entitled, "Additional Information-Medicine or Osteopathic Medicine" is prefaced with the instruction: "If you answer 'YES' to any of the following questions, you are

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required to furnish complete details, including date, place, reason and disposition of the matter. All affirmative answers must be thoroughly explained on a separate sheet of paper.”

3. Captain Magri responded “YES” to question No. 4, listed below.

Have you ever resigned from, withdrawn from, or have you ever been warned by, censured by, been put on probation by, been requested to withdraw from, dismissed from, been refused renewal of a contract by, or expelled from, a medical school, clinical clerkship, externship, preceptorship, or graduate medical education?”

4. In a June 17, 1997, letter to Captain Magri, the Board requested the following information:

[W]e would appreciate a more detailed explanation of events to include copies of all correspondence from you, Wright-Patterson AFB and Wright State University during this residency, to include credentialing, and your decision not to continue on in general surgery.

5. Captain Magri failed to inform the Board that on or about April 13, 1994, WSU placed Captain Magri on academic probation for his second residency year, because of his performance on the American Board of Surgery In-Training Examination for his PGY-1 year. Additionally, on or about April 7, 1995, WSU lifted the academic probation and placed Captain Magri on professional clinical probation for the next twelve months because of concerns with his professional behavior.
6. Captain Magri’s testimony that he did not intend to defraud, misrepresent or deceive the Board by his responses regarding his residency at WSU was credible. Captain Magri intended to reveal his residency history through the summary evaluation. Because the probationary periods did not affect Captain Magri’s ability to continue in the residency program, his testimony that primarily family concerns motivated him to leave the residency was persuasive. However, Captain Magri should have included his continued probationary status as his secondary reason for leaving the WSU residency.

CONCLUSIONS OF LAW

1. As set forth in the Findings of Fact, above, the acts, conduct and omissions of Captain Magri, individually and/or collectively, do not constitute “fraud,

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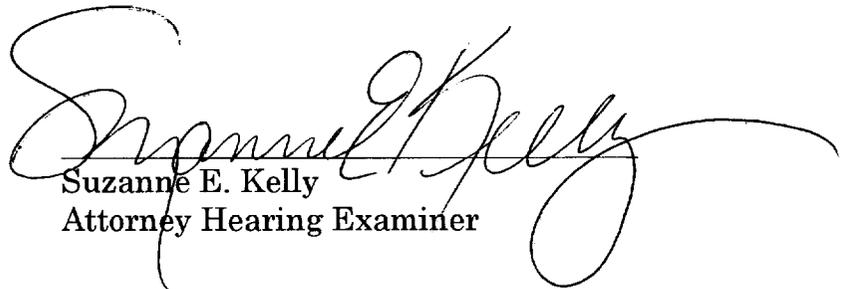
misrepresentation, or deception in applying for or securing any license or certificate issued by the Board," as that clause is used in Section 4731.22(A), Ohio Revised Code. The State did have substantial evidence to bring these allegations before the Board.

2. As set forth in the Findings of Fact, above, the acts, conduct and omissions of Captain Magri, individually and/or collectively, do not constitute, "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code. The State did have substantial evidence to bring these allegations before the Board.
3. As set forth in the Findings of Fact, above, the acts, conduct and omissions of Captain Magri, individually and/or collectively, do not constitute a failure to furnish satisfactory proof of good moral character as required by Section 4731.08, Ohio Revised Code. The State did have substantial evidence to bring these allegations before the Board.

PROPOSED ORDER

It is hereby ORDERED that:

1. The allegations against John J. Magri, IV, M.D., as specified in the State Medical Board's Notice of Opportunity for Hearing letter dated October 8, 1997, are hereby DISMISSED.
2. The application of Captain Magri for licensure to practice medicine and surgery in the State of Ohio is hereby GRANTED, on the condition that Captain Magri otherwise meets all statutory and regulatory requirements.


Suzanne E. Kelly
Attorney Hearing Examiner



State Medical Board of Ohio

100 East Broad Street, Columbus, Ohio 43260-1000 • Telephone: 614-464-5300 • Fax: 614-464-5301

EXCERPT FROM THE DRAFT MINUTES OF MAY 13, 1998

REPORTS AND RECOMMENDATIONS

Dr. Buchan announced that the Board would now consider the findings and orders appearing on the Board's agenda.

Dr. Buchan asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Saul I. Blecher, M.D.; Joel E. Burrell, M.D.; Hazem S. Garada, M.D.; James M. Magri, Jr., M.D.; Joe Wesley Morgan, D.O.; John D. Ott, D.O.; Reginald C. Phillips, M.D.; Clifford Sonnie, M.D.; Edward Louis Woods, M.D.; And Thomas A. Zoldowski, D.P.M. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Heidt	- aye
	Dr. Somani	- aye
	Mr. Sinnott	- aye
	Ms. Noble	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Buchan	- aye

Dr. Buchan asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Heidt	- aye
	Dr. Somani	- aye
	Mr. Sinnott	- aye
	Ms. Noble	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Buchan	- aye

In accordance with the provision in Section 4731.22(C)(1), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters.

Dr. Buchan stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

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Dr. Buchan asked Dr. Egner whether she had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Saul I. Blecher, M.D.; Joel E. Burrell, M.D.; Hazem S. Garada, M.D.; James M. Magri, Jr., M.D.; Joe Wesley Morgan, D.O.; John D. Ott, D.O.; Reginald C. Phillips, M.D.; Clifford Sonnie, M.D.; Edward Louis Woods, M.D.; and Thomas A. Zoldowski, D.P.M. Dr. Egner indicated that she had.

Dr. Buchan asked Dr. Egner whether she understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. Dr. Egner indicated that she understands.

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JOHN J. MAGRI, IV, M.D.

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DR. BHATI MOVED TO APPROVE AND CONFIRM MS. KELLY’S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF JOHN J. MAGRI, IV, M.D. DR. AGRESTA SECONDED THE MOTION.

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A vote was taken on Dr. Bhati’s motion to approve and confirm:

Vote:	Mr. Albert	- abstain
	Dr. Bhati	- nay
	Dr. Heidt	- aye
	Dr. Somani	- aye

Dr. Egner	- aye
Mr. Sinnott	- aye
Ms. Noble	- aye
Dr. Stienecker	- aye
Dr. Agresta	- aye
Dr. Garg	- nay
Dr. Buchan	- aye

The motion carried.



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614)466-3934

October 8, 1997

Captain John J. Magri, IV, USAF
45th MDG/SGOMF
1381 S. Patrick Drive
Patrick AFB, FL 32925-3606

Dear Doctor Magri:

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

- (1)(a) On or about September 15, 1996, you filed an Application for Examination-Medicine or Osteopathic Medicine (hereinafter "EXAM APPLICATION") in the State of Ohio.
- (b) You sat for the USMLE Step 3 examination before the State Medical Board of Ohio on December 3-4, 1996, and achieved a passing score. Thereafter, on or about February 14, 1997, you were notified that you were eligible to apply for a certificate to practice medicine and surgery in the State of Ohio.
- (c) On or about March 20, 1997, you filed an Application for Certificate to Practice Medicine and Surgery in the State of Ohio, which is currently pending.
- (2)(a) The section of your EXAM APPLICATION, entitled "Additional Information-Medicine or Osteopathic Medicine" is prefaced with the instruction: "If you answer "YES" to any of the following questions, you are required to furnish complete details, including date, place, reason and disposition of the matter. All affirmative answers must be thoroughly explained on a separate sheet of paper."

You responded "YES" to the below question No. 4:

"Have you ever resigned from, withdrawn from, or have you ever been warned by, censured by, been put on probation by, been requested to withdraw from, dismissed from, been refused renewal of a contract by, or

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expelled from, a medical school, clinical clerkship, externship, preceptorship, or graduate medical education?"

- (b) Your explanation provided with the EXAM APPLICATION and in your August 19, 1997 letter to the board spoke solely to your resignation from your residency in General Surgery Department of the Wright State University (WSU) School of Medicine "for personal reasons." As part of your explanations, you failed to provide the Board with information that:
- i. On or about April 13, 1994, you were notified by WSU that because of your performance on the American Board of Surgery In-Training Examination for your PGY-1 year, you were placed on academic probation by Wright State University for the 1994-95 (PGY-2) year and
 - ii. On or about April 7, 1995, you were notified by WSU that you were placed on professional clinical probation for the next twelve months (PGY-3 year) because of numerous concerns with your professional behavior, including alcohol use and overall integrity.

Your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute a failure to furnish satisfactory proof of good moral character as required by Section 4731.08, 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 a hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

John J. Magri, IV, M.D.

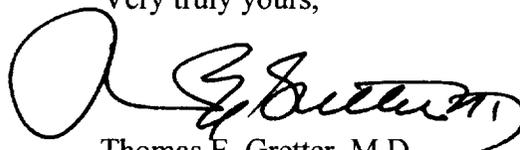
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You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, 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 (30) 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, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read 'T. E. Gretter, M.D.', written in a cursive style.

Thomas E. Gretter, M.D.
Secretary

TEG/caf
Enclosures

CERTIFIED MAIL #P 152 984 782
RETURN RECEIPT REQUESTED