

State Medical Board of Ohio

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



Richard A. Whitehouse, Esq.
Executive Director

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September 12, 2007

Walter Stephen Shonkwiler, D.P.M.
7683 Metropolitan Drive
Columbus, OH 43215

Dear Doctor Shonkwiler:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Gretchen L. Petrucci, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on September 12, 2007, 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 must be taken to the Franklin County Court of Common Pleas.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of an original Notice of Appeal with the State Medical Board of Ohio and a copy of the Notice of Appeal with the Franklin County Court of Common Pleas. 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.

THE STATE MEDICAL BOARD OF OHIO

A handwritten signature in black ink, appearing to read "Lance A. Talmage, M.D.", is written over the typed name.

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

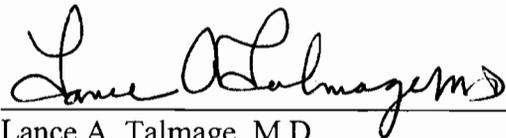
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RETURN RECEIPT REQUESTED

Mailed 9-14-07

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on September 12, 2007, 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 Walter Stephen Shonkwiler, D.P.M., 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.



Lance A. Talmage, M.D.
Secretary

(SEAL)

September 12, 2007
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

WALTER STEPHEN
SHONKWILER, D.P.M.

*

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on September 12, 2007.

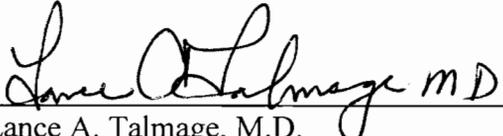
Upon the Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the 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:

The certificate of Walter Stephen Shonkwiler, D.P.M., to practice podiatric medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.

(SEAL)



Lance A. Talmage, M.D.
Secretary

September 12, 2007
Date

STATE MEDICAL BOARD
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**REPORT AND RECOMMENDATION
IN THE CONSOLIDATED MATTERS OF
WALTER STEPHEN SHONKWILER, D.P.M.**

The Consolidated Matters of Walter Stephen Shonkwiler, D.P.M., were heard by Gretchen L. Petrucci, Hearing Examiner for the State Medical Board of Ohio, on May 31 and June 1, 2007.

INTRODUCTION

I. Basis for Hearing

A. By letter dated October 11, 2006, the State Medical Board of Ohio [Board] notified Walter Stephen Shonkwiler, D.P.M., that it had proposed to take disciplinary action against his certificate to practice podiatric medicine and surgery in Ohio. The Board based its proposed action on the following allegations:

- Dr. Shonkwiler falsely answered two questions on his January 2006 certificate renewal application.
- In the course of pursuing surgical privileges at East Columbus Surgical Center in Columbus, Ohio, Dr. Shonkwiler submitted purported proof that he had applied for privileges at several medical centers when he had not submitted applications for privileges at those medical centers.

The Board alleged that Dr. Shonkwiler's acts, conduct and/or omissions 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 language is used in Section 4731.22(B)(5), Ohio Revised Code. Accordingly, the Board advised Dr. Shonkwiler of his right to request a hearing regarding those allegations. (State's Exhibit 1A)

B. By letters received by the Board on November 9 and 13, 2006, Mark S. Granger, Esq., requested a hearing on behalf of Dr. Shonkwiler and Dr. Shonkwiler himself requested a hearing on the allegations in the October 11, 2006, notice of opportunity for hearing. (State's Exhibits 1B, 1C)

C. By letter dated April 12, 2007, the Board notified Dr. Shonkwiler that it had proposed to take further disciplinary action against his certificate to practice podiatric medicine

and surgery in Ohio. The Board based this proposed action on the allegations that, in January 2007, Dr. Shonkwiler had pleaded guilty to and was convicted of one count of Theft in violation of Section 2913.02, Ohio Revised Code, and one count of Passing a Bad Check in violation of Section 2913.11, Ohio Revised Code. The Board alleged that these acts, conduct and/or omissions 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 misdemeanor involving moral turpitude,” as that language is used in Section 4731.22(B)(13), Ohio Revised Code.
- “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 language is used in Section 4731.22(B)(9), Ohio Revised Code.

Accordingly, the Board advised Dr. Shonkwiler of his right to request a hearing regarding those allegations. (State’s Exhibit 1Q)

- D. By letter received by the Board on May 2, 2007, Dr. Shonkwiler requested a hearing on the allegations in the April 12, 2007, notice of opportunity for hearing. (State’s Exhibit 1X)
- E. On May 7, 2007, the Hearing Examiner granted the State’s request to consolidate the two matters. (State’s Exhibits 1T, 1U)

II. Appearances at the Hearing

- A. Marc E. Dann, Attorney General, by Kyle C. Wilcox, Assistant Attorney General, on behalf of the State of Ohio.
- B. Dr. Shonkwiler appeared at the hearing on his own behalf.

EVIDENCE EXAMINED

I. Testimony Heard

Walter Stephen Shonkwiler, D.P.M.
Jan Fleischmann
Krista Kenner
Julie Hannahs
Molly Saddler
Eileen Kirby
Kay Rieve

II. Exhibits Examined

A. Presented by the State

State's Exhibits 1A through 1Y: Procedural exhibits, redacted in part.

State's Exhibit 2: Judgment Entry in *State of Ohio v. Walter S. Shonkwiler*, Case No. 05-158434 (Franklin County Municipal Court).

State's Exhibit 3: Sentencing Entry in *State v. Shonkwiler*, Case No. 05-158434, *supra*.

State's Exhibit 4: Complaint in *State v. Shonkwiler*, Case No. 05-158434, *supra*, redacted in part.

State's Exhibit 5: Documents maintained by the Board regarding Dr. Shonkwiler's certificate renewals.

State's Exhibit 5A: Copy of the Ohio E-License Center electronic forms for certificate renewal, redacted in part.

State's Exhibit 6: Letter and affidavit of Eileen Kirby regarding Dr. Shonkwiler's application for membership to Doctors Hospital.

State's Exhibit 7: Affidavit of Krista L. Kenner regarding Dr. Shonkwiler's application for privileges to Marion General Hospital.

State's Exhibit 8: Letter of Julie Hannahs regarding Dr. Shonkwiler's application for privileges to Genesis HealthCare System.

State's Exhibit 9A Redacted: Indictment in *State of Ohio v. Walter S. Shonkwiler*, Case No. 05CR 10-6769 (Franklin County Court of Common Pleas), redacted in part.

State's Exhibit 10A Redacted: Indictment in *State of Ohio v. Walter S. Shonkwiler*, Case No. 06CR 07-5111 (Franklin County Court of Common Pleas), redacted in part.

State's Exhibit 11: Judgment Entry, Sentencing Sheet, and Entry of Guilty Plea in *State v. Shonkwiler*, Case No. 05CR 10-6769, *supra*, redacted in part.

State's Exhibit 12: Judgment Entry, Community Control Notice, Disposition Sheet, and Restitution Order in *State v. Shonkwiler*, Case No. 06CR 07-5111, *supra*.

State's Exhibit 13: Entry of Guilty Plea and Processing Sheet in *State v. Shonkwiler*, Case No. 06CR 07-5111, *supra*, redacted in part.

State's Exhibit 14: Transcript of January 16, 2007, court proceedings in *State v. Shonkwiler*, Case Nos. 05CR 10-6769 and 06CR 07-5111, *supra*, redacted in part.

State's Exhibit 14A: Transcript of March 1, 2007, court proceedings in *State v. Shonkwiler*, Case No. 06CR 07-5111, *supra*, redacted in part.

State's Exhibit 15: Complaint and other documents in *State of Ohio v. Walter S. Shonkwiler*, Case No. 05/31647 (Franklin County Municipal Court), redacted in part.

State's Exhibit 16: Letter from Grady Memorial Hospital to Dr. Shonkwiler and a copy of a check from Dr. Shonkwiler.

State's Exhibit 17: July 23, 2001, facsimile to Molly Saddler from Dr. Shonkwiler.

State's Exhibit 18: March 12, 2002, facsimile to Molly Saddler from Dr. Shonkwiler, redacted in part. [Note: The eighth page of the exhibit was removed as an unnecessary duplicate of the seventh page of the exhibit. (Hearing Transcript Volume I at 144-145)]

State's Exhibit 19: Dr. Shonkwiler's application for privileges to Doctors Hospital, redacted in part, and a copy of a check from Dr. Shonkwiler.

State's Exhibit 20: Documents maintained by the East Columbus Surgery Center regarding Dr. Shonkwiler's application for privileges and receipt thereof, redacted in part.

State's Exhibit 21: Letter of Jan Fleischmann regarding Dr. Shonkwiler's application for privileges to Grady Memorial Hospital.

B. Presented by the Respondent: None

III. Proffered Exhibits

State's Exhibit 4A Unredacted: Complaint in *State v. Shonkwiler*, Case No. 05-158434 (Franklin County Municipal Court).

State's Exhibit 9 Unredacted: Indictment in *State v. Shonkwiler*, Case No. 05CR 10-6769 (Franklin County Court of Common Pleas).

State's Exhibit 10 Unredacted: Indictment in *State v. Shonkwiler*, Case No. 06CR 07-5111 (Franklin County Court of Common Pleas).

PROCEDURAL MATTERS

Post-hearing, the Hearing Examiner found that redactions made in the State's admitted exhibits were not consistent throughout those exhibits. She also had concerns with the admission under seal of State's Exhibit 4A. On July 27, 2007, the Hearing Examiner contacted the parties to address further redactions and the admission under seal of State's Exhibit 4A. On July 30 and 31, 2007, counsel for the State and Dr. Shonkwiler, respectively, agreed that, for consistency among the exhibits, further redactions were needed in State's Exhibits 1Q, 4, 9A, 10A, 11, 13, 14 and 14A. The parties also agreed that State's Exhibit 4A should not have been admitted under seal, but instead have been proffered (as was done with State's Exhibits 9 and 10). Accordingly, the Hearing Examiner reopened the record on July 31, 2007, made the agreed-upon additional redactions for State's Exhibits 1Q, 4, 9A, 10A, 11, 13, 14, and 14A, admitted those further redacted exhibits, and revised the admission under seal of State's Exhibit 4A. State's Exhibit 4A is now a proffered exhibit. The record closed on July 31, 2007.

SUMMARY OF THE EVIDENCE

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

Background

1. Walter Stephen Shonkwiler, D.P.M., graduated in 1979 from Otterbein College, and he graduated *cum laude* in 1983 from the Ohio College of Podiatric Medicine. Upon graduation, he completed a two-year podiatric residency at Kennedy Memorial Hospital in Saddlebrook, New Jersey. He received a certificate to practice podiatric medicine and surgery in Ohio in 1985, and that certificate remains active. Dr. Shonkwiler has been board-certified in podiatric surgery since 1987. Moreover, Dr. Shonkwiler's resume reflects that he is a fellow in the American College of Foot Surgeons and a diplomate in the National Board of Podiatric Medical Examiners. (State's Exhibit [St. Ex.] 17 at 3-4; St. Ex. 18 at 7, 19, 20; St. Ex. 19 at 5; St. Ex. 20 at 4-5, 8-12; Hearing Transcript Volume One [Tr. I] at 29, 33-34; see also, Ohio E-License Center, July 2, 2007 <<https://license.ohio.gov/Lookup/SearchDetail.asp?ContactIdnt=3057228&DivisionIdnt=78&Type=L>>)
2. Dr. Shonkwiler testified that, after completing his residency, he worked with his parents at their podiatry practice in central Ohio. Together, they maintained a podiatry practice with offices in Westerville and Delaware, Ohio, for ten years. In 1995, he opened his own practice in Westerville. Dr. Shonkwiler explained that he shared office space with another podiatrist for a period of time and changed office locations, but he maintained a sole proprietorship in Westerville from 1995 until he sold his business (patient base and equipment) in April 2007. (Tr. I at 33, 35-40)

3. Dr. Shonkwiler also was a podiatric surgeon for nearly 14 years at St. Ann's Hospital in Westerville. For a period of that time, he was the chief of the podiatry section of St. Ann's Hospital. According to the information in the National Practitioner Data Bank, St. Ann's Hospital terminated his privileges in 1999 on the grounds that he "misrepresented medical and surgical procedures" in the patient medical record operative reports and "performed some procedures that were not medically necessary." Additionally, Dr. Shonkwiler held privileges at Grant Medical Center from 1996 or 1997 to 1999. At that hospital, he was subject to a mentoring program and a "focus review" process for ten of his cases. There was a difference of opinion as to his handling certain matters while at Grant Medical Center. As a result, Dr. Shonkwiler resigned his privileges at Grant Medical Center. (St. Ex. 17 at 5; St. Ex. 18 at 15-17, 23, 27-28; St. Ex. 19 at 6, 10-11; St. Ex. 20 at 21, 31)
4. According to Dr. Shonkwiler's resume and other materials, he was active on the American Board of Podiatric Surgery's Credentials and Examinations committees, and he was an oral examiner for that board. Also, Dr. Shonkwiler has taken advanced surgical courses, has published an article, has received awards, and has given lectures. (St. Ex. 18 at 17; St. Ex. 20 at 5-6, 13, 16-20)

2001 Application for East Columbus Surgery Center [ECSC] Privileges

5. In June 2001, Dr. Shonkwiler submitted an application with ECSC in order to obtain privileges to perform podiatric surgeries. ECSC is a privately owned, multi-specialty ambulatory/outpatient surgery center. It has two operating suites and allows various physicians to bring patients there for surgical services. At that time, ECSC had approximately 15 employees and a maximum of 32 physicians with privileges. Richard A. Erdey, M.D., was ECSC's Medical Director. Molly Sadler was, at that time, the administrator in charge of the day-to-day functioning, credentialing physicians, and hiring/firing employees. (St. Ex. 20 at 1-32; Tr. I at 57-59; Hearing Transcript Volume II [Tr. II] at 155-158, 161)
6. Dr. Shonkwiler stated that, at that point in his career, he was looking for a location at which he could perform simple to complex, foot and ankle surgeries involving reconstructive work, post-traumatic work, and congenital defects. Dr. Shonkwiler and Ms. Sadler testified that he was "up front" about his prior work history. In late July 2001, he was granted temporary privileges at ECSC. The temporary privileges were granted for a period of 60 days with several stipulations, including that Dr. Shonkwiler shall have established active privileges at a hospital in Franklin County or in a contiguous county. Additionally, Dr. Shonkwiler was required to provide his "pre-operative history and physical and pre-operative x-rays for each and every boney case [he performed at ECSC]." (Tr. I at 58-61; St. Ex. 20 at 50-51)
7. Thereafter, Dr. Shonkwiler began obtaining application forms from several hospitals. Dr. Shonkwiler explained that, at that time, he had felt that not enough time had elapsed since his dispute with St. Ann's Hospital. He was concerned that he might be denied hospital privileges and such would be reported to the National Practitioner Data Bank. He also

testified that he had expressly noted these concerns with ECSC. Dr. Shonkwiler stated that he and his staff had completed several applications for hospital privileges. (Tr. I at 64-65, 66-68)

8. Beginning in July 2001, Dr. Shonkwiler provided information to ECSC that he had *applied for privileges* at the following four medical centers: Doctors Hospital in Columbus, Ohio; Genesis HealthCare System¹ in Zanesville, Ohio; Grady Memorial Hospital in Delaware, Ohio; and Marion General Hospital, in Marion, Ohio [collectively referred to as the hospitals]. Ms. Sadler testified that Dr. Shonkwiler's documents indicated that he was attempting to obtain privileges at the four hospitals and had, indeed, applied for privileges at those hospitals. (St. Exs. 16-19; Tr. II at 164-169)
9. In September and December 2001, ECSC extended the temporary privileges to Dr. Shonkwiler for 90-day periods, upon the condition that he "continue efforts in establishing privileges in an area hospital." In March 2002, ECSC extended the temporary privileges to Dr. Shonkwiler for a 60-day period, again upon the condition that he "continue efforts in establishing privileges in an area hospital." (St. Ex. 20, at 41, 43, 44, 46, 47)

The Four Applications for Hospital Privileges

10. With respect to Doctors Hospital, Dr. Shonkwiler forwarded to ECSC a copy of his completed Doctors Hospital application for privileges, along with a copy of his check for the application fee. (Tr. I at 65)

Eileen Kirby, Director of the Medical Staff Office at Doctors Hospital, testified that an application was requested on July 18, 2001, and Dr. Shonkwiler was sent the application form on July 19, 2001. However, Doctors Hospital has no record of receiving a completed application, payment of the application fee, or any sort of response to the application form provided in July 2001. (Tr. II at 197-198; St. Ex. 6 at 3)

11. With respect to Genesis HealthCare System, Dr. Shonkwiler forwarded to ECSC a copy of his completed Genesis HealthCare System application, along with a copy of his check for the application fee. (Tr. I at 74-75)

Julie Hannahs, Medical Staff Coordinator at Genesis HealthCare System, testified that Dr. Shonkwiler submitted a request for a "preapplication form," on March 7, 2002, and he was sent the preapplication form on that same date. Dr. Shonkwiler completed the preapplication form and sent it to Genesis HealthCare System. It then sent him an application form on March 14, 2002. However, Genesis HealthCare System has no record of receiving a completed application, payment of the application fee, or any sort of response to the application form provided in March 2002. (St. Ex. 8; Tr. I at 135-136)

¹Genesis HealthCare System is affiliated with Good Samaritan Medical Center and Bethesda Hospital. (St. Ex. 18 at 5)

12. With respect to Grady Memorial Hospital, Dr. Shonkwiler forwarded to ECSC a copy of the cover letter that he had received from Grady Memorial Hospital (in which it enclosed the application form) and a copy of his check for the application fee. (St. Ex. 16)

Jan Fleischmann, Director of Medical Staff Services at Grady Memorial Hospital, testified that Dr. Shonkwiler had various levels of privileges at Grady Memorial Hospital between July 1985 and December 1994 and between August 1995 and November 1996. She further noted that Dr. Shonkwiler submitted a “preapplication request form,” asking to receive an application for hospital privileges, on August 31, 2001, and Grady Memorial Hospital sent him the application form on September 5, 2001. Ms. Fleischmann noted that Grady Memorial Hospital has no record of receiving a completed application, payment of the application fee, or any sort of response to the application form provided in September 2001. (Tr. I at 111-115; St. Ex. 21)

13. With respect to Marion General Hospital, Dr. Shonkwiler forwarded to ECSC a copy of his completed Marion General Hospital application for privileges, along with a copy of his check for the application fee. Moreover, that completed application form expressly indicates that the application was returned to Marion General Hospital on July 23, 2001. (Tr. I at 72-73; St. Ex. 17 at 2)

Krista Kenner, Medical Staff Services Coordinator at Marion General Hospital, testified that Marion General Hospital has no record of receiving a request for an application form, a completed application for privileges, or payment of the application fee from Dr. Shonkwiler. (St. Ex. 7; Tr. I at 125)

Dr. Shonkwiler’s Testimony Regarding the Four Applications for Hospital Privileges

14. Dr. Shonkwiler testified that he believed all four applications were mailed to the respective hospitals. Dr. Shonkwiler noted that: he did not personally send the applications to the hospitals, he believed that his staff had mailed the applications, he was not aware whether the hospitals received the applications for privileges, and he was not aware whether the application fee checks were cashed. Additionally, he testified that he did not follow up with the hospitals and he did not obtain privileges at any of the hospitals. (Tr. I at 67-68, 73, 75-77; Tr. II at 226)

He further testified as follows:

Q. Doctor, aren't these important documents? I mean, when you apply for an application to the hospital, you would agree with me that that's an important application, correct?

A. Yes.

- Q. And being such an important application, wouldn't you want to ensure that if -- I mean, you're saying a rough draft was filled out. Wouldn't you want to ensure that this was mailed to the right person?
- A. You know, honestly, Mr. Wilcox, it was my understanding from Dr. Wilcox -- Dr. Erdey, that what I needed to do was apply to these hospitals. I felt -- and maybe this was off the record -- but obviously there was no issue about it for seven or eight years.
- Q. Yeah, you needed to apply, correct?
- A. I needed --
- Q. But, obviously, if you would apply --
- A. Let me finish. I needed to apply for the privileges, not necessarily get the privileges.

(Tr. I at 68-69) In explaining his lack of follow-up efforts, Dr. Shonkwiler testified:

- Q. Let me make sure. You just said that you didn't feel the need to follow up with the hospitals because you didn't feel that East Columbus Surgery Center was pushing for you to actually receive the privileges even though they inquired?
- A. That's correct, * * * they inquired because the requirement was part of their bylaws, and even at that time they were trying to come up with some modification of that to allow me to maintain my privileges if I got denied, which is why I came up with having another physician admit patients had there been an issue.
- Q. Okay. * * * I'm trying to make sure I understand why their inquiries wouldn't push you to follow up with the hospitals if you had, in fact, sent those applications to the hospitals.
- * * *
- A. All right. Their inquiries were to benefit -- or, were for the benefit of their bylaws.
- Q. But weren't you going to lose privileges at East Columbus Surgery Center if you didn't do -- do what they had -- fulfilled that condition?

* * *

- A. Okay. It was my understanding that we would work it out, but that because of the way the bylaws were written and through JCAH, or whatever, the board -- the authorizing board that, you know, condones surgery centers, whatever word we want to use, had requirements at that time, that they needed to at least show that they were trying to make that happen from their end as well.

So there was kind of a -- It's my impression that there was what was a paper trail for that, but then there was a second relationship that we had developed off the record, if you will.

It was the only place I had to work, so if I thought it -- would have ever felt that my ability to do surgery was at risk, I would have had to do whatever I needed to do to make -- you know, to make that happen.

- Q. And that's why I asked my question.

- A. But I never felt that.

(Tr. II at 228-230)

Ms. Sadler's Testimony Regarding the Four Applications for Hospital Privileges

15. Ms. Sadler explained that, at that time, ECSC's bylaws required the physicians to have active privileges at an area hospital. She opined that, if Dr. Shonkwiler had not submitted the documentation to ECSC, he would not have been granted privileges at ECSC. In her view, he was demonstrating to ECSC his efforts to obtain privileges at an area hospital. Ms. Sadler also stated, "I think that Dr. Erdey understood part of the reason why he had a difficult time obtaining privileges was because of the problems that he had prior to applying at [ECSC], and we felt -- or the, [ECSC] board felt that he was making an earnest effort to obtain those privileges." She acknowledged, however, that Dr. Shonkwiler never indicated that he had received active hospital privileges. (Tr. II at 170-171, 173-174, 178)

Additionally, Ms. Sadler testified in response to a question from Dr. Shonkwiler:

- Q. In regards to that, Molly, do you recall, * * * these were very private conversations between myself, and Dr. Erdey, and you, about -- let's see how I want to word this -- in regards to being in somewhat of a dilemma, because we were trying to satisfy the board's requirement based on the bylaws, as far as having privileges, but also understanding that maybe I shouldn't push too hard after the fact because getting denied privileges would be a reportable issue, like to the data bank and, you know, we were kind of kind of treading very lightly in that area, but having very open conversations amongst the three of us about that issue?

- A. I do recall that, and I recall that's what further directed us to look at what the requirement was with the State. And when the [ECSC] board determined from the State that privileges were not required by the State, then that's when they chose to remove that requirement for privileges. Certainly, it's something that -- that is a good thing to have, you know, the active privileges, but I think that Dr. Erdey and Dr. Morrison² felt that you were being very open and they understood the dilemma that you were in.

* * *

- Q. [State's counsel:] Were you surprised, Miss Saddler, that -- to learn that -- or, did you at any time become aware that none of these applications that Dr. Shonkwiler had sent to East Columbus from the other hospitals that he had never actually submitted them to the hospitals themselves? Did that surprise you?

- A. Yes, it very much surprised me.

* * *

I guess that my surprise was that in our conversations they were clearly that the applications were in process and in the -- I assumed in the review process at those -- at those particular hospitals, and my surprise was in that that maybe that wasn't a truthful presentation on [Dr. Shonkwiler's] part.

* * *

- Q. * * * Would you have expected Dr. Shonkwiler to aggressively follow up on those pending hospital applications given the fact that he was concerned that they may have been denied?
- A. I would have expected it, and I thought that that's what was -- what was happening. There was some point where I remember you [Dr. Shonkwiler] talking about being afraid that you -- if you pushed it much further you would have gotten denied, and that has reporting consequences to it. I do remember those conversations, but I guess that our assumption was that

²Roseann Morrison, D.P.M., was, at that time, the physician in charge of reviewing the credentialing at ECSC. (Tr. II at 158)

you were in the active process, but not -- but not pushing aggressively for resolution.

(Tr. II at 178-179, 182-183)

16. In July 2002, ECSC granted Dr. Shonkwiler full/active privileges, although he was subject to a six-month observation period. Dr. Shonkwiler continued to work at ECSC until early 2007. (Tr. I at 78-79; Tr. II at 169-170; St. Ex. 20 at 40)
17. Ms. Sadler testified that there was never any question as to Dr. Shonkwiler's competency or quality of surgical care. She, herself, had sought his professional opinion. Furthermore, Ms. Sadler stated that the patient satisfaction surveys that related to Dr. Shonkwiler were "always phenomenal." She further affirmed that Dr. Shonkwiler had arranged for other doctors to admit his patients to a hospital, if the need would have arisen, but it never did. (Tr. II at 173-177)

2005 Charge of Operating a Motor Vehicle under the Influence [OMVI]

18. On June 18, 2005, Dr. Shonkwiler was charged in *State of Ohio v. Shonkwiler*, Case No. 05-158434, in the Franklin County Municipal Court with, among other things, OMVI in violation of Section 4511.19(A)(1)(a), Ohio Revised Code. On July 7, 2005, he pleaded guilty to that charge and was sentenced to 180 days incarceration, with all but three days suspended and the remaining three days to be served at the Alcohol Intervention Program. Also, Dr. Shonkwiler was placed on probation for one year, fined \$250, and his driving privileges were suspended for 180 days. (St. Exs. 2-4A)³

2005 Theft Charge

19. On October 4, 2005, an indictment was filed in *State of Ohio v. Walter Shonkwiler*, Case No. 05CR 10-6769, in the Franklin County Court of Common Pleas, charging Dr. Shonkwiler with, among other things, one felony count of theft in violation of Section 2913.02, Ohio Revised Code. Count one of that indictment stated in part that Dr. Shonkwiler:

from on or about February 1, 2004 to May 1, 2004, * * *, with purpose to deprive the owner, Patricia David and/or Ryan Harrington, of property, to wit: U.S. currency, did knowingly obtain or exert control over said property beyond the scope of the express or implied consent of Patricia David and/or Ryan Harrington or person[s] authorized to give consent, the value of the property or

³It is important to note that the Board did *not* allege in the Notices of Opportunity for Hearing that Dr. Shonkwiler's plea of guilty to OMVI charge, in and of itself, constitutes a basis for disciplinary action under Chapter 4731, Ohio Revised Code. The evidence of the OMVI charge and conviction relates to whether Dr. Shonkwiler's answers to two questions on his 2006 certificate renewal application are false, fraudulent, deceptive or misleading statements for which the Board can take disciplinary action under Section 4731.22(B)(5), Ohio Revised Code.

services being five thousand dollars (\$5,000.00) or more and less than one hundred thousand dollars (\$100,000.00).

(St. Ex. 9A)

20. On January 16, 2007, Dr. Shonkwiler entered a plea of guilty to a lesser included offense of count one of the indictment, a theft misdemeanor of the first degree. Dr. Shonkwiler was sentenced to six months incarceration, which was suspended if he pays the court costs by a certain date, and has no new convictions for two years. (St. Exs. 11, 14; Tr. I at 84-85)
21. Dr. Shonkwiler stated that Patricia David and Ryan Harrington are doctors who had operated a medical practice located next door to his practice. It was called Corporate Health Solutions. Dr. Shonkwiler testified that Dr. Harrington had asked whether Dr. Shonkwiler's office would accept their mail for a period of time, while they temporarily closed their practice. Dr. Shonkwiler's office accepted the Corporate Health Solutions mail for several months and the mail was periodically picked up. Yet, seventeen checks totaling approximately \$7,000 and made payable to the Corporate Health Solutions medical practice were deposited into Dr. Shonkwiler's business bank account between February and May 2004. In making the deposits, some Corporate Health Solutions checks were signed and some were stamped. Dr. Shonkwiler acknowledged that he personally made some of the deposits, while other deposits were made by his secretary. (Tr. I at 80-84; Tr. II at 221-225)
22. Dr. Shonkwiler also acknowledged that "things were tight" for him at that point in time. Dr. Shonkwiler explained that, during this period, he and his former wife were in the midst of separating and that his finances were "horrible." He further explained that, at that time, he could not afford to litigate the criminal matter and wanted to avoid incarceration and, for those reasons, chose to plead guilty to the misdemeanor theft. (Tr. I at 81-82, 86-88; Tr. II at 222)

2005 Passing a Bad Check Charge

23. On December 20, 2005, a complaint and arrest warrant were filed in *State of Ohio v. Walter S. Shonkwiler*, Case No. 05/31647, in the Franklin County Municipal Court by the Westerville Police Department, charging Dr. Shonkwiler with passing a bad check in violation of Section 2913.11(A), Ohio Revised Code. The complaint alleged that Dr. Shonkwiler wrote a check on October 6, 2005, in the amount of \$2,000, payable to J.E. Thomas, knowing that the check would be dishonored. Dr. Shonkwiler was arrested on December 20, 2005, and

released on his own recognizance the following day. The matter was dismissed at the request of the prosecutor on January 5, 2006. (St. Ex. 15; Tr. I at 54-55)⁴

2006 Renewal Application Answers

24. On January 3, 2006, Dr. Shonkwiler submitted a certificate renewal application with the Board. He used the electronic application process available through Ohio's E-License Center. Dr. Shonkwiler answered "No" to the following two questions on the renewal application form:

At any time since signing your last application for renewal of your certificate:

1. Have you been found guilty of, or pled guilty or no contest to, or received treatment or intervention in lieu of conviction of, a misdemeanor or felony?

* * *

4. Has any board, bureau, department, agency, or any other body, including those in Ohio other than this board, filed any charges, allegations or complaints against you?

(St. Ex. 5 at 3; St. Ex. 5A at 10; Tr. I at 15-16)

25. Kay Rieve, an Administrative Officer with the Board, explained the renewal process and questionnaire. She testified that, in response to question 1 above, anything more than a minor traffic violation should prompt a "Yes" answer. She also acknowledged that other licensees have called the Board to determine how to answer that question correctly. (Tr. I at 23-24)
26. Dr. Shonkwiler stated that, in completing the renewal application, he "almost mechanically went through answering the questions," and he did not review the questions and his answers. He also noted that he was "down to the wire" in completing the renewal application and his big concern was covering the cost to renew. He acknowledged that the answers to questions one and four were incorrect and he took responsibility for answering them incorrectly. (Tr. I at 42-43, 47, 56-57; Tr. II at 220)

⁴It is important to note that the Board did *not* allege in the Notices of Opportunity for Hearing that the passing a bad check charge made in Case No. 05/31647, in and of itself, constitutes a basis for disciplinary action under Chapter 4731, Ohio Revised Code. The evidence of the passing a bad check charge in Case No. 05/31647 relates to whether Dr. Shonkwiler's answers to two questions on his 2006 certificate renewal application are false, fraudulent, deceptive or misleading statements for which the Board can take disciplinary action under Section 4731.22(B)(5), Ohio Revised Code.

27. Dr. Shonkwiler described his reaction when the Board raised the concern over the accuracy of his answer to question number one on the renewal application, stating “I can’t believe I didn’t associate that with my DUI that happened, you know, it was six, seven months prior.” Dr. Shonkwiler acknowledged that the correct answer to that question should have been “Yes.” (Tr. I at 43, 45)
28. As to question number four, Dr. Shonkwiler testified that he did not associate the question with criminal charges; rather, he linked it with a hospital or medical body filing charges. More specifically, Dr. Shonkwiler admitted at this hearing that he knew about the theft indictment in Case No. 05CR 10-6769 when he completed his renewal application. He also admitted that he knew about the passing a bad check charge in Case No. 05/31647 when he completed his renewal application. He also stated that he had spoken with his attorney about renewing his Ohio certificate and, since he had not yet been convicted, he thought he did not have to worry about those charges for renewal purposes. (Tr. I at 46-47, 53, 55-56)

2006 Passing a Bad Check Charge

29. On July 13, 2006, an indictment was filed in *State of Ohio v. Walter Stephen Shonkwiler*, Case No. 06CR 07-5111, in the Franklin County Court of Common Pleas, charging Dr. Shonkwiler with, among other things, one felony count of passing a bad check in violation of Section 2913.11, Ohio Revised Code. Count one of that indictment stated in part that Dr. Shonkwiler:

On or about the 19th day of September * * * 2005, * * * with purpose to defraud, did issue or transfer or cause to be issued or transferred a check or negotiable instrument, dated September 19, 2005, in the amount of Five Hundred Dollars (\$500.00), payable to J.E. Thomas, the said Walter Stephen Shonkwiler knowing that it would be dishonored, * * *.

(St. Ex. 10A)

30. On January 16, 2007, Dr. Shonkwiler pleaded guilty to count one of the indictment in Case No. 06CR 07-5111. The court found Dr. Shonkwiler guilty and, on March 1, 2007, the court sentenced him. The court imposed community control for one and one-half years, 100 hours of community service, and court costs. Dr. Shonkwiler was also ordered to submit to alcohol and drug testing, and pay restitution in the amount of \$75 to the victim. (St. Exs. 12-14A)
31. Dr. Shonkwiler explained that J.E. Thomas was the owner of the property that his podiatry practice leased. He stated that, because of his separation and subsequent divorce and because of the sporadic nature in which money was received by his business, he began writing several postdated checks each month in order to pay the rent. Dr. Shonkwiler noted that this arrangement worked well for roughly six months, but his business encountered several consecutive low-income months and his September 2005 rent could not be

“covered.” He explained that he had asked his landlord to not deposit certain checks, but they were deposited and he had insufficient funds. Dr. Shonkwiler also noted that, in December 2005, his business had filed for bankruptcy protection. He had thought that a payment plan would be established to reimburse his landlord and that he could not be criminally charged. (Tr. I at 90-93)

Dr. Shonkwiler also testified that he pleaded guilty to the felony charge to avoid going to jail. (Tr. I at 96-97)

Dr. Shonkwiler’s Additional Explanation

32. Dr. Shonkwiler stated that his situation developed because he stayed too long in an abusive marriage and he let it engulf and destroy everything. Dr. Shonkwiler admitted to letting go of the important details in his life and career. He further admitted to losing “sight of making sure details were taken care of.” Dr. Shonkwiler described some of the difficulties during his former marriage and stated that he covered up the constant problems. He explained that, during the more than 20 years of that marriage, he was “impaired” because the marital problems had such a dramatic and pervasive impact upon him. (Tr. I at 101, Tr. II at 209-214, 218-219; see also, St. Ex. 14A at 14-15)
33. He took full responsibility for his errors. He is currently on probation, required to perform community service, and required to provide urine samples for drug and alcohol testing. (Tr. II at 214)
34. Dr. Shonkwiler testified that he plans to complete his community service and then, with permission, move out of state. At the time of the hearing, Dr. Shonkwiler had completed 18 of the 100 community service hours. He also noted that he is interested in doing something other than podiatry, but he does not want to lose his Ohio certificate. (Tr. I at 97, 99-100)

More specifically, Dr. Shonkwiler testified:

I guess having a license and having the ability to rebuild my life someplace else, that's my plan. You know, my children aren't here. My parents aren't here. The only one, really, in Ohio is my wife's -- my new wife's mother. So our plan is to move.

And having a license here, or some sort of license here, I believe, allows me to do that and start my life again without being completely crippled by that process of having it taken away from me.

Lord knows, I've got a fifth degree felony now, and a [first] degree misdemeanor, and all these things on my record as well, and I'm just trying to

maintain some shred of dignity to end my career in Ohio and essentially, you know, move on.

I believe that had any of these things that I've been charged with directly affected patients or hurt patients in my medical practice, I certainly would understand being extremely harsh in your recommendation, but the person I think that was hurt the most in all this situation, you know, was me, based on these financial and problems that I was -- that I was having.

I guess I would just ask this Board in light of the punishments, in fact, that I've already had imposed on me by the court system, my time in jail, three times, my probation, my community service, that they view this case with at least an open mind when they decide the outcome.

(Tr. II at 215-216)

FINDINGS OF FACT

1. In June 2001, Walter Stephen Shonkwiler, D.P.M., applied for surgical privileges at East Columbus Surgery Center [ECSC], in Columbus, Ohio. In July 2001, ECSC granted Dr. Shonkwiler temporary privileges for a 60-day period on the condition that he apply for and obtain privileges at a hospital in Franklin County or a contiguous county. In September and December 2001, ECSC extended Dr. Shonkwiler's temporary privileges for 90-day periods, upon the condition that he continue his efforts to establish privileges in an area hospital. In March 2002, ECSC extended the temporary privileges to Dr. Shonkwiler for a 60-day period, again upon the condition that he continue his efforts to establish privileges in an area hospital.
2. In July 2001, Dr. Shonkwiler submitted to ECSC, as purported proof that he had applied for privileges at Doctors Hospital in Columbus, Ohio, a copy of his application for privileges at Doctors Hospital, as well as a copy of his check for the application fee. Dr. Shonkwiler never submitted that completed application or application fee to Doctors Hospital and never obtained privileges at Doctors Hospital.
3. In July 2001, Dr. Shonkwiler submitted to ECSC, as purported proof that he had applied for privileges at Marion General Hospital in Marion, Ohio, a copy of his application for privileges at Marion General Hospital, as well as a copy of his check for the application fee. Dr. Shonkwiler never submitted that completed application or application fee to Marion General Hospital and never obtained privileges at Marion General Hospital.
4. In March 2002, Dr. Shonkwiler submitted to ECSC, as purported proof that he had applied for privileges at Grady Memorial Hospital in Delaware, Ohio, a copy of a cover letter from Grady Memorial Hospital, which provided him with the application form, as well as a copy

of his check for the application fee. However, Dr. Shonkwiler never submitted a completed application or application fee to Grady Memorial Hospital in or after 2001, although Dr. Shonkwiler previously held privileges at Grady Memorial Hospital between 1985 and 1994 and then again between 1995 and 1996. Also, he never obtained privileges at Grady Memorial Hospital after 1996.

5. In March 2002, Dr. Shonkwiler submitted to ECSC, as purported proof that he had applied for privileges at Genesis HealthCare System in Zanesville, Ohio, a copy of his application for privileges at Genesis HealthCare System, as well as a copy of his check for the application fee. Dr. Shonkwiler never submitted a completed application or application fee to Genesis HealthCare System and never obtained privileges at Genesis HealthCare System.
6. On January 3, 2006, Dr. Shonkwiler electronically submitted an application to the Board for renewal of his certificate to practice podiatric medicine and surgery in Ohio. He swore or affirmed, under penalty of law, that the information he provided in that certificate renewal application was complete and correct.
7. He answered “No” in response to the following two questions, which asked whether, at any time since the signing of his last application for renewal of your certificate (which was December 18, 2003):
 1. Have you been found guilty of, or pled guilty or no contest to, or received treatment or intervention in lieu of conviction of, a misdemeanor or felony?

* * *

4. Has any board, bureau, department, agency, or any other body, including those in Ohio other than this board, filed any charges, allegations or complaints against you?
8. On June 18, 2005, a complaint was filed in *State of Ohio v. Shonkwiler*, Case No. 05-158434, in the Franklin County Municipal Court, charging Dr. Shonkwiler with, among other things, one count of Operating a Motor Vehicle under the Influence of Alcohol in violation of Section 4511.19(A)(1)(a), Ohio Revised Code. On July 7, 2005, Dr. Shonkwiler entered a plea of guilty to and was convicted of Operating a Motor Vehicle under the Influence of Alcohol in violation of Section 4511.19(A)(1)(a), Ohio Revised Code, a misdemeanor.
9. On October 4, 2005, an indictment was filed in *State of Ohio v. Walter Shonkwiler*, Case No. 05CR 10-6769, in the Court of Common Pleas of Franklin County, Ohio, charging Dr. Shonkwiler with among other things one felony count of Theft, in violation of Section 2913.02, Ohio Revised Code. On January 16, 2007, Dr. Shonkwiler pleaded guilty and was convicted of the stipulated lesser included offense of count one of the indictment,

which was one misdemeanor count of Theft, in violation of Section 2913.02, Ohio Revised Code. The circumstances underlying this conviction involved Dr. Shonkwiler depositing checks intended for Corporate Health Solutions into his podiatric business bank account.

10. On December 20, 2005, a complaint and arrest warrant were filed in *State of Ohio v. Walter S. Shonkwiler*, Case No. 05/31647, in the Franklin County Municipal Court by the Westerville Police Department, charging Dr. Shonkwiler with Passing a Bad Check in violation of Section 2913.11(A), Ohio Revised Code. Dr. Shonkwiler was arrested on December 20, 2005, and released on his own recognizance the following day.
11. On July 13, 2006, an indictment was filed in *State of Ohio v. Walter Stephen Shonkwiler*, Case No. 06CR 07-5111, in the Court of Common Pleas of Franklin County, Ohio, charging Dr. Shonkwiler with, among other things, one felony count of Passing a Bad Check, in violation of Section 2913.11, Ohio Revised Code. On January 16, 2007, Dr. Shonkwiler pleaded guilty and was convicted of count one of the indictment, which was one felony count of Passing a Bad Check, in violation of Section 2913.11, Ohio Revised Code. The circumstances underlying this conviction involved Dr. Shonkwiler writing a check to the landlord of his podiatric business practice location, knowing there were insufficient funds in his account.

CONCLUSIONS OF LAW

1. The acts, conduct, and/or omissions of Walter Stephen Shonkwiler, D.P.M., as set forth above in Findings of Fact 1-5, 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 language is used in Section 4731.22(B)(5), Ohio Revised Code.
2. Dr. Shonkwiler’s acts, conduct, and/or omissions, as set forth above in Findings of Fact 6-10, 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 language is used in Section 4731.22(B)(5), Ohio Revised Code.
3. The guilty plea and/or the judicial finding of guilt of Dr. Shonkwiler as set forth above in Finding of Fact 9 constitutes 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 misdemeanor involving moral turpitude,” as that language is used in Section 4731.22(B)(13), Ohio Revised Code.

Report and Recommendation

In the Consolidated Matters of Walter Stephen Shonkwiler, D.P.M.

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The circumstances surrounding this theft demonstrate that this misdemeanor conviction constitutes a misdemeanor involving moral turpitude.

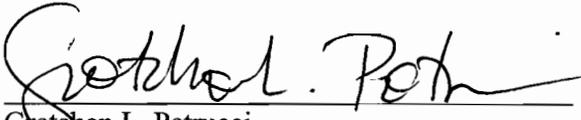
4. The guilty plea and/or the judicial finding of guilt of Dr. Shonkwiler, as set forth above in Finding of Fact 11 constitutes a "plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony," as that language is used in Section 4731.22(B)(9), Ohio Revised Code.

PROPOSED ORDER

It is hereby ORDERED, that:

The certificate of Walter Stephen Shonkwiler, D.P.M., to practice podiatric medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.


Gretchen L. Petrucci
Hearing Examiner

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



EXCERPT FROM THE DRAFT MINUTES OF SEPTEMBER 12, 2007

REPORTS AND RECOMMENDATIONS

Dr. Kumar announced that the Board would now consider the Reports and Recommendations appearing on its agenda. He asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings of fact, conclusions of law, and orders, and any objections filed in the matters of: Hubert R. Franke, M.D.; Stephen Henry Humphrey, D.P.M.; David Chi Mai, D.P.M.; and Walter Stephen Shonkwiler, D.P.M. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Kumar	- aye

Dr. Kumar 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. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Ms. Sloan	- aye

Dr. Amato - aye
Dr. Robbins - aye
Dr. Steinbergh - aye
Dr. Kumar - aye

Dr. Kumar noted that, in accordance with the provision in Section 4731.22(F)(2), 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. They may, however, participate in the matter of Dr. Franke, as that case is not disciplinary in nature and concerns only the doctor's qualifications for licensure. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

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

Dr. Talmage left the meeting at this time.

WALTER STEPHEN SHONKWILER, D.P.M.

.....

Mr. Browning arrived during the previous discussion, and advised that he had received, read, and considered the hearing records, the proposed findings of fact, conclusions of law, and orders, and any objections filed in the matters of: Hubert R. Franke, M.D.; Stephen Henry Humphrey, D.P.M.; David Chi Mai, D.P.M.; and Walter Stephen Shonkwiler, D.P.M., and that he 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. Buchan advised that he must recuse himself from this matter. Mr. Browning advised that he must also recuse himself from this matter.

DR. ROBBINS MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS, AND PROPOSED ORDER IN THE MATTER OF WALTER STEPHEN SHONKWILER, D.P.M. DR. STEINBERGH SECONDED THE MOTION.

.....

A vote was taken on Dr. Buchan's motion to approve and confirm:

ROLL CALL: Mr. Albert - abstain
Dr. Egner - aye

Dr. Talmage	- abstain
Dr. Varyani	- aye
Dr. Buchan	- abstain
Dr. Madia	- aye
Mr. Browning	- abstain
Ms. Sloan	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye
Dr. Kumar	- aye

The motion carried.



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

April 12, 2007

Walter S. Shonkwiler, D.P.M.
60 Westerview Drive
Westerville, OH 43081

Dear Doctor Shonkwiler:

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 podiatric medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about October 4, 2005, an indictment was filed against you in the Court of Common Pleas, Franklin County, Ohio, which contained one count of Theft, in violation of Section 2913.02, Ohio Revised Code, a felony of the fourth degree. On or about January 16, 2007, you entered a plea of guilty to and were found guilty of the stipulated lesser offense to Count One of the indictment, to wit: Theft, in violation of Section 2913.02, Ohio Revised Code, a misdemeanor of the first degree. The circumstances underlying this conviction involved you depositing checks intended for Corporate Health Solutions into your account. Copies of the Indictment, Entry of Guilty Plea, and Judgment Entry of Sentence are attached hereto and incorporated herein.
- (2) On or about December 20, 2005, you were arrested on a criminal complaint filed against you in Franklin County Municipal Court, which contained one charge of Passing Bad Checks, in violation of Section 2913.11, Ohio Revised Code, a felony of the fifth degree. On or about July 13, 2006, an indictment was filed against you in the Court of Common Pleas, Franklin County, Ohio, which contained a count of Passing Bad Checks, in violation of Section 2913.11, Ohio Revised Code, a felony of the fifth degree. On or about January 16, 2007, you entered a plea of guilty to and were found guilty of Count One of the Indictment, to wit: Passing Bad Checks, in violation of Section 2913.11, Ohio Revised Code, a felony of the fifth degree. Copies of the Indictment, Entry of Guilty Plea, and Judgment Entry of Sentence are attached hereto and incorporated herein.

Your plea of guilty or the judicial finding of guilt as alleged in paragraph (1) above, individually and/or collectively, 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 misdemeanor involving moral turpitude,” as that clause is used in Section 4731.22(B)(13), Ohio Revised Code.

Mailed 4-12-07

Walter S. Shonkwiler, D.P.M.

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Further, your plea of guilty or the judicial finding of guilt as alleged in paragraph (2) above, individually and/or collectively, 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 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, suspend, refuse to register or reinstate your certificate to practice podiatric 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/LAZ/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3933 8841 3924
RESTRICTED DELIVERY
RETURN RECEIPT REQUESTED

**CLERK OF THE COURT OF COMMON PLEAS
FRANKLIN COUNTY**



JOHN O'GRADY
CLERK OF COURTS

THE STATE OF OHIO

Franklin county,ss

I, John O'Grady, Clerk of the Courts of Common Pleas within and for said County, hereby certify the above and foregoing is, truly taken and copied from the original papers now on file in my office. Containing 3 number of papers.

Witness my hand and seal of said Court this 1st day of March A.D. 2007.

CLERK OF THE COURTS OF COMMON PLEAS

By: *[Signature]*

**IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CRIMINAL DIVISION - GENERAL DIVISION**

State of Ohio
Plaintiff,
vs

Case No 06 CR 5111
Indictment for
THEFT 2913.02 RC
PASSING BAD CHECKS
2913.01 RC F-5
(3 COUNTS)

53797H17

WALTER SHONKWILER
Defendant

ENTRY OF GUILTY PLEA

I, WALTER SHONKWILER, Defendant in the above-styled case, am being represented by RICK ABRAHAM, as legal counsel. My Constitutional and Statutory rights have been explained to me by the Court and by my counsel. I have reviewed the facts and law of my case with my counsel. I now desire to withdraw my previously-entered general plea of "Not Guilty" and I now plead "Guilty" to _____

COUNT 1 PASSING BAD CHECKS 2913.01 RC F-5

I understand that my guilty plea(s) to the crime(s) specified constitute(s) both an admission of guilt and a waiver of any and all constitutional, statutory, or factual defenses with respect to such crime(s) and this case. I further understand that by pleading "Guilty", I waive a number of important and substantial constitutional, statutory and procedural rights, which include, but are not limited to, the right to have a trial by jury, the right to confront witnesses against me, to have compulsory subpoena process for obtaining witnesses in my favor to require the State to prove my guilt beyond a reasonable doubt on each crime herein charged at a trial at which I cannot be compelled to testify against myself and to appeal the verdict and rulings of the trial Court made before or during trial, should those rulings or the verdict be against my interests.

I understand the maximum prison term(s) for my offense(s) to be as follows 12 MONTHS

I understand that the prosecution and defense jointly recommended to the Court sentence(s) of R C 2953 08(D) _____

FILED
COMMON PLEAS
FRANKLIN COUNTY
OHIO
JAN 6 2006
CLERK OF COURT

Place an X in the appropriate box(es)
If the Court finds me guilty of a Repeat Violent Offender Specification (R C 2941 149) and the Court imposes the maximum prison term(s) for the underlying offense(s), or guilty of a violation of R C 2925 03, 2925 04, or 2925 11 that requires a ten-year prison term, or guilty of a Major Drug Offender Specification (R C 2941 1410) that requires a ten-year prison term for the underlying offense(s), or guilty of R C 2923 32 when the most serious offense in the pattern is a first degree felony that requires a ten-year prison term, or guilty of an attempted forcible violation of R C 2907 02 with the victim being under 13 years of age that requires a ten-year prison term, I understand that the Court may impose an additional prison term of 1-10 years to each term.

I understand that R C 2929 13(F) requires mandatory prison term(s) for the following offenses and that I will not be eligible for community control sanctions, judicial release, or earned days of credit in relation to this/these term(s) _____

I understand that R C 2929 13(D) establishes a presumption in favor of a prison term for the following offense(s) _____

I understand that the Court may impose community control sanctions upon me. If I violate the conditions of such community control sanctions or the condition under R C 2951 02(C)(1b), I understand that the Court may extend, up to five years, the time for which I am subject to community control sanctions, impose more restrictive sanctions, or imprison me for up to the maximum term(s) allowed for the corresponding offense(s) as set forth above.

DEFENDANT 

ATTORNEY FOR DEFENDANT 

If the Court imposes a prison term I understand that the following period(s) of post-release control is/are applicable

	Place an X in the appropriate box(es)		Place an X in the appropriate box(es)
F 1	Five Years Mandatory <input type="checkbox"/>	F 3 without Cause or Threat of Physical Harm	Up to Three Years Optional <input type="checkbox"/>
Felony Sex Offense	Five Years Mandatory <input type="checkbox"/>	F 4	Up to Three Years Optional <input type="checkbox"/>
F 2	Three Years Mandatory <input type="checkbox"/>	F 5	Up to Three Years Optional <input checked="" type="checkbox"/>
F 3 with Cause or Threat of Physical Harm	Three Years Mandatory <input type="checkbox"/>		

53797H18

I understand that a violation of post-release control conditions or the condition under R C 2967.131 could result in more restrictive non-prison sanctions, a longer period of supervision or control up to a specified maximum and/or reimprisonment for up to nine months. The prison term(s) for all post-release control violations may not exceed one-half of the prison term originally imposed. I understand that I may be prosecuted, convicted, and sentenced to an additional prison term for a violation that is a felony. I also understand that such felony violation may result in a consecutive prison term of twelve months or the maximum period of unserved post-release control, whichever is greater. Prison terms imposed for violations or new felonies do not reduce the remaining post-release control period(s) for the original offense(s).

I understand that each felony count to which I am pleading guilty corresponds with the following fine(s) (R C 2929.18)

	Place an X in the appropriate box(es)		Place an X in the appropriate box(es)
Aggravated Murder	Up to \$25,000 <input type="checkbox"/>	F-3	Up to \$10,000 <input type="checkbox"/>
Murder	Up to \$15,000 <input type="checkbox"/>	F-4	Up to \$5,000 <input type="checkbox"/>
F 1	Up to \$20,000 <input type="checkbox"/>	F-5	Up to \$2,500 <input checked="" type="checkbox"/>
F 2	Up to \$15,000 <input type="checkbox"/>		

For F 1, F 2, or F 3 Drug Offenses (violations of R C 2925.37, 39 or 4729) Mandatory Fine of at Least One Half of the Maximum for Underlying Offense

For Offenses Subject to R C 2929.25 Optional Fine of Not More Than \$1 Million Dollars

For Offenses Subject to Organizational Penalties under R C 2929.31 Mandatory Fines as Follows

I understand that the Court may also require me to pay costs, restitution, day fines, and/or costs of all sanctions imposed upon me. I understand that the imposition of financial sanctions would constitute a civil judgment against me (R C 2929.18)

I understand that I am not subject to mandatory driver's license suspension for not less than six months nor more than five years.

I understand that the Court upon acceptance of my plea(s) of Guilty may proceed with judgment and sentence. I hereby assert that no person has threatened me, promised me leniency, or in any other way coerced or induced me to plead Guilty as indicated above. My decision to plead Guilty thereby placing myself completely and without reservation in any kind upon the mercy of the Court with respect to punishment represents the free and voluntary exercise of my own will and best judgment. I am completely satisfied with the legal representation and advice I have received from my counsel. I understand that I can appeal as a matter of right from my plea and sentence within thirty days of the filing of my judgment of conviction.

I am ~~not~~ a citizen of the United States. I understand that if I am not a citizen of the United States, my conviction of the offense(s) to which I am pleading guilty may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

DEFENDANT [Signature]

I hereby certify that I have counseled my client to the best of my professional ability with respect to the facts and law of this case. I have also diligently investigated the facts and assertions and possible defenses. I represent my client is competent to proceed to change his/her plea(s) as indicated hereinabove and that my client acts knowingly, voluntarily, and intelligently in such matter.

ATTORNEY FOR DEFENDANT [Signature]

The Court, being fully advised as to the facts, hereby accepts the defendant's plea(s) of Guilty entered hereinabove as voluntarily and intelligently made with knowledge of the consequences thereof, including waivers of all applicable rights and defenses and understanding of maximum penalties. Upon recommendation of the Prosecution Attorney in consideration of said plea(s) of Guilty, the Court hereby enters a Nolle Prosequi as to Count(s) 2, 3, 4

FILED
COMMON PLEAS COURT
FRANKLIN CO OHIO
JAN 15 PM 4:01
CLERK OF COURTS

APPROVED
[Signature]
Assistant Prosecuting Attorney
[Signature]
Attorney for the Defendant

JUDGE [Signature]
Date 01-16-07

**FRANKLIN COUNTY COMMON PLEAS COURT
CRIMINAL CASE PROCESSING SHEET**

STATE OF OHIO

-vs-

Walker S Showalter
DEFENDANT

53741018 CLER 511
CASE NO

PLEA TAKEN OR TRIAL CONCLUDED on _____
 PLEA OF GUILTY to _____
 NOLLE PROSEQUI _____
 FOUND GUILTY of _____
 FOUND NOT GUILTY of _____

SENTENCING DATE 03-1-07 @ 9:00 AM PSI Ordered POST _____ CBCF _____ OTHER _____

OTHER DISPOSITION

Evaluate for _____ Diversion _____ Competency _____ Judicial Release
 _____ Treatment in lieu _____ Sanity at the time _____ Hearing Held
 _____ of offense _____ Granted
 Other _____ Denied

Continue for _____ Bond Hearing _____ Hearing _____ H B 180 Hearing
 _____ Trial (per Entry) _____ Sentencing

DATE _____

BF & CAPIAS _____ for failure to appear _____ trial _____ pre-trial _____ to be set aside

BOND HEARING

NO CHANGE	_____	_____	REPORTING
APPEARANCE	\$ _____	_____	WORK RELEASE
CASH/PROPERTY/SURETY	\$ _____	_____	HOUSE ARREST
RECOG	\$ _____	_____	DRUG SCREENS
UNSEC APP	\$ _____	_____	
TOTAL	\$ _____	_____	

Prosecuting Attorney

OTHER _____

FILED
 COMMON PLEAS COURT
 FRANKLIN CO OHIO
 2007 JAN 16 PM 4:04
 CLERK OF COURTS

COMMUNITY CONTROL REVOCATION HEARING

1st Hearing Set _____ Held _____ Probable Cause stipulated/found
 2nd Hearing Set _____ Held _____ Violations stipulated/found
 _____ Community Control Terminated _____ Community Control Restored new sanction(s) imposed
 _____ Community Control Revoked, Prison or Jail Sentence Imposed (see attached Disposition Sheet)
 Other _____

SPECIAL INSTRUCTIONS TO CLERK/SHERIFF/OTHER: _____ Jail Time Credit _____

John R. Boney
JUDGE

01-16-07
DATE

**CLERK OF THE COURT OF COMMON PLEAS
FRANKLIN COUNTY**



JOHN O'GRADY
CLERK OF COURTS

THE STATE OF OHIO

Franklin county,ss

I, John O'Grady, Clerk of the Courts of Common Pleas within and for said County, hereby certify the above and foregoing is, truly taken and copied from the original papers now on file in my office. Containing 4 number of papers.

Witness my hand and seal of said Court this 1st day of March A.D. 2007.

CLERK OF THE COURTS OF COMMON PLEAS

By: *[Signature]*

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CRIMINAL DIVISION

STATE OF OHIO,

Plaintiff,

vs

WALTER SHONKWILER,

Defendant

TERMINATED NO BY I.G.

CASE NO 05CR-10-6769

JUDGE BESSEY

53822A17

FILED
COMMON PLEAS COURT
FRANKLIN CO OHIO
2007 JAN 17 PM 2:02
CLERK OF COURTS

JUDGMENT ENTRY

On January 16, 2007, the State of Ohio was represented by the Prosecuting Attorney and the Defendant, being in Court in custody of the Sheriff, was represented by counsel, Rick Abraham

The Defendant on January 16, 2007 entered a plea of guilty to the stipulated lesser included offense of Count One of the indictment, to-wit **Theft**, a violation of R.C. 2913.02, a misdemeanor of the first degree, and was found guilty of said charge by the Court

Upon application of the Prosecuting Attorney and for good cause shown, it is ORDERED that a Nolle Prosequi be entered for Count Two of the indictment

The Court afforded counsel an opportunity to speak on behalf of the Defendant and addressed the Defendant personally affording him an opportunity to make a statement in his own behalf and present information in mitigation of punishment

it is the sentence of the Court that the Defendant serve **6 months** at the **FRANKLIN COUNTY CORRECTIONS CENTER** and pay Court costs in an amount to be determined No fine imposed **Time will be suspended contingent on payment of Court costs by April 30, 2007 and provided no new convictions for 2 years.**

The Court has factually found that the Defendant has **1 day** of jail time credit and hereby certifies the same to the Franklin County Corrections Center


JOHN P. BESSEY, JUDGE

Copies to

John Gripshover
Prosecuting Attorney

Rick Abraham
Counsel for Defendant

53822A18

Walter Shankweiler
DEPENDANT

05CR-6764
CASE NO

53822A15

PLEA OF GUILTY to _____
NOLLE PROSEQUI _____
FOUND GUILTY of _____
FOUND NOT GUILTY of _____

TYPE of SENTENCE.

The Defendant is considered a repeat or dangerous offender and is not eligible for Probation

1 Incarceration - State Term

Agg Murd w/sp _____	F1 _____	AF3 (PC) _____	F4 (NHT) _____
Agg Murder _____	AF2 (PC) _____	(AI) _____	M1 <u>6.000</u>
Murder _____	(AI) _____	AF3 (NPC) _____	M2 _____
AF1 (PC) _____	AF2 (NPC) _____	(O/AI) _____	M3 M4 MM _____
(AI) _____	(O/AI) _____	F3 _____	3 yrs Act Inc (Firearm) _____
AF1 (NPC) _____	F2 _____	F3 (NHT) _____	Counts _____
(O/AI) _____	_____	F4 _____	_____

A. Concurrent with _____ B. Consecutive with _____

- 2. Fine in the amount of _____ Mandatory _____ Non Mandatory _____ Hearing Held _____ Fine Waived _____
- 3. Costs X
- 4. Jail Time Credit 1 day days
- 5. Institution: FCCS 1 day ODRC _____ Other _____
- 6. BMV License Suspension _____ for a period of _____ To begin after current suspension _____
With _____ Without _____ Work Driving Privileges _____ Revocation _____
- 7. Confiscate and Destroy Weapon _____

FILED
COMMON PLEAS COURT
FRANKLIN CO OHIO
JAN 17 PM 2:04
CLERK OF COURTS

PROBATION:

Sentence suspended for _____ months/years of Reporting _____ Non-reporting _____ probation
Standard _____ Intensive Supervision _____ Shock _____ Super Shock _____

CONDITIONS

- 1) Community Based Correctional Facility Effective _____ AT _____ AM/PM _____ Hold for transport to CBCF
- 2) Split Sentence
 - a) Franklin County Corrections Center _____ days/months Effective _____ AT _____ AM/PM
 - b) Franklin County Work Release Program _____ days/months Effective _____ AT _____ AM/PM
- 3) Home Incarceration _____ days/months Effective _____ AT _____ AM/PM
- 4) Halfway House Effective _____ AT _____ AM/PM
- 5) Drug/Alcohol Testing and Treatment/Including Urine Screens as determined by the Probation Officer
- 6) Educational Training as determined by the Probation Officer
- 7) Obtain Job/Or Undergo Job Training as determined by the Probation Officer
- 8) Restitution in the amount of _____ TO _____
- 9) Community Service in the amount of _____ hours
- 10) Other time will be suspended contingent on payment of cost by 03-30-07 PNCZ

SPECIAL INSTRUCTIONS TO CLERK/SHERIFF/OTHER _____

John P. Brewer
JUDGE

01-16-07
DATE

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CRIMINAL DIVISION - GENERAL DIVISION

State of Ohio
Plaintiff,
vs

Case No 05 CR 6769
Indictment for _____

WALTER SNOOKWILER
Defendant

THEFT 2913.02 RC F-4
THEFT 2913.02 RC F-5

ENTRY OF GUILTY PLEA

I, WALTER SNOOKWILER, Defendant in the above-styled case, am being represented by 16

RICK ABRAMAM, as legal counsel. My Constitutional and Statutory rights have been explained to me by the Court and by my counsel. I have reviewed the facts and law of my case with my counsel. I now desire to withdraw my previously-entered general plea of "Not Guilty" and I now plead "Guilty" to _____

THE STIPULATED LESSER INCLUDED
OFFENSE TO COUNT 1 OF THEFT 2913.02 RC M-1

I understand that my guilty plea(s) to the crime(s) specified constitute(s) both an admission of guilt and a waiver of any and all constitutional, statutory, or factual defenses with respect to such crime(s) and this case. I further understand that by pleading "Guilty", I waive a number of important and substantial constitutional, statutory and procedural rights, which include, but are not limited to, the right to have a trial by jury, the right to confront and cross-examine the State's witnesses who testify against my interests, the right to have compulsory subpoena process for obtaining witnesses in my favor, the right to require the State to prove my guilt beyond a reasonable doubt on each crime herein charged at a trial at which I cannot be compelled to testify against myself (the right to remain silent while retaining my presumption of innocence is commonly referred to as the privilege against self-incrimination), and the right to appeal the verdict and rulings of the trial court made before or during trial, should those rulings or the verdict be against my interests. I also understand that I am pleading "Guilty" to a felony/misdemeanor crime(s) which is/are separately punishable by imprisonment for not less/more than _____

6 MONTHS AND/OR UP TO \$1,000.00 FINE

I understand that the Court upon acceptance of my plea(s) of "Guilty" may proceed with judgment and sentence. I hereby assert that no person has threatened me, promised me leniency, or in any other way coerced or induced me to plead "Guilty" as indicated above, my decision to plead "Guilty", thereby placing myself completely and without reservation of any kind upon the mercy of the Court with respect to punishment, represents the free and voluntary exercise of my own will and best judgment. I am completely satisfied with the legal representation and advice I have received from my counsel.

I am (am not) a citizen of the United States of America. I understand that, if I am not a citizen of the United States, my conviction of the offense(s) to which I am pleading guilty may have the consequences of deportation, including from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

DEFENDANT

I hereby certify that I have counseled my client to the best of my professional ability with respect to the facts and law of this case. I have also diligently investigated his/her cause and assertions and possible defenses. I represent my client is competent to proceed to change his/her plea, as indicated hereinabove, and, in my opinion, that he/she is knowingly, voluntarily, and intelligently in such matter.

ATTORNEY FOR THE DEFENDANT

The Court, being fully advised as to the facts, hereby accepts the defendant's plea(s) of "Guilty", entered hereinabove, as voluntarily and intelligently made, with full knowledge of the consequences thereof, including waivers of all applicable rights and defenses and understanding of the maximum penalties. Upon recommendation of the Prosecuting Attorney, in consideration of said plea(s) of "Guilty", the Court hereby enters a Nolle Prosequi as to Count(s) 2

APPROVED

[Signature]
Assistant Prosecuting Attorney
[Signature]
Attorney for the Defendant

JUDGE

[Signature]

Date

01-16-07

FILED
COMMON PLEAS COURT
FRANKLIN COUNTY, OHIO
JAN 17 17 PM '07
CLERK OF COURT

**CLERK OF THE COURT OF COMMON PLEAS
FRANKLIN COUNTY**



**JOHN O'GRADY
CLERK OF COURTS**

THE STATE OF OHIO

06CR 5111

Franklin county,ss

I, John O'Grady, Clerk of the Courts of Common Pleas within and for said County, hereby certify the above and foregoing is, truly taken and copied from the original papers now on file in my office. Containing 6 number of papers.

Witness my hand and seal of said Court this 19th day of March A.D. 2007.

CLERK OF THE COURTS OF COMMON PLEAS

By: *Stapper*

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CRIMINAL DIVISION

54228617

STATE OF OHIO,

TERMINATED NO _____ BY KJ

Plaintiff,

vs

CASE NO 06CR-07-5111

WALTER SHONKWILER,

JUDGE BESSFY

Defendant

FILED
COMMON PLEAS COURT
FRANKLIN CO OHIO
2007 MAR -6 AM 9:05
CLERK OF COURT

JUDGMENT ENTRY

On January 16, 2007, the State of Ohio was represented by the Prosecuting Attorney and the Defendant was represented by Attorney Rick Abraham. The Defendant after being advised of his rights pursuant to Crim R 11, entered a plea of guilty to Count One of the indictment, to-wit **Passing Bad Checks**, in violation of R C 2913.11, a felony of the fifth degree.

Upon application of the Prosecuting Attorney and for good cause shown, it is ORDERED that a Nolle Prosequi be entered for Counts Two, Three, and Four of the indictment.

The Court found the Defendant guilty of the charges to which the plea was entered. The Court ordered and received a pre-sentence investigation.

On March 1, 2007, a sentencing hearing was held pursuant to R C 2929.19. The State of Ohio was represented by Prosecuting Attorney Adam Crowell and the Defendant was represented by Attorney Rick Abraham. The Prosecuting Attorney and the Defendant's attorney did not recommend a sentence.

The Court afforded counsel an opportunity to speak on behalf of the Defendant and addressed the Defendant personally affording him an opportunity to make a statement in his own behalf in the form of mitigation and to present information regarding the existence or non-existence of the factors the Court has considered and weighed.

The court has considered the purposes and principles of sentencing set forth in R C 2929.11 and the factors set forth in R C 2929.12. In addition, the Court has

weighed the factors as set forth in the applicable provisions of R.C. 2929.13 and R.C. 2929.14. The Court further finds that a prison term is not mandatory pursuant to R.C. 2929.13(F).

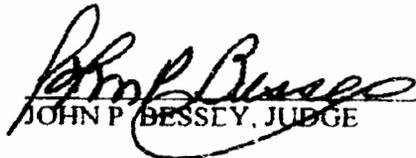
54228618

The Court hereby imposes a period of Community Control for **1 ½ years under basic supervision**. In addition to the provisions of R.C. 2951.02 and the general requirements of the Franklin County Department of Community Control, as authorized by the Common Pleas Court and as given to the Defendant in writing, the Court imposes *the following Community Control Sanctions (See R.C. 2929.15, R.C. 2929.16 and R.C. 2929.17)* that the Defendant shall successfully complete 100 hours of community service as determined by the Probation Officer, that the Defendant submit to alcohol/drug testing and treatment, including random urine screens, as determined by the Probation Officer, and Defendant shall pay restitution in the amount of \$75.00 to the victim, through the Probation Department.

The Court has considered the Defendant's present and future ability to pay a fine and financial sanctions and, pursuant to R.C. 2929.18, renders judgment for the following fine and/or financial sanctions: Defendant shall pay Court costs in an amount to be determined. No fine imposed.

After the imposition of Community Control, the Court, pursuant to R.C. 2929.19(B)(5) notified the Defendant, orally and in writing, what could happen if he violates Community Control. The Court further indicated that if the Defendant violates Community Control he will receive a prison term of **12 months**.

The Court finds that the Defendant has **1 day** of jail time credit and hereby certifies the time to the Franklin County Corrections Center. The Defendant is to receive jail time credit for all additional jail time served while awaiting transportation to the institution from the date of the imposition of this sentence.


JOHN P. BESSEY, JUDGE

Copies to

Adam Crowell
Prosecuting Attorney

Rick Abraham
Counsel for Defendant

54228019

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CRIMINAL DIVISION

94228G16

State of Ohio

Plaintiff,

vs

Walter Shonkwiler

Defendant

Case No 06 CR-5111

Judge Bessey

NOTICE
(Community Control Imposed)

FILED
COMMON PLEAS COURT
FRANKLIN CO. OHIO
2007 MAR -6 AM 9:00
CLERK OF COURT

The Court hereby notifies the Defendant as follows:

You have received one or more Community Control Sanctions. If during your time on Community Control you violate any law of any jurisdiction in the United States, any rule of the Department of Community Control, or any condition of any sanction imposed upon you by the Court, the Court may impose a more restrictive sanction upon you and/or the Court may impose a prison term of up to _____ months/years

I hereby certify that the Court read to me, and gave me in writing, the notice set forth herein

3-1-07

Date

Defendant

As the Attorney for the Defendant, I hereby certify that the Judge read to the Defendant, and gave (him, her) in writing the notice set forth herein

Defendant's Attorney

Prosecuting Attorney

**FRANKLIN COUNTY COMMON PLEAS COURT
DISPOSITION SHEET**

State of Ohio

vs
Walter Shankurlee
Defendant

06 CR-5111 Case No
54228614

Prison Sentence

(circle one on each count)

- AGG. MURDER (spec) 25, 30, life, death
- AGG MURDER (no spec) 20, life
- MURDER 15, life
- F-1 3, 4, 5, 6, 7, 8, 9, 10 years Count _____
Other Count(s) _____
- F-2 2, 3, 4, 5, 6, 7, 8 years Count _____
Other Count(s) _____
- F-3 1, 2, 3, 4, 5 years Count _____
Other Count(s) _____
- F-4 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 months Count _____
Other Count(s) _____
- F-5 6, 7, 8, 9, 10, 11, 12 months Count 1
Other Count(s) _____
- F Additional 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 years
Consecutive to Count(s) _____
- A Additional 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 years
Consecutive to Count(s) _____

Mandatory Incarceration (YES/NO) Count(s) _____

Additional consecutive years of actual incarceration for the
stream _____ years (1, 3, 5, 6) Count(s) _____

Count _____ Misdemeanor _____ Degree _____ Months _____

Count _____ Misdemeanor _____ Degree _____ Months _____

Institution FCCS _____ ODRC _____

Sentence concurrent with _____

Sentence consecutive with _____

BMV License (Suspension/Revocation) for a period of _____
to begin _____ (WITH / WITHOUT) work privileges

Confiscate and Destroy Weapon(s) _____

Bad Time Credit 1

Defendant notified of Bad Time and Post Release Control
in writing and orally

Appealable Sentence If so, reasons stated on the record
(YES / NO)

Community Control Sentence

Residential Sanctions

- CBCF Term _____
- FCCS Term _____
- Halfway House Term _____
- Alternative Release Facility Term _____
(Work Release, Maryhaven, Other)

Non Residential Sanctions

- Day Reporting Term _____
- Electronic Monitoring Term _____
- House Arrest Term _____
- Community Service Hours 120
- Drug Treatment (IN / OUT) Patient
(with/without urine screens)
- Obtain/Maintain Employment
- Obtain GED

Other Sanction _____

Method of Control Supervision

- Basic
- Intensive

Total Term of Community Control

1.5 Years

Defendant notified of possible prison term and more severe
sanction in writing and orally

Special Instructions to Clerk/Sheriff/Other

12 mo

Recommendation to the ODRC

The Court (approves, disapproves, makes no recommendation) of the
offender's placement in a (shock incarceration program, or an intensive
prison program)

Financial Sanctions

Defendant declared indigent (YES / NO)

Fine \$ _____ Mandatory (YES / NO) \$ _____ Supervision costs imposed

Costs \$ _____ Residential \$ _____

Restitution \$ 75.00 To Whom Per B/O Explain _____

TOTAL \$ _____ Non Residential \$ _____

Payment \$ _____ Includes supervision costs? Explain _____

3-1 Date

[Signature]
Judge

FILED
COMMON PLEAS COURT
FRANKLIN COUNTY
MAR -6 AM 9:01
CLERK OF COURTS

CRIMINAL DIVISION

State of Ohio, : 54228015
Plaintiff, : CASE NO. 06 CR 5111
-vs- : JUDGE Bessey
Walter S Shankwiler, :
Defendant. :

RESTITUTION ORDERED

(Note: This form must be filled out by prosecutor if restitution is ordered.)

The following information can X / can not _____ (check one) be put into the sentencing entry. If no choice is checked, the information will be put into the sentencing entry.

NAME: James Thomas
ADDRESS: 72 W Brighton Rd.
CITY: Cols STATE: OH ZIP: 43202
AMOUNT TO BE PAID: \$ ~~000000~~ 75 00

NAME: _____
ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____
AMOUNT TO BE PAID: \$ _____

FILED
COMMON PLEAS COURT
FRANKLIN CO OHIO
7:17 AM -6
CLERK OF COURTS

NAME: _____
ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____
AMOUNT TO BE PAID: \$ _____

Approved by

Prosecutor

Attorney for Defendant

Case No.

06CR 07-5111

FILED
COMMON PLEAS COURT
FRANKLIN CO.
2006 JUL 13 PM 4:28
CLERK OF COURT

State of Ohio,
Franklin County, ss:

**INDICTMENT FOR: Passing Bad Check
(2913.11 R.C.) (F-5) (3 Counts) and
Theft (2913.02 R.C.) (F-5) (1 Count);
(Total: 4 Counts)**

In the Court of Common Pleas, Franklin County, Ohio, of the Grand Jury term beginning May twelfth, in the year of our Lord, Two Thousand Six.

Count 1

The Jurors of the Grand Jury of the State of Ohio, duly selected, impaneled, sworn, and charged to inquire of crimes and offenses committed within the body of Franklin County, in the State of Ohio, upon their oath do find and present that Walter Stephen Shonkwiler late of said County, on or about the 19th day of September in the year of our Lord, 2005, within the County of Franklin aforesaid, in violation of section 2913.11 of the Ohio Revised Code, with purpose to defraud, did issue or transfer or cause to be issued or transferred a check or negotiable instrument, dated September 19, 2005, in the amount of Five Hundred Dollars (\$500.00), payable to J.E. Thomas, the said Walter Stephen Shonkwiler knowing that it would be dishonored, and said check or negotiable instrument was for payment of five hundred dollars (\$500.00) or more and less than five thousand dollars (\$5,000.00),

Count 2

The Jurors of the Grand Jury of the State of Ohio, duly selected, impaneled, sworn, and charged to inquire of crimes and offenses committed within the body of Franklin County, in the State of Ohio, upon their oath do find and present that Walter Stephen Shonkwiler late of said County, on or

about the 25th day of September in the year of our Lord, 2005, within the County of Franklin aforesaid, in violation of section 2913.11 of the Ohio Revised Code, with purpose to defraud, did issue or transfer or cause to be issued or transferred a check or negotiable instrument, dated September 25, 2005, in the amount of Five Hundred Dollars (\$500.00), payable to J.E. Thomas, the said Walter Stephen Shonkwiler knowing that it would be dishonored,

Count 3

The Jurors of the Grand Jury of the State of Ohio, duly selected, impaneled, sworn, and charged to inquire of crimes and offenses committed within the body of Franklin County, in the State of Ohio, upon their oath do find and present that Walter Stephen Shonkwiler late of said County, on or about the 6th day of October in the year of our Lord, 2005, within the County of Franklin aforesaid, in violation of section 2913.11 of the Ohio Revised Code, with purpose to defraud, did issue or transfer or cause to be issued or transferred a check or negotiable instrument, dated October 6, 2005, in the amount of Two Thousand Dollars (\$2,000.00), payable to J.E. Thomas, the said Walter Stephen Shonkwiler knowing that it would be dishonored,

Count 4

The Jurors of the Grand Jury of the State of Ohio, duly selected, impaneled, sworn, and charged to inquire of crimes and offenses committed within the body of Franklin County, in the State of Ohio, upon their oath do find and present that Walter Stephen Shonkwiler late of said County, from on or about September 1, 2005 to October 31, 2005, within the County of Franklin aforesaid, in violation of section 2913.02 of the Ohio Revised Code, with purpose to deprive the owner, J.E. Thomas, of services, to wit: use of office space, did knowingly obtain or exert control over said services by deception, the value of the property or services or loss to the victim being five

hundred dollars (\$500.00) or more and less than five thousand dollars (\$5,000.00), contrary to the statute in such cases made and provided and against the peace and dignity of the State of Ohio.

RON O'BRIEN
Prosecuting Attorney
Franklin County, Ohio

A TRUE BILL

Michael T. Hughes
Assistant Prosecuting Attorney

John P. Vermilio
Foreperson, Grand Jury

State of Ohio v. Walter Stephen Shonkwiler
Address: 154 Great Lawn Way, Columbus, Ohio 43235

DOB: [REDACTED]

Sex/Race: male white

Date of Arrest: _____

SSN: [REDACTED]

Police Agency: Westerville Police Department

Municipal Reference: 31647-05

ITN #:

Count 1: Passing Bad Check
2913.11 F-5

Count 2: Passing Bad Check
2913.11 F-5

Count 3: Passing Bad Check
2913.11 F-5

Count 4: Theft
2913.02 F-5

Case No.

THE STATE OF OHIO Franklin County, ss	} I, JOHN O'GRADY, Clerk OF THE COURT OF COMMON PLEAS, WITHIN AND FOR SAID COUNTY.
HEREBY CERTIFY THAT THE ABOVE AND FORE- GOING IS TRULY TAKEN AND COPIED FROM THE ORIGINAL <u>Indictment</u>	
NOW ON FILE IN MY OFFICE.	
WITNESS MY HAND AND SEAL OF SAID COUNTY	
THIS <u>14</u> DAY OF <u>July</u> A.D. 20 <u>08</u>	
JOHN O'GRADY, Clerk	
By <u>[Signature]</u>	Deputy

Case No.

49788119

05CR 10-6769

State of Ohio,
Franklin County, ss:

FILED
COMMON PLEAS COURT
FRANKLIN CO. OHIO
2005 OCT -4 PM 2:01
CLERK OF COURT

**INDICTMENT FOR: Theft (2913.02
R.C.) (F-4) (1 Count) and Theft (2913.02
R.C.) (F-5) (1 Count); (Total: 2 Counts)**

In the Court of Common Pleas, Franklin County, Ohio, of the Grand Jury term beginning May thirteenth, in the year of our Lord, Two Thousand Five.

Count 1

The Jurors of the Grand Jury of the State of Ohio, duly selected, impaneled, sworn, and charged to inquire of crimes and offenses committed within the body of Franklin County, in the State of Ohio, upon their oath do find and present that Walter S. Shonkwiler late of said County, from on or about February 1, 2004 to May 1, 2004, within the County of Franklin aforesaid, in violation of section 2913.02 of the Ohio Revised Code, with purpose to deprive the owner, Patricia David and/or Ryan Harrington, of property, to wit: U.S. Currency, did knowingly obtain or exert control over said property beyond the scope of the express or implied consent of Patricia David and/or Ryan Harrington or person authorized to give consent, the value of the property or services being five thousand dollars (\$5,000.00) or more and less than one hundred thousand dollars (\$100,000.00),

Count 2

The Jurors of the Grand Jury of the State of Ohio, duly selected, impaneled, sworn, and charged to inquire of crimes and offenses committed within the body of Franklin County, in the State of Ohio, upon their oath do find and present that Walter S. Shonkwiler late of said County, from on or about February 1, 2004 to May 1, 2005, within the County of Franklin aforesaid, in violation of section 2913.02 of the Ohio Revised Code, with

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STATE MEDICAL BOARD
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purge site deprive the owner, Patricia David and/or Ryan Harrington, of
property, to wit: seventeen checks, did knowingly obtain or exert control over
said property beyond the scope of the express or implied consent of Patricia
David and/or Ryan Harrington or person authorized to give consent, the
property being listed in section 2913.71 of the Ohio Revised Code, contrary to
the statute in such cases made and provided and against the peace and dignity
of the State of Ohio.

49788120

RON O'BRIEN
Prosecuting Attorney
Franklin County, Ohio

A TRUE BILL

William J. Davies
Assistant Prosecuting Attorney

Annette Smith
Foreperson, Grand Jury



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

October 11, 2006

Walter Stephen Shonkwiler, D.P.M.
60 Westerview Drive
Westerville, OH 43081

Dear Doctor Shonkwiler:

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 podiatric medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about January 3, 2006, you electronically submitted to the Board your application for renewal of your certificate of registration to practice podiatric medicine and surgery. You swore or affirmed, under penalty of law, that the information you provided in the application was complete and correct.
 - (a) You answered "No" in response to question number 1 of your renewal application, which asks if, at any time since signing your last Ohio renewal application:

Have you been found guilty of, or pled guilty or no contest to, or received treatment or intervention in lieu of conviction of, a misdemeanor or felony?

In fact, on or about July 7, 2005, in Franklin County Municipal Court, Columbus, Ohio, you entered a plea of guilty to and were convicted of Operating a Motor Vehicle Under the Influence of Alcohol or Drugs, in violation of Section 4511.19(A)(1)(a), Ohio Revised Code, a misdemeanor of the first degree.

- (b) You answered "No" in response to question number 4 of your renewal application, which asks if, at any time since signing your last Ohio renewal application:

Has any board, bureau, department, agency or other body, including those in Ohio **other than this board**, filed any charges, allegations or complaints against you?

Mailed 10-17-06

In fact, in or about October 2005, in Franklin County Court of Common Pleas, Columbus, Ohio, you were notified that the Franklin County Grand Jury had returned a two count indictment against you, which indictment contained one count of Theft, in violation of Section 2913.02, Ohio Revised Code, a felony of the fourth degree, and one count of Theft, in violation of Section 2913.02, Ohio Revised Code, a felony of the fifth degree. Further, on or about December 20, 2005, you were arrested on a criminal complaint, filed by the Westerville Police Department, which complaint alleged that you committed the offense of Passing Bad Checks, in violation of Section 2913.11, Ohio Revised Code, a felony of the fifth degree.

- (2) In or about June of 2001, you applied for surgical privileges at East Columbus Surgical Center, Columbus, Ohio. In or about July 2001, you were granted temporary privileges at East Columbus Surgical Center on the condition that you apply for and obtain admitting privileges at a hospital in Franklin County or a contiguous county.
- (a) On or about July 24, 2001, you submitted to East Columbus Surgical Center as purported proof that you had applied for privileges at Doctors Hospital, Columbus, Ohio, a copy of your application for medical staff privileges at Doctors Hospital, as well as a copy of a check, dated July 23, 2001, for \$350.00 payable to Doctors Hospital Medical Staff for the application fee. In fact, although you had requested an application for hospital privileges, which application was mailed to you on or about July 18, 2001, you never submitted a completed application or application fee to Doctors Hospital, and you never obtained admitting privileges at Doctors Hospital.
- (b) On or about July 23, 2001, you submitted to East Columbus Surgical Center as purported proof that you had applied for privileges at Marion General Hospital, Marion, Ohio, a copy of your application for medical staff privileges at Marion General Hospital, as well as a copy of a check, dated July 23, 2001, for \$100.00 payable to Marion General Hospital Medical Staff for the application fee. In fact, Marion General Hospital had no records that you ever requested an application or submitted a completed application for hospital privileges, and you never obtained admitting privileges at Marion General Hospital.
- (c) On or about March 1, 2002, you submitted to East Columbus Surgical Center as purported proof that you had applied for privileges at Grady Memorial Hospital, Delaware, Ohio, a copy of your application for medical staff privileges at Grady Memorial Hospital, as well as a copy of a check, dated September 2, 2001, for \$250.00 payable to Grady Memorial Hospital for the application fee. In fact, although you held privileges at Grady

Memorial Hospital from in or about 1995 through in or about 1997, Grady Memorial Hospital had no records that you requested an application in or about 2001, that you submitted a completed application for hospital privileges in or about 2001, or that you obtained admitting privileges at Grady Memorial Hospital at any time after 1997.

- (d) On or about March 12, 2002, you submitted to East Columbus Surgical Center as purported proof that you had applied for privileges at Genesis HealthCare Systems, Good Samaritan Hospital, Zanesville, Ohio, a copy of your application for medical staff privileges at Genesis HealthCare Systems, as well as a copy of a check, dated April 16, 2002, for \$250.00 payable to Genesis Healthcare Systems for the application fee. In fact, although you submitted a pre-application and obtained a regular application in or about March of 2002, you never submitted a completed regular application or application fee to Genesis Healthcare Systems, and you never obtained admitting privileges at Genesis HealthCare Systems.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) 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, suspend, refuse to register or reinstate your certificate to practice podiatric 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/blt
Enclosures

CERTIFIED MAIL # 7004 2510 0006 9801 7909
RETURN RECEIPT REQUESTED

Duplicate Mailing: 141 W. Schrock Rd.
Westerville, OH 43081

CERTIFIED MAIL # 7004 2510 0006 9801 8494
RETURN RECEIPT REQUESTED

Triplicate Mailing: 154 Great Lawn Way
Columbus, OH 43235

CERTIFIED MAIL # 7004 2510 0006 9801 8487
RETURN RECEIPT REQUESTED
RESTRICTED DELIVERY