

STATE OF OHIO  
THE STATE MEDICAL BOARD  
Suite 510  
65 South Front Street  
Columbus, Ohio 43215

May 29, 1981

Cyril L. Von Savage  
15115 Shore Acres  
Cleveland, OH. 44110

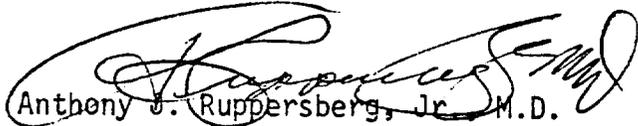
Dear Mr. Von Savage:

Please find enclosed a certified copy of the Findings and Order as they have been entered in the Journal of the State Medical Board of Ohio and a certified copy of the Motions by the State Medical Board, meeting in regular session on May 13, 1981, modifying the Findings and Order.

You are hereby notified that you may appeal this Order to the Court of Common Pleas of the county in which your place of business is located, or the county in which you reside. If you are not a resident and have no place of business in this state, you may appeal to the Court of Common Pleas of Franklin County, Ohio.

To appeal as stated above, you must file a notice of appeal with the Board setting forth the Order appealed from, and the grounds of the appeal. You must also file a copy of such notice with the court. Such notices of appeal shall be filed within fifteen (15) days after the date of mailing of this letter and in accordance with Section 119.12, Revised Code.

THE STATE MEDICAL BOARD

  
Anthony J. Ruppertsberg, Jr. M.D.  
Secretary

AR:em

Enclosures

CERTIFIED MAIL NO. P32 4679623  
RETURN RECEIPT REQUESTED

STATE OF OHIO  
THE STATE MEDICAL BO. D  
Suite 510  
65 South Front Street  
Columbus, Ohio 43215

CERTIFICATION

I hereby certify that the attached copy of the Findings and Order of the State Medical Board of Ohio, in the matter of Cyril L. Von Savage, is a true and complete copy of the Findings and Order as they appear in the Journal of the State Medical Board; and that the attached copy of the Motions approved by the State Medical Board, meeting in regular session on May 13, 1981, is a true and complete copy as it appears in the Journal of the State Medical Board.

ANTHONY RUPPERSBERG, JR., M.D.  
SECRETARY

  
49 May 1981  
DATE

STATE OF OHIO  
THE STATE MEDICAL BOARD

REPORT AND RECOMMENDATIONS  
IN THE MATTER OF CYRIL L. VON SAVAGE

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THE MATTER OF CYRIL L. VON SAVAGE, D.C. CAME BEFORE ME WALTER H. PAULO, Member of the State Medical Board of Ohio on Tuesday, December 2, 1980. OHIO STATE MEDICAL BOARD

Mr. Jeffrey J. Jurca, Assistant Attorney General, on behalf of the Ohio State Medical Board.

Cyril L. Von Savage, D.C. 15115 Shore Acres, Cleveland, Ohio, on his own behalf.

INTRODUCTION AND SUMMARY OF EVIDENCE

1. The basis for the Board's previous decision involves Dr. Von Savage's failure to pursue continuing education, as well as convictions relating to illegal practice of medicine. Pg. 3 20-24.

2. HEARING OFFICER PAULO: Do you have an opening statement, Doctor?

DR. VON SAVAGE: Yes, Mr. Paulo. The statement I would like to make is the failure for continuing education. Pg. 4 4-8.

As far as the mechanotherapy continuing education is concerned (Pg. 4 25) in the State of Ohio, I do not know, Mr. Paulo, if there is any education, continuing education for mechanotherapy.

The Mechanotherapists do attend chiropractic meetings for license renewal and also for continuing education, and this is what I'm here to state, that I do attend my local meetings. My most recent one I did attend was every third Tuesday of the month in Cleveland, Ohio at the local chapter, and again this meeting is composed of doctors of chiropractic and mechanotherapists, sir. Pg. 5 2-10.

Failure of not continuing education is not true because I am a firm believer of it, and I am also very inquisitive, and do enjoy advancements and things that are coming up with the profession. Pg. 5 12-15.

3. MR. JURCA: I have a number of Exhibits to put into the record, and Dr. Von Savage has indicated they are acceptable. State's Exhibits Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9. Pg. 6 13-15.

4. State's Exhibit 9 is the copy of the journal entry filed December 29, 1976, indicating that Dr. Von Savage has plead guilty to illegal practice of medicine, practicing without a license. Pg. 7 15-18.

At this point, I would like to move for admission of all of these based on my agreement with Dr. Von Savage. Pg. 7 25 and Pg. 8 1-2.

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5. MR. JURCA: At this time, I think it would be appropriate if Cyril L. Von Savage was sworn as a witness so that we can make some inquiries and you can make additional statements. Pg. 8 10-13.
6. CYRIL L. VON SAVAGE called as a witness on behalf of himself, being first duly sworn, testified as follows:

CROSS EXAMINATION

By MR. JURCA:

- Q. Doctor, perhaps we can start off by discussing your education. Where did you get your education and training in chiropractic?
- A. I received my education in chiropractic in Davenport, Indiana, at Parma College of Chiropractic. I put in four years there and also as an intern (Pg. 8 15-25) in the clinic. Pg. 9 1.
- Q. When did you get your Doctor of Chiropractic Degree approximately?
- A. 1952, sir. Pg. 9 2-4.
- I received my license, my chiropractic license in 1961, and also in, I believe, sir, in '62 my Ohio Mechanotherapy License was received.
- Q. Where did you do your mechanotherapy training?
- A. It was done at the Great Lakes college of Mechanotherapy in Cleveland, Ohio.
- Q. Thereafter in 1961 you began practicing (pg. 9 19-25) chiropractic in Ohio; is that correct? Pg. 10 1.
- A. Yes.
- Q. And then mechanotherapy in 1962?
- A. Yes.
- Q. How did you lose your license to practice chiropractic?
- A. My license was lost by -- the word which I find hard to say is fraud, fraudulent claims submitted to the Bureau of Workmen's Compensation. The amount in question, the total amount in question was \$12,602.00, which of course was paid back to the State of Ohio, to the Industrial Commission of Ohio on December 22, 1971.

Sir, the total number of cases in question was nine. There were nine cases. The cases in question was only nine. Pg. 10 2-16.

8. Now, upon advice of my attorney when I was arrested, we did surrender upon a given date, which would have been October 1, of 1971 -- the licenses

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were submitted to a Mr. Fichner, I believe. Pg. 10 17-20.

Q. You surrendered (pg. 10 25) both your chiropractic and  
mechanotherapy licenses in 1971?

A. Yes.

Q. These were surrendered to the State Medical Board?

A. Right, to Mr. Fichner. Pg. 11 1-6.

A. We did agree to it, and also in these cases at no time did the State  
Workmen's Compensation ever ask for a reason why the treatments  
were given, and also at no time did the Workmen's Compensation ever  
ask to see records of x-rays of patients, of the patients in question, as  
to the reason why. Pg. 11 11-16.

9. Q. Doctor, excuse me for a moment. Are you denying that claims were  
fraudulently submitted?

A. No claims were ever fraudulently submitted, but the fact is this --

Q. So your answer is you are denying it?

A. Will you rephrase that?

Q. I'll be happy to. Were claims fraudulently submitted?

A. No.

Q. How do you explain the matter of the \$12,000.00?

A. The reason in cases in question is that they approached, sir, other  
patients that had been in my office years previous.

They have been approached by investigators and were asked have you  
ever been to Dr. Von Savage and how many times have you been to  
him.

I don't know what it is, sir, but when people confronted with a legal  
entanglement of some sort, many patients -- I do have records  
proving that they (Pg. 12 8-25) were patients at the time -- stated  
because they didn't want to get involved -- they stated that they had  
never been to me. That's the best way I could explain it, and the only  
way I could explain that.

Q. So you are saying when your patients were confronted by  
investigators, they denied ever having seen you?

A. Right, because they did not want to become involved.

10. Q. Do you know why an investigation of your affairs would have been

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begun?

A. Yes. It was because of the claims that were sent to the Bureau of Workmen's Compensation.

Q. What was so unique about these claims?

A. The idea of uniqueness was prolonged therapy, continuing -- well, lack of progress to many cases. They were held over and given monthly examinations with therapy. Supports were given to patients and never paid by the Bureau of Workmen's Compensation. Pg. 13 1-19.

II. Q. Let me interject here. Were any criminal charges ever filed against you with respect to this \$12,000.00.

A. Yes. The criminal charges that I submitted fraudulent cases -- it was fraudulent claims and appointments, sir, not fraudulent claims per se as a person or a patient. Pg. 14 4-10.

A. The reason why this came to pass was upon advice from my attorney at the time of the court trial we pleaded guilty so that we could get this matter cleared up. Pg. 15 2-5.

I said, "Let's get this matter cleared up in the courthouse or rather in the courtroom." Page 15 7-8.

I was asked to make a statement of how much money I thought was involved over some of these cases like that. I was asked was it \$50? Was it \$5? Was it \$500? Pg. 15 9-12.

BY MR. PAULO:

Q. Do you have the names of these patients that wouldn't recognize you?

A. Yes, I do, but not right on me.

Q. Did your attorney use them?

A. My attorney, sir, made up a form letter, and I don't have it here, because I didn't think (pg. 15 20-25) it was pertinent to this matter right here.

He wrote up a form letter trying to get in touch with these former patients of mine and to approach the attorney to get this matter settled. It asked them to get in touch with the attorney to help support me in this matter. Not one of them, sir, has ever come forward. Pg. 16 1-6.

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12. BY MR. JURCA:

Q. What was the disposition of these criminal charges against  
Doctor? Were you found guilty?

A. I was found guilty by fraud according to Judge Gorman.

Q. Was this trial before Judge Gorman?

A. Yes. I was put on probation for a term of five years. Pg. 16 10-16.

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13. Thereupon, the cashier's check hereinafter referred to was marked for the  
purpose of identification herein as Petitioner's Exhibit A. Pg. 17 6-8.

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MR. JURCA: This is Petitioner's Exhibit A, and I essentially have no  
objection to its admissibility. It appears to be a copy of a cashier's check  
paid to the order of the Industrial Commission of Ohio. It is the sum of  
\$12,602.00. Pg. 17 10-14.

Thereupon, the exhibit last above offered was admitted in evidence on  
behalf of the Petitioner, Cyril L. Von Savage, and is herewith submitted,  
marked Petitioner's Exhibit A. Pg. 17 16-19.

MR. JURCA: This is Petitioner's Exhibit B, which (Pg. 17 25) is a letter  
from John Demer, which Dr. Von Savage has indicated was his attorney. It  
was dated April 31, 1973, to Ken Fichner, the former investigator of the  
Medical Board.

The letter purports to state that Dr. Von Savage would be able after the  
surrender of his license to work under the supervision of another doctor but  
could not practice unattended. Pg. 18 1-8.

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Thereupon, the exhibit last above offered was admitted in evidence on  
behalf of the Petitioner, Cyril L. Von Savage, and is herewith submitted,  
marked Petitioner's Exhibit B. Pg. 18 12-15.

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15. Q. Doctor, you subsequently were convicted in 1973 and 1975 with the  
illegal practice of medicine; is that correct?

A. Yes.

Q. Have you attempted to obtain reinstatement of your chiropractic  
license?

A. Yes, I have.

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Q. This would be from the Chiropractic Board?

A. Yes, it would. Pg. 18 17-25.

In April of '76, I did have a meeting with the Chiropractic Board, and they said -- Now you must take a written and a clinical and an oral examination for new licensing.

I have taken the examination on two different occasions. I anticipate taking it again in February of 1981.

Q. So thus far you have been unsuccessful on the examination?

A. Yes.

Q. What kind of education have you had in chiropractic since the surrender of your license?

A. I do attend lectures. I do attend seminars and also license renewal programs that are conducted by the State. Pg. 19 8-23.

Also, I do keep abreast with the local chapter. I do (pg. 19 25) attend meetings every month, sir. Page 20 1.

16. Q. What sort of continuing education have you had in mechanotherapy?

A. Now, at the present time, I know of no continuing education in mechanotherapy. Pg. 20 2-6.

I want my chiropractic license, but I must also have my mechanotherapy, because without it, sir, you cannot in my estimation give a good service to the (Pg. 20 23-25) patient. Pg. 21 1.

I sincerely believe this because I have not come into chiropractic or mechanotherapy through a side door. It was not a whim. Pg. 21 2-4.

Q. How many seminars do you attend a year approximately?

A. On the average now I would state seven, eight seminars per year, which is on the average of one per month.

Now, I anticipate going to Florida January 6 and 7 because of the new analytical equipment out for blood pressure to the lower extremities, the vasodilator, and, of course, that seminar is very, very minimal. Pg. 22 12-19.

17. MR. JURCA: It appears to me from the notice letter and so forth that one of the bases for denial was the perception by the Board that Dr. Von Savage had failed to pursue continuing education for the past few years. There's no requirement that he meet a certain amount of hours or anything like

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that, but I think that was something the Board took into consideration along with the criminal matters.

Q. Do you have a list of where you have attended? Do you have a list of them? Did they give you a receipt of attendance or anything? Pg. 24 2-12.

A. There were no certificates issued at that time for courses.

Q. Well, have you taken any in the last few years?

A. Yes. I did take a few courses in orthopedic evaluation of disabilities. Pg. 24 17-22.

#### RE CROSS EXAMINATION

18. BY MR. JURCA:

Q. Dr. Von Savage, the minutes of the Board meeting in August of this year, which are part of Exhibit 3, state in part and I quote: "Doctors observed that Dr. Von Savage has not practiced mechanotherapy for a number of years, and asked if he has had any education of any variety regarding this field. Dr. Von Savage stated that he took an x-ray course and graduated from it in 1976. He has had nothing since 1976. Pg. 25 1-10 & 13-14.

Is it correct that you have had no continuing education in mechanotherapy for four years?

A. As I stated, sir, there are no continuing education seminars in mechanotherapy that I know of. Pg. 25 15-19.

Q. You have had courses in chiropractic?

A. Yes, this also encompasses diagnostic procedures and analytical equipment in mechanotherapy, so one overlaps each other. Pg. 25 20-23.

19. I'm real sorry for my misconduct and my misdeed, but as I stated, these nine people, these nine cases in question and these other cases that these patients could not remember, that amount was deducted from other people. In the cases in question -- there were only nine with the Bureau of Workmen's Compensation.

This is why we voluntarily surrendered them. I didn't want to fight on it. I thought it necessary that we surrender immediately, and all provisions were made at that time. Pg. 28 11-21.

20. MR. PAULO: Q. I think that someplace along the line I have noticed that

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you were arrested twice; is that right, in 1976 and 1973?

A. Yes, sir.

Q. For what? Pg. 29 1-5.

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Q. What was the charge on both the arrests?

A. Practicing medicine without a license, sir. That was the charge.

Q. Did you pay a penalty? Did you pay a fine?

A. Yes.

Q. And costs?

A. Yes. The fine was minimal, like \$100. The probationary period in '76 was for three years. At that time, we closed everything down and dispensed with everything. Pg. 29 13-22.

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Q. How many years did you practice mechanotherapy?

A. From 1963, sir, to 1971.

Q. Where at?

A. Cleveland, Ohio. I have made many friends, and, of course, as I so stated, my roots are deep in Ohio. I do not want to leave Ohio. Everything I own, everything I have is in the State of Ohio. Pg. 32 12-18.

I want to do something that is satisfactory to me, sir. That's why I want to become a doctor of chiropractic and a mechanotherapist as I was when I was younger. Sir, that's what I want to achieve again. Page 32 20-24.

MR. JURCA: Very briefly, Mr. Paulo. I certainly hope this hearing has been beneficial to both the doctor and the Board by getting some clarification of the items. Obviously we have had testimony and evidence with respect to the convictions for illegal practice of medicine, which are a matter of record here as well as some circumstances surrounding the surrender of his certificates back in 1971, and perhaps Dr. Von Savage has been able to give some clarification with respect to the continuing education issues that were part of the basis for the Board's denial. Pg. 35 3-13.

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FINDINGS OF FACT

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1. Dr. Von Savage surrendered his license to the State Medical Board, October 1, 1971, after his arrest and conviction for fraudulent claims to The Bureau of Workmen's Compensation.
2. He appeared before Judge Gorman and was found guilty and placed on probation for five years.
3. Dr. Von Savage and through his attorney was unable to get any claim witnesses on his behalf.
4. Workmen's claim for compensation was paid to the Industrial Commission of Ohio in the amount of \$12,602., in December 1971.
5. Dr. Von Savage did not have any or display any favorable recommendations from his Industrial accounts, whose employees he treated.
6. Dr. Savage was first convicted for practicing medicine without a license in 1973 and a second time in 1976.
7. The fines were minimal and he was placed on probation in 1976 for three years.
8. He claimed that in a letter (Appendix Exhibit B) from his attorney, John Demer, Sr. to Mr. Fichner, Investigator for The State Medical Board, which referred to a verbal statement from Mr. Fichner when Dr. Von Savage had asked whether or not he could work under the supervision of another doctor as an attendant, or if he could work in a hospital as an attendant mechanotherapist and his answer was "yes" but he could not hold himself out as a doctor of mechanotherapy or a chiropractor, nor could he practice the arts on his own.  
  
No reply was presented.
9. In the past nine years he has concentrated on other interests, which are to his credit.  
  
He is part owner of a golf course, the Deer Lake Course in Geneva, Ohio, which consumes a lot of his time. He admits that he owns rental property in and out of the state and also runs a mail order business.
10. He reports that he has attended many seminars of various types but not especially in mechanotherapy.
11. He claims he has been unable to find a place where he can take continuing education in mechanotherapy.
12. He has applied for his chiropractor license on two occasions and twice failed the examination.
13. He indicated he has applied again and is going to take a test in February

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14. Dr. Von Savage is very positive that in order to do a good job in mechanotherapy, he must also be a licensed chiropractor. They work together.

### CONCLUSIONS & PROPOSED ORDER

#### CONCLUSIONS

1. Dr. Von Savage surrendered his Chiropractic and Mechanotherapy licenses in 1971 under very severe conditions when he was found guilty of fraud by the Workmen's Compensation.
2. Ohio R. C. 4731.22 provides grounds for discipline under (B) (II), conviction of a felony or misdemeanor committed in the course of his practice.
3. Ohio Revised Code 4731.222 provides that:

"Before restoring to good standing a certificate issued under Chapter 4731. of the Revised Code which has been in a suspended or inactive state for any cause for more than two years, the state medical board may require the applicant to pass an oral or written examination, or both, to determine his present fitness to resume practice.

The authority of the board to impose terms and conditions includes the following:

- (A) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training;
- (B) Restricting or limiting the extent, scope, or type of practice of the applicant.

The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity, in accordance with section 4731.08 of the Revised Code."

4. He was found guilty in 1971 and made restitution to The Industrial Commission of Ohio in the amount of \$12,602.00, and placed on five years probation.
5. He was found guilty on two different accounts of practicing medicine without a license, in 1973 and again in 1976. He was placed on probation for three years in 1976.
6. After nine years without a license for Chiropractic and Mechanotherapy, his "hit and miss" reports on his continuing education are hardly acceptable to qualify for a Mechanotherapy License.

#### PROPOSED ORDER

IT IS HEREBY ORDERED:

Report and Recommendations In The Matter  
of Cyril L. Von Savage, Page eleven

That because Dr. Cyril L. Von Savage, lacks proven qualifications after nine years, his request for a Mechanotherapy License be denied.

Walter H Paulo  
Walter H. Paulo, Member  
State Medical Board of Ohio

WHP:ld

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Mr. Bumgarner, Mr. Wenger, Mr. Falleur and Mr. Jurca remained out of the room.

Dr. Cover asked if the Board had read the transcript in this matter. A roll call was taken:

ROLL CALL:	Dr. Lancione	- aye
	Dr. Lovshin	- aye
	Dr. Clarke	- aye
	Dr. Yut	- aye
	Dr. Oxley	- aye
	Mr. Paulo	- aye
	Dr. Ferritto	- aye
	Dr. Ruppertsberg	- aye

Mr. Paulo read the Conclusions and the Proposed Order in the following Report and Recommendation:

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DR LOVSHIN MOVED TO APPROVE AND CONFIRM MR. PAULO'S REPORT AND RECOMMENDATION IN THE MATTER OF CYRIL L. VON SAVAGE, D.C., D.M. DR. RUPPERSBERG SECONDED THE MOTION. A discussion followed.

Dr. Ferritto noted that Dr. Von Savage was to have taken the Chiropractic Examination in February, 1981, and asked if the results had been determined yet. Mr. Paulo stated that Dr. Von Savage didn't take it.

Dr. Ferritto at this time referred to the transcript, noting that Dr. Von Savage testified that there are no known C.M.E. courses for Mechanotherapy and asked if this was true in the United States or just Ohio. Mr. Lee advised that he didn't know.

Dr. Ferritto stated that there are no statutes or requirements covering this type of situation, but added that the Board may require this after a license has been non-active for a certain length of time. Dr. Ferritto continued that the Board should define qualifications that Dr. Von Savage must meet to satisfy it. Dr. Ferritto felt that before the Board can consider any future request from Dr. Von Savage for licensure, he must first pass an examination acceptable to the Board and show 50 hours of formal education in mechanotherapy prior to taking the examination. Dr. Ferritto asked if there was a National Board exam for mechanotherapy. Mr. Lee stated that he checked with Gale Staton, D.C., D.M., the mechanotherapy and chiropractor advisor to the Board, and the way the mechanotherapy exam was administered in the past was that the applicant took the chiropractic examination

and then a mechanotherapy portion was prepared by Dr. Staton and Harold Parrott, D.C., D.M. and administered by them.

Dr. Lovshin noted that in an attempt to get his chiropractic license back, Dr. Von Savage has taken and failed the chiropractic examination twice.

Dr. Ferritto stated that he did not feel that the Board could turn Dr. Von Savage down for lack of proven qualifications, when the Board doesn't have a list of proven qualifications to meet. He would like to see Dr. Von Savage have at least 50 clock hours of formal education in mechanotherapy prior to taking the examination. Dr. Ferritto asked what the Board would use for its examination if it decided to go forward with this. Mr. Lee stated that in the past the Board has required the taking and passing of the Chiropractic examination, and a subsequent examination prepared by Dr. Staton and Dr. Parrott.

Dr. Lancione disagreed with Mr. Lee, stating that he personally has written the examination for mechanotherapy more than once, and it had nothing to do with the chiropractic examination. Mr. Lee stated that he felt that Dr. Lancione might possibly be thinking of one given when there was already a license in chiropractic.

DR. FERRITTO MOVED TO MODIFY MR. PAULO'S PROPOSED ORDER TO ADD THAT ANY FUTURE CONSIDERATION OF A REQUEST FOR MECHANOTHERAPY LICENSURE BY DR. VON SAVAGE WILL DEPEND ON THE FOLLOWING: HE PASS AN EXAMINATION ACCEPTABLE TO THE BOARD; HE MUST SHOW FORMAL ACCREDITED EDUCATION IN MECHANOTHERAPY EQUIVALENT TO 50 CLOCK HOURS WITHIN TWELVE MONTHS PRIOR TO TAKING THE EXAMINATION. DR. YUT SECONDED THE MOTION  
A roll call vote was taken:

ROLL CALL VOTE:	Dr. Lancione	- aye
	Dr. Lovshin	- aye
	Dr. Clarke	- aye
	Dr. Yut	- aye
	Dr. Oxley	- aye
	Mr. Paulo	- abstain
	Dr. Ferritto	- aye
	Dr. Ruppertsberg	- aye

The motion carried.

DR. YUT MOVED TO APPROVE AND CONFIRM THE REPORT AND RECOMMENDATION IN THE MATTER OF CYRIL L. VON SAVAGE, D.C., D.M. AS MODIFIED. DR. CLARKE SECONDED THE MOTION.  
A roll call vote was taken:

ROLL CALL VOTE:	Dr. Lancione	- aye
	Dr. Lovshin	- aye
	Dr. Clarke	- aye
	Dr. Yut	- aye
	Dr. Oxley	- aye
	Mr. Paulo	- abstain
	Dr. Ferritto	- aye

Report and Recommendation in the Matter  
of Cyril L. Von Savage, D.C., D.M.  
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Dr. Ruppensberg - aye

The motion carried.