



# State Medical Board of Ohio

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July 14, 2004

Jeremy Amps, M.D.  
2584 Mayfield Road  
Cleveland Heights, OH 44106-2543

Dear Doctor Amps:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Sharon W. Murphy, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on July 14, 2004, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

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 a Notice of Appeal with the State Medical Board of Ohio and 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

*Lance A. Talmage, M.D.*  
Lance A. Talmage, M.D.  
Secretary

LAT:jam  
Enclosures

CERTIFIED MAIL NO. 7000 0600 0024 5150 2648  
RETURN RECEIPT REQUESTED

Cc: John R. Irwin, M.D., Esq.  
CERTIFIED MAIL NO. 7000 0600 0024 5150 2624  
RETURN RECEIPT REQUESTED

*Mailed 8-9-04*

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on July 14, 2004, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and correct copy of the same 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.*  
Lance A. Talmage, M.D.  
Secretary

(SEAL)

July 14, 2004 \_\_\_\_\_

Date

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

IN THE MATTER OF

\*

\*

JEREMY AMPS, M.D.

\*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on July 14, 2004.

Upon the Report and Recommendation of Sharon W. Murphy, 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 modification, 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:

- A. **SUSPENSION OF CERTIFICATE; STAYED:** The training certificate of Jeremy Amps, M.D., to practice medicine and surgery in the State of Ohio shall be **SUSPENDED** for an indefinite period of time, but not less than thirty days. Such suspension shall be **STAYED**.
- B. **PROBATION:** Upon reinstatement or restoration, Dr. Amps' training certificate shall be subject to the following **PROBATIONARY** terms, conditions, and limitations for a period of at least one year:
  - 1. **Obey the Law:** Dr. Amps shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.
  - 2. **Controlled Substances Prescribing Course:** Dr. Amps shall provide acceptable documentation of successful completion of a course dealing with the prescribing of controlled substances. Submission of a certificate of completion of the Intensive Course in Controlled Substance Management offered by Case Western Reserve University School of Medicine shall satisfy

this term. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

3. **Declarations of Compliance:** Dr. Amps shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
  4. **Personal Appearances:** Dr. Amps shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
  5. **Tolling of Probationary Period While Out of State:** Dr. Amps shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed.
  6. **Noncompliance Will Not Reduce Probationary Period:** In the event Dr. Amps is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.
- C. **DURATION/MODIFICATION OF TERMS:** All subsequent training certificates or other certificates that may be granted by the Board to Dr. Amps shall be subject to the same terms, conditions and limitations, unless otherwise determined by the Board, until Dr. Amps has completed at least a three-year probationary period with the Board. Moreover, the term of probation shall be tolled during any period in which Dr. Amps' training certificate has lapsed and no other certificate has been issued by the Board.
- D. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS:** Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Amps shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training;

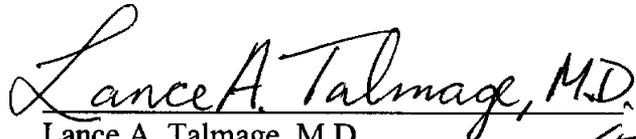
and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Amps shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.

**E. REQUIRED REPORTING TO OTHER STATE LICENSING**

**AUTHORITIES:** Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Amps shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Amps shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration or restoration of any professional license. Further, Dr. Amps shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt, unless otherwise determined by the Board.

This Order shall become effective thirty days after the mailing of notification of approval by the Board.

(SEAL)

  
Lance A. Talmage, M.D.  
Secretary

July 14, 2004  
Date

**REPORT AND RECOMMENDATION  
IN THE MATTER OF JEREMY AMPS, M.D.**

The Matter of Jeremy Amps, M.D., was heard by Sharon W. Murphy, Esq., Hearing Examiner for the State Medical Board of Ohio, on April 28, 2004.

**INTRODUCTION**

I. Basis for Hearing

- A. By letter dated February 11, 2004, the State Medical Board of Ohio [Board] notified Jeremy Amps, M.D., that it had proposed to take disciplinary action against his training certificate to practice medicine and surgery in Ohio. The Board based its proposed action on an allegation that, on or about May 1, 2003, in the Cuyahoga County, Ohio, Court of Common Pleas, Dr. Amps had pleaded guilty to, and was adjudicated guilty of, two felony counts of Theft of Services, in violation of Section 2913.02, Ohio Revised Code. The Board alleged that the guilty plea and the adjudication of guilt 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 R.C. 4731.22(B)(9).”

Accordingly, the Board advised Dr. Amps of his right to request a hearing in this matter. (State’s Exhibit 1A).

- B. On February 23, 2004, John R. Irwin, M.D., Esq., submitted a written hearing request on behalf of Dr. Amps. (State’s Exhibit 1B).

II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Kyle C. Wilcox, Assistant Attorney General.
- B. On behalf of the Respondent: John R. Irwin, M.D., Esq.

**EVIDENCE EXAMINED**

I. Testimony Heard

Jeremy Amps, M.D.

## II. Exhibits Examined

### A. Presented by the State

1. State's Exhibits 1A through 1J: Procedural exhibits. [Note: The Respondent's List of Witnesses and Exhibits was marked Respondent's Exhibit 1J and added to the Procedural Exhibits post-hearing.]
2. State's Exhibit 2: Certified copy of the May 1, 2003, Journal Entry filed in the Court of Common Pleas of Cuyahoga County, Ohio, in *State of Ohio v. Jeremy Amps*, Criminal Case No. 436128 [*State v. Amps*].
3. State's Exhibit 3: Certified copy of the April 14, 2003, Information filed in *State v. Amps*.
4. State's Exhibit 4: Certified transcript of the June 11, 2003, sentencing hearing in *State v. Amps*.
5. State's Exhibit 5: Transcript of the April 29, 2003, plea hearing in *State v. Amps*.
6. State's Exhibit 6: Copy of a May 1, 2000, "Resident/Fellowship Contract" between Jeremy Amps, M.D., and University Hospitals of Cleveland.
7. State's Exhibit 7: Certified copies of records maintained by the Board concerning Dr. Amps.
8. State's Exhibit 8: Copies of documents maintained by the Board concerning Dr. Amps' application for a training certificate.

### B. Presented by the Respondent

1. Respondent's Exhibit A: Curriculum vitae of Dr. Amps.
2. Respondent's Exhibit B: Copy of the docket sheet maintained by the Court of Common Pleas of Cuyahoga County, Ohio, for *State v. Amps*.
3. Respondent's Exhibit C: July 1, 2003, receipt for Dr. Amps' payment of his \$60.00 community service fee.
4. Respondent's Exhibit D: August 7, 2003, receipt for Dr. Amps' payment of \$100.00 to Cuyahoga County Adult Probation Department.

5. Respondent's Exhibit E: Copy of receipt for Dr. Amps' payment of his fine and court costs.
6. Respondent's Exhibit F: April 22, 2004, letter from Douglas E. Buford, Supervisor, Cuyahoga County Court of Common Pleas Probation Department, concerning Dr. Amps.
7. Respondent's Exhibit G1: October 21, 2002, letter of support for Dr. Amps from Robert A. Ratcheson, M.D., Harvey Huntington Brown, Jr., Professor and Chairman, Neurological Surgery, University Hospitals of Cleveland [University Hospitals].
8. Respondent's Exhibit G2: March 16, 2004, letter of support for Dr. Amps from Dr. Ratcheson.
9. Respondent's Exhibit H: November 19, 2002, letter of support for Dr. Amps from Warren R. Selman, M.D., Professor and Vice Chairman, Department of Neurological Surgery, University Hospitals.
10. Respondent's Exhibit I: April 2, 2004, letter of support for Dr. Amps from Alan R. Cohen, M.D., FACS, FAAP, Rainbow Professor of Neurological Surgery and Pediatrics, Chief of Pediatric Neurological Surgery, Surgeon-in-Chief, Rainbow Babies and Children's Hospital.
11. Respondent's Exhibit J: November 20, 2002, letter of support for Dr. Amps from Robert J. Maciunas, M.D., FACS, Professor of Neurological Surgery and Radiation Oncology, Director, Gamma Knife Surgery Center, Director, Center for Image-Guided Neurosurgery, University Hospitals.
12. Respondent's Exhibit K1: Copy of a November 19, 2002, letter of support for Dr. Amps from Russell W. Hardy, Jr., M.D., Professor, Department of Neurological Surgery, University Hospitals.
13. Respondent's Exhibit K2: April 1, 2004, letter of support for Dr. Amps from Dr. Hardy.
14. Respondent's Exhibit L1: October 21, 2002, letter of support for Dr. Amps from Benedict J. Colombi, M.D., Associate Clinical Professor, Department of Neurological Surgery, University Hospitals.
15. Respondent's Exhibit L2: March 26, 2004, letter of support for Dr. Amps from Dr. Colombi.

16. Respondent's Exhibit M1: November 13, 2002, letter of support for Dr. Amps from Shenandoah Robinson, M.D., Pediatric Neurological Surgery, University Hospitals.
17. Respondent's Exhibit M2: April 1, 2004, letter of support for Dr. Amps from Dr. Robinson.
18. Respondent's Exhibit N: March 28, 2004, letter of support for Dr. Amps from William A. Yost, III, A.B., J.D. (retired).
19. Respondent's Exhibit O: March 31, 2004, letter of support for Dr. Amps from Dirna M. Calderon.
20. Respondent's Exhibit P: Copy of *Healing Body and Soul*, an article by Chris Turner that appeared in the January 1999, Texas Edition of The Commission.

#### SUMMARY OF THE EVIDENCE

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

1. Jeremy Amps, M.D., graduated in 1995 from the University of Texas with a Bachelor of Science Degree in molecular and cellular biology. He attained his medical degree from the University of Texas Medical Branch at Galveston in 1999. Dr. Amps then entered the Neurosurgery Training Program at University Hospitals of Cleveland [University Hospitals]. He testified that it is a seven-year program, and that he will have completed five years as of June 30, 2004. (Hearing Transcript [Tr.] at 12-14; Respondent's Exhibit [Resp. Ex.] A).

Dr. Amps has held a training certificate in Ohio since July 1, 1999. He testified that his current certificate expires on June 30, 2004. He stated that he does not hold a medical license or training certificate in any other state. (Tr. at 13-14; State's Exhibit [St. Ex.] 8).

2. On April 15, 2003, an Information was filed in the Court of Common Pleas of Cuyahoga County, Ohio, Criminal Case Number 436128, charging Dr. Amps with two counts of Theft, in violation of Section 2913.02, Ohio Revised Code. (St. Ex. 3).

On May 1, 2003, pursuant to a plea agreement, the court amended the charges against Dr. Amps to two counts of Theft of Services, a fourth-degree felony, in violation of Section 2913.02, Ohio Revised Code. Dr. Amps pleaded guilty to, and was found guilty of, the amended charges. On June 11, 2003, the court sentenced Dr. Amps to ninety days of

probation, and fined him \$2500.00. Dr. Amps was also ordered to complete ten hours of community service, which he completed by washing walls at the Cleveland Sight Center. (Tr. at 27; St. Exs. 2, 4, 5).

The facts underlying these convictions were that, on July 17 and September 20, 2002, Dr. Amps had written prescriptions for Percocet and OxyContin, Schedule II controlled substances, for Patient A, his fiancée. Patient A was not a patient at University Hospitals. Therefore, writing these prescriptions was outside the scope of Dr. Amps' training certificate.<sup>1</sup> (Tr. at 14-15, 17, 20, 22; St. Ex. 3).

3. Dr. Amps testified that he had met Patient A after moving to Cleveland and that they had become engaged on December 24, 2001. He explained that Patient A has a condition of "spondylolysis and spondylolisthesis" and a history of low back pain. He stated that he had examined Patient A before prescribing the medications and had viewed her X-rays and MRIs, but that he had not kept any records. (Tr. at 14, 53, 55). Dr. Amps testified:

I had not wanted to write a narcotic prescription for her. I didn't want to write any prescriptions for her. The situation that we got to was that she was unemployed and she had been seeing a doctor who actually I spoke to, uh, and she was not satisfied with him. She had undergone a course of physical therapy and she was not satisfied with it. She became unemployed, as her company went out of business, and was without any benefits.

Then she started up a new job for which she did not yet have health insurance. That job involved delivering of orthopedic implants to hospitals. I actually went with her one day on her job and it was a really enormous amount of lifting of heavy boxes and it was really after that is when the problem became completely intolerable. Her mood was very bad and it just seemed like a temporary thing that would just make things a little more bearable.

(Tr. at 54-55).

Dr. Amps admitted that he had prescribed narcotics to Patient A five times in 2002. The authorities were alerted to this in September 2002, when Dr. Amps and Patient A presented an OxyContin prescription to a Walgreens pharmacy. The prescription was refused, because Dr. Amps had written for a refill, which is not allowed in a prescription for a Schedule II drug. Dr. Amps was advised that the matter would be investigated. (Tr. at 15-17).

Dr. Amps testified that he had been "terrified." After returning home, he called Walgreens and asked that the prescription be torn up. A week or so later, a Cleveland

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<sup>1</sup> See Section 4731.291(C), Ohio Revised Code; Rule 4731-6-30(C), Ohio Administrative Code.

police detective and a State Pharmacy Board investigator visited Dr. Amps at home. Dr. Amps cooperated with the investigation. (Tr. at 17-20).

Dr. Amps further testified that he and Patient A no longer have a relationship. (Tr. at 33). He explained:

Well, after these matters came up, I told her that I had been called in to see the Chief of Staff of the hospital and that the case had been reported to the Board. Well, within a couple of days she was very upset and she was inconsolable and she moved out. I was completely unable to have a logical discussion with her. She just could not handle it.

(Tr. at 42).

4. Dr. Amps testified that he had not known that he was prohibited from prescribing medications outside the scope of his residency. He said that he had believed that he was allowed to prescribe appropriate medication for a patient, so long as the patient was not using it recreationally. He admitted that the prohibition against prescribing medications outside the residency program had been explained in his resident's manual, and that he had read the manual. He explained, however, that the resident's manual was about eighty pages long, and that he did not remember reading about this particular restriction. (Tr. at 29-31, 51).

Dr. Amps further testified that he had previously not been aware of the extent to which OxyContin and other prescription drugs are abused. However, after the criminal charges were filed against him, his residency program required him to take a one-week course on narcotic medication prescription at Case Western Reserve University. (Tr. at 31-33, 58). Dr. Amps testified about the course:

I learned an enormous amount about—First, it was an excellent review on narcotic medications. I also learned a lot of the legal aspects of prescribing medications. You know, they instructed people as to the fact that you can't—you should not give these narcotics to people who are your friends or associates or family members even if you are trying to help them.

\* \* \*

They said it is a conflict of interest; that you might—the other person might be able to get you to write for more than they really would actually require or for things that they don't actually need, uh, and you don't quite have the objectivity that you would have with a patient because of the emotional aspect of the relationship.

Then it was also, you know, a very good time to learn what types of medications to give certain people and which types of patients did not need narcotics. It was very good. \* \* \* I also learned that the prevalence of people trying to acquire narcotics, unnecessary narcotics, is much higher than I realized.

(Tr. at 32-33).

Dr. Amps testified that he has never abused drugs himself. Several of the letters of support confirm that Dr. Amps has never exhibited any suspicious behavior indicating a drug problem. (Tr. at 43; Resp. Exs. G1, J, K1, K2, L1).

5. Dr. Amps testified that he had been placed on administrative leave from his residency for two weeks after the criminal investigation commenced. He was then accepted back into the program with conditions. Since then, he has been required to submit to weekly random urine screening for drugs. He stated that he has never had a positive urine screen. He added that he had also been prohibited from writing prescriptions for narcotics for six months, but that the six months has passed. He testified that he has complied with all of the conditions, and that he is currently in good standing with his residency program. (Tr. at 27-29, 34, 43).

Dr. Amps has also completed his criminal probation and paid all of his fines and court costs. (Tr. at 27, 46-48; Resp. Exs. C, D, E, F).

6. Dr. Amps hopes to complete his neurosurgery training and to practice medicine. He has previously participated in international medical volunteer efforts, and he would like to continue to do that in the future. (Tr. at 34-35, 44-45; Resp. Ex. P).

Dr. Amps submitted several letters of support, all but two of which are from physicians who have worked with him during his residency. He is described as “hardworking,” “honest,” “serious,” and “careful.” Both his work and his character are highly praised. His supporters believe that his crimes were isolated incidents of poor judgment. A few of the letters also stress that the loss of a neurosurgery resident would be significant, because of the substantial financial investment and because of the limited number of board-certified neurosurgeons. (Resp. Exs. G1 – O).

### **FINDINGS OF FACT**

On May 1, 2003, in the Court of Common Pleas of Cuyahoga County, Ohio, Criminal Case Number 436128, Jeremy Amps, M.D., pleaded guilty to, and was adjudicated guilty of, two felony counts of Theft of Services, in violation of Section 2913.02, Ohio Revised Code.

The facts underlying the convictions involved Dr. Amps' issuance of purported prescriptions for Percocet and OxyContin, Schedule II controlled narcotics, for his fiancée. At the time he issued these purported prescriptions, he held a training certificate in conjunction with his residency program at University Hospitals of Cleveland, but he was not otherwise licensed to practice medicine and surgery in Ohio. His fiancée was not a patient of University Hospitals of Cleveland, and he did not write the prescriptions as part of or incidental to his duties as a resident physician.

### CONCLUSIONS OF LAW

The plea of guilty and the judicial finding of guilt of Jeremy Amps, M.D., as set forth in the Findings of Fact, 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.

\* \* \* \* \*

Dr. Amps appears to be an honest and serious individual. His criminal actions evidently resulted from ignorance about his restrictions, coupled with emotional pressure from his fiancée, rather than from a deliberate disregard of the law and the conditions of his training certificate. This unfortunate incident has taught Dr. Amps a great deal about drug abuse and prescribing problems, and he is extremely unlikely to engage in any similar misconduct in the future.

### PROPOSED ORDER

It is hereby ORDERED that:

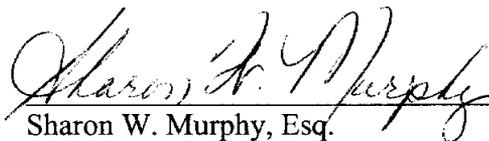
- A. **SUSPENSION OF CERTIFICATE:** The training certificate of Jeremy Amps, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than thirty days.
- B. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Amps' training certificate to practice medicine and surgery until all of the following conditions have been met:
  1. **Application for Reinstatement or Restoration:** Dr. Amps shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
  2. **Controlled Substances Prescribing Course:** At the time he submits his application for reinstatement or restoration, Dr. Amps shall provide acceptable documentation of successful completion of a course dealing with the prescribing of controlled substances. The exact number of hours and the specific content of the course or

courses shall be subject to the approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education acquisition period(s) in which they are completed. Should Dr. Amps submit the appropriate documentation, the Board may consider the controlled substance prescribing course he took at Case Western Reserve University in fulfillment of this requirement.

- C. **PROBATION:** Upon reinstatement or restoration, Dr. Amps' training certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three years:
1. **Obey the Law:** Dr. Amps shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.
  2. **Declarations of Compliance:** Dr. Amps shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
  3. **Personal Appearances:** Dr. Amps shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
  4. **Tolling of Probationary Period While Out of State:** Dr. Amps shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed.
  5. **Noncompliance Will Not Reduce Probationary Period:** In the event Dr. Amps is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.

- D. **DURATION/MODIFICATION OF TERMS:** All subsequent training certificates or other certificates that may be granted by the Board to Dr. Amps shall be subject to the same terms, conditions and limitations, unless otherwise determined by the Board, until Dr. Amps has completed at least a three-year probationary period with the Board. Moreover, the term of probation shall be tolled during any period in which Dr. Amps' training certificate has lapsed and no other certificate has been issued by the Board.
- E. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS:** Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Amps shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Amps shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.
- F. **REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES:** Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Amps shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Amps shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration of any professional license. Further, Dr. Amps shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt, unless otherwise determined by the Board.

This Order shall become effective thirty days after the mailing of notification of approval by the Board.

  
Sharon W. Murphy, Esq.  
Hearing Examiner



# State Medical Board of Ohio

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

## EXCERPT FROM THE DRAFT MINUTES OF JULY 14, 2004

### REPORTS AND RECOMMENDATIONS

Ms. Sloan announced that the Board would now consider the findings and orders appearing on the Board's agenda. She asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Jeremy Amps, M.D.; Robert A. Berkman, M.D.; Jeremy John Burdge, M.D.; David A. Hoxie, M.D.; Jeffrey Thomas Jones, P.A.; Tom Reutti Starr, M.D.; and Karen Ann Vossler, M.T. A roll call was taken:

ROLL CALL:

Mr. Albert	- aye
Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Bhati	- aye
Dr. Buchan	- aye
Dr. Kumar	- aye
Mr. Browning	- aye
Dr. Davidson	- aye
Dr. Robbins	- aye
Dr. Garg	- aye
Dr. Steinbergh	- aye
Ms. Sloan	- aye

Ms. Sloan 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. Bhati	- aye
Dr. Buchan	- aye
Dr. Kumar	- aye
Mr. Browning	- aye
Dr. Davidson	- aye
Dr. Robbins	- aye
Dr. Garg	- aye

Dr. Steinbergh     - aye  
Ms. Sloan           - aye

Ms. Sloan noted that, in accordance with the provision in Section 4731.22(F)(2), Ohio 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.

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

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

JEREMY AMPS, M.D.

Ms. Sloan directed the Board's attention to the matter of Jeremy Amps, M.D. She advised that no objections were filed to Hearing Examiner Murphy's Report and Recommendation.

Ms. Sloan continued that a request to address the Board has been timely filed on behalf of Dr. Amps. Five minutes would be allowed for that address.

Dr. Amps was accompanied by his attorney, John R. Irwin.

Mr. Irwin thanked the Board for the opportunity to address it. He referred to the record, noting that Dr. Amps transgressed in the midst of his training program at University Hospitals of Cleveland by writing prescriptions. He stated that the record will also reflect that Dr. Amps has done exceedingly well in his training program since this transgression, and has received very strong support from his supervisors, and the department and program chairs.

Dr. Amps also thanked the Board for hearing him. He stated that he is extremely sorry for what happened. All he wanted to do was help his fiancée. He stated that he tried to do everything he could do to repay this debt to the Board, to his hospital, and to his department. He would like to continue to make up for the mistake he made, and he doesn't know any better way that he can do that than by doing what he has been taught to do, just be a good doctor.

Dr. Amps stated that he has learned from this experience. He has learned that he has to obey all of the rules, no matter what he thinks happens to seem right at the time. He has not broken any rules since this happened. He has read all the regulations of the Ohio State Medical Board, and he will continue to make sure that he understands and follows them. He's had the opportunity to observe other residents nearly make the same mistakes that he had made, and he has had the opportunity to prevent them from doing that.

Dr. Amps stated that he just wasn't thinking when he did what he did for his fiancée. He sincerely wishes that he could take it back. Dr. Amps again stated that he was very sorry, and he will do what he has to do.

Ms. Sloan asked whether the Assistant Attorney General wished to respond.

Mr. Wilcox stated that this was a very difficult case for him in terms of agreeing with the Report and Recommendation in this matter. On the one hand you have a physician who is responsible for knowing the law. He should have known that he was only allowed to prescribe to patients in his training program. Additionally, he should have known that he cannot prescribe to a family member like his fiancée. From all indications, and from what he observed at hearing, Dr. Amps was very forthcoming with the police investigators and at the hearing itself. He did not make excuses for his behavior, and he did not blame others for his actions.

Mr. Wilcox noted that Dr. Amps has been convicted of two felony offenses. The Report and Recommendation recommends that his training certificate be suspended for 30 days. To give a physician a 30-day suspension for two felony convictions is obviously a very light punishment; yet, as he looks at this case, he does believe that Dr. Amps has many mitigating factors in his favor. Everything in the record suggests that felonious behavior is not routine to his character. Mr. Wilcox stated that he believes that Dr. Amps has learned much from this experience. Since the Board looks at each case and all the mitigating and aggravating circumstances, he does not oppose the recommended sanction.

**DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF JEREMY AMPS, M.D. DR. BHATI SECONDED THE MOTION.**

Ms. Sloan stated that she would now entertain discussion in the above matter.

Dr. Steinbergh stated that Dr. Amps did make a huge mistake, and it's obviously very unfortunate that he did this so early on in his career as a resident. Dr. Amps has, nevertheless, had to plead guilty to this particular offense, which is a felony. Prescribing controlled substances in any state, and especially in the state of Ohio, is obviously a very significant violation. Dr. Steinbergh stated that she agrees with the Report and Recommendation, except for the suspension time, which she thinks is much too lenient for a felony conviction. She stated that she appreciates the mitigating circumstances and so forth, but 30 days to her doesn't send an appropriate message for the severity of the violation. Dr. Steinbergh recommended a 90-day suspension. Otherwise, she feels that the probationary conditions are appropriate. Dr. Amps will probably submit documentation of the course that he took prior to this meeting. She again stated that she disagreed with a 30-day suspension for a felony conviction.

Dr. Buchan spoke in favor of the Report and Recommendation, as written, or a lesser sanction. He stated that he read this case, and he has read many over the years, and he does understand the felony conviction. However, he believes that the mitigating factors just far outweigh what the guidelines suggest the Board do. This is Dr. Amps' first offense. It was a terrible act of poor judgment, but it was also out of character

for Dr. Amps. Dr. Buchan stated that, as he read this report and the hearing record, this is a one-time issue for this fellow. Dr. Buchan stated that there was no personal gain to Dr. Amps. Dr. Amps is a physician who was acting in a compassionate way toward someone about whom he obviously felt strongly. Dr. Buchan stated that he doesn't lessen what Dr. Amps did. He does think that the mitigating factors are significant. Dr. Amps complied with all the conditions set forth; he met his civil responsibilities. Are the people of this state better off having Dr. Amps sit out for any period of time? Dr. Buchan stated that that is a question he asks himself frequently. His answer to that question is, "no." Dr. Buchan stated that he doesn't think that the people of this state are well served by Dr. Amps not practicing. He's paid a tremendous price and has learned an extraordinary lesson. Dr. Buchan stated that he believes Dr. Amps sincerely when Dr. Amps says that he will help others to not travel down that road.

Dr. Buchan added that, that having been said, he does understand the leniency of this order, but he would suggest more lenience, to the extent that he would stay any suspension period. He would delete paragraph (B), the Conditions for Reinstatement, from the Proposed Order, and go right to the probationary terms.

Dr. Egner agreed with Dr. Buchan, stating that this is a very unusual case. In all of the prescribing cases the Board has had, especially with younger people, so many times the physician him or herself is caught up in an impairment issue. That is not the case with this physician. Dr. Amps is obviously extremely remorseful, and not just because he got caught. Dr. Egner stated that she thinks that Dr. Amps has learned more than that.

Dr. Egner added that Dr. Amps' youth was a factor. Although he should have known all of the rules of holding a training certificate, he didn't. It is also part of the responsibility of the institution, too, to impart some of this knowledge to their residents. Dr. Egner stated that other Board members know as well as she does that that is not done thoroughly or frequently enough. Dr. Egner stated that she definitely feels that the suspension should be stayed and she would agree to a lenient sanction for Dr. Amps.

Dr. Bhati stated that, from what the Board has seen so far of Dr. Amps, it is his opinion that Dr. Amps is extremely unlikely to engage in future problem activity. He stated that he's not trying to overlook the felony convictions, but he's trying to look into the future and question whether it is possible that Dr. Amps will fail again, and his answer to that is, "no." Dr. Bhati stated that he is more in favor of leniency in this case.

Dr. Kumar stated that he agrees with what has been said so far to the extent that he doesn't believe taking Dr. Amps out of practice will in any way effectively serve the citizens of Ohio. Dr. Kumar stated that he is troubled by one thing. Dr. Amps prescribed medication without doing a prudent examination or having documentation of that. Dr. Kumar noted that Dr. Amps has taken a course for prescribing medications as required by the Court. Dr. Kumar stated that he would be in support of staying the suspension and eliminating paragraph (B).

**DR. BUCHAN MOVED TO AMEND THE PROPOSED ORDER BY STAYING THE 30-DAY  
SUSPENSION IN PARAGRAPH (A), DELETING PARAGRAPH (B) AND ITS**

**SUBPARAGRAPHS, SUBJECT TO DR. AMPS PROVIDING DOCUMENTATION OF HAVING COMPLETED A "CONTROLLED SUBSTANCES PRESCRIBING COURSE" AT CASE WESTERN RESERVE UNIVERSITY, AND RENUMBERING THE SUBSEQUENT PARAGRAPHS. DR. BUCHAN FURTHER MOVED TO CHANGE THE NEW PARAGRAPH (B) TO READ AS FOLLOWS:**

**PROBATION:** Upon reinstatement or restoration and/or subsequent licensure, Dr. Amps' training certificate and/or subsequent license shall be subject to the following probationary terms, conditions and limitations for a period of at least three years:

**DR. KUMAR SECONDED THE MOTION.**

Mr. Browning questioned the three-year probation. If the decision is to go to zero suspension from 30 days, what is the Board doing spending three years with this physician? Mr. Browning stated that, even though he agrees with what has been said, he would be comfortable with the proposed 30-day suspension, he believes that is more consistent with the Board's policies. This was a violation. The Board understands the mitigating circumstances, but it is what it is. A 30-day suspension is lenient, relative to the Board's pattern in these matters. He would favor a shorter probation and the 30-day suspension. He would favor a one-year probationary period, no matter what the Board does.

**DR. BUCHAN AGREED TO ADD A MOTION TO AMEND THE PROBATIONARY PERIOD TO ONE YEAR TO HIS MOTION TO AMEND. DR. KUMAR, AS SECOND, AGREED.**

Dr. Robbins stated that he agrees with almost everything that has been said, and added that he was even considering a reprimand versus any suspension; however, he feels that the suspension says what the Board needs to say due to the seriousness of what Dr. Amps did. Dr. Robbins stated that he would lean more toward a 30-day suspension, based on Mr. Browning's statements. He added that there is no question that this case deserves leniency. He stated that he thinks that Dr. Amps has learned a great deal. Dr. Robbins stated that he would favor a one-year probation, and a 30-day suspension in this case, to be more consistent with past Board actions.

Dr. Davidson stated that she has argued with herself over the same issues. She likes to see the Board respect its Disciplinary Guidelines. She stated that the Board's going outside the Disciplinary Guidelines weighs heavily in her thoughts. She noted that both the minimum and maximum penalties for felonies in the course of practice are permanent revocation. Dr. Davidson added that there are enough mitigating circumstances in this case to make it clear that this is a different case from most felony convictions.

Dr. Buchan noted that Dr. Amps did have time out of practice during the criminal investigation. Dr. Buchan stated that the fundamental question is: Are the citizens of this state served any better by this man at this point in his life sitting out? Dr. Buchan stated that his answer to that question is, "no."

Mr. Browning commented that one could agree with the answer to Dr. Buchan's question, and still be in

favor of a 30-day suspension, because there are other reasons, other questions that are at play here.

A vote was taken on Dr. Buchan's motion to amend:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- nay
	Dr. Davidson	- aye
	Dr. Robbins	- nay
	Dr. Garg	- abstain
	Dr. Steinbergh	- nay

The motion carried.

**DR. BUCHAN MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF JEREMY AMPS, M.D. DR. BHATI SECONDED THE MOTION. A vote was taken:**

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- nay

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](http://www.med.ohio.gov)

February 11, 2004

Jeremy Amps, M.D.  
University Hospitals of Cleveland  
Department of Neurosurgery  
11100 Euclid Avenue  
Cleveland, OH 44106

Dear Doctor Amps:

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

- (1) On or about May 1, 2003, in the Cuyahoga County, Ohio, Court of Common Pleas, Case Number 436128, you pled guilty to, and were adjudicated guilty of, two (2) felony counts of theft of services, in violation of R.C. 2913.02.

The facts underlying the conviction involved your issuance of purported prescriptions for the Schedule 2 Controlled Substances Percocet and Oxycontin for an individual who was your fiancé. At the time you issued those purported prescriptions, you held a training certificate in conjunction with your residency program at University Hospitals of Cleveland, but you were not otherwise licensed to practice medicine and surgery in Ohio. The person for whom you wrote the purported prescriptions was not at the time a patient of University Hospitals of Cleveland, and you did not write them as part of or incidental to your duties as a resident physician.

Copies of the Indictment and Judgment Entry are attached hereto and incorporated herein.

Your plea of guilty and/or the judicial finding of guilt as alleged in paragraph one (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 felony," as that clause is used in R.C. 4731.22(B)(9).

Pursuant to R.C. Chapter 119., 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.

*Mailed 2-12-04*

Jeremy Amps, M.D.

Page 2

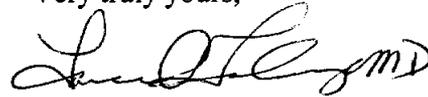
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at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

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

Please note that, whether or not you request a hearing, R.C. 4731.22(L), 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/cad  
Enclosures

CERTIFIED MAIL #7000 0600 0024 5149 4134  
RETURN RECEIPT REQUESTED

John W. Irwin, M.D.  
John W. Irwin, M.D. Co., L.P.A.  
Attorney-At-Law  
8401 Chagrin Road, Suite 19  
Chagrin Falls, Ohio 44023

CERTIFIED MAIL #7000 0600 0024 5149 4127  
RETURN RECEIPT REQUESTED

THE STATE OF OHIO  
 VS.  
 JEREMY AMPS

INFORMATION  
 THEFT  
 R.C. 2913.02

DATE OF OFFENSE	THE TERM OF	CASE NO.	COUNT
SEPTEMBER 20, 2002	JANUARY OF 2003	436128	1

CUYAHOGA COUNTY )  
 ) SS.

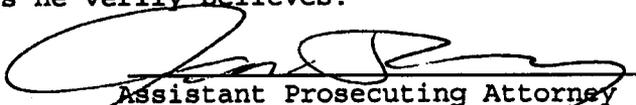
The affiant, William D. Mason, Prosecuting Attorney of Cuyahoga County, State of Ohio, or his designee, being properly sworn, deposes, says and presents information that the above named Defendant, on or about the date of the offense set forth above, in the County of Cuyahoga, unlawfully, did knowingly and by deception obtained or exerted control over Dangerous Drug, with the purpose to deprive the owner, Walgreens, of said property or services.

The value of said property or services being greater than \$5,000.00 but less than \$100,000.00, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

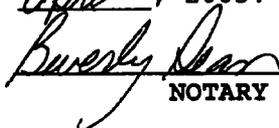
  
 Assistant Prosecuting Attorney

STATE OF OHIO )  
 ) SS.  
 CUYAHOGA COUNTY )

William D. Mason, being duly sworn, says that he is the duly appointed Prosecutor for Cuyahoga County, State of Ohio, William D. Mason or his designee Jerome Dowling, says that he makes this affidavit on behalf of the State of Ohio as such Prosecuting Attorney, and that the facts set forth in support of the foregoing information are true as he verily believes.

  
 Assistant Prosecuting Attorney

SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public and in my presence, the said Jerome Dowling this 14, day of April, 2003.

  
 BEVERLY DEAN  
 Notary Public, State of Ohio, Cuy. Cty.  
 My commission expires Nov. 13, 2005  
 NOTARY PUBLIC

RECEIVED FOR FILING

APR 15 2003

GERALD E. FUERST  
 BY \_\_\_\_\_ DEP.

THE STATE OF OHIO  
VS.  
JEREMY AMPS

INFORMATION  
THEFT  
R.C. 2913.02

DATE OF OFFENSE	THE TERM OF	CASE NO.	COUNT
JULY 17, 2002	JANUARY OF 2003	436128	2

CUYAHOGA COUNTY ) SS.  
)

The affiant, William D. Mason, Prosecuting Attorney of Cuyahoga County, State of Ohio, or his designee, being properly sworn, deposes, says and presents information that the above named Defendant, on or about the date of the offense set forth above, in the County of Cuyahoga, unlawfully, did knowingly and by deception obtained or exerted control over Dangerous Drug, with the purpose to deprive the owner, Walgreens, of said property or services.

The value of said property or services being greater than \$5,000.00 but less than \$100,000.00, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

*[Signature]*  
Assistant Prosecuting Attorney

STATE OF OHIO )  
) SS.  
CUYAHOGA COUNTY )

William D. Mason, being duly sworn, says that he is the duly appointed Prosecutor for Cuyahoga County, State of Ohio, William D. Mason or his designee Jerome Dowling, says that he makes this affidavit on behalf of the State of Ohio as such Prosecuting Attorney, and that the facts set forth in support of the foregoing information are true as he verily believes.

*[Signature]*  
Assistant Prosecuting Attorney

SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public and in my presence, the said Jerome Dowling this 14, day of April, 2003.

*[Signature]*  
BEVERLY DEAN  
Notary Public, State of Ohio, Cuy. Cty.  
My commission expires Nov. 13, 2005  
NOTARY PUBLIC

THE STATE OF OHIO }  
Cuyahoga County } SS. I. GERALD E. FUERST, CLERK OF  
THE COURT OF COMMON PLEAS  
WITHIN AND FOR SAID COUNTY.

HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY  
TAKEN AND COPIED FROM THE ORIGINAL CRIMINAL  
Information CR-436128

NOW ON FILE IN MY OFFICE.

WITNESS MY HAND AND SEAL OF SAID COURT THIS 5<sup>th</sup>  
DAY OF May A.D. 20 03

GERALD E. FUERST, Clerk

By *[Signature]* Deputy

436128020568720030429091533046PLEA



STATE OF OHIO,  
CUYAHOGA COUNTY

SS.

IN THE COURT OF COMMON PLEAS

JANUARY TERM, 2003  
29 2003

STATE OF OHIO  
VS.

PLAINTIFF

TO-WIT: APRIL  
NO. CR 436128

DEFENDANT

INDICTMENT THEFT

JEREMY AMPS

JOURNAL ENTRY

DEFENDANT IN COURT WITH COUNSEL JOHN IRWIN. PROSECUTING ATTORNEY DAN KASARIS PRESENT. DEFENDANT WAS ADVISED OF ALL CONSTITUTIONAL RIGHTS AND PENALTIES. ON RECOMMENDATION OF THE PROSECUTOR COUNTS ONE AND TWO AMENDED TO READ THEFT OF SERVICES R. C. 2913.02 F-4.

DEFENDANT RETRACTS FORMER PLEA OF NOT GUILTY AND ENTERS A PLEA OF GUILTY TO THEFT OF SERVICES R. C. 2913.02 F-4 SENATE BILL TWO, AS AMENDED IN COUNTS ONE AND TWO.

COURT FINDS THE DEFENDANT GUILTY.

THE DEFENDANT IS REFERRED TO THE COUNTY PROBATION DEPARTMENT FOR A PRE-SENTENCE INVESTIGATION AND REPORT.

ORIGINAL BOND CONTINUED.

SENTENCING SET FOR JUNE 3, 2003 AT 9:00 A. M.

THE STATE OF OHIO } I. GERALD E. FUERST, CLERK OF  
Cuyahoga County } SS. THE COURT OF COMMON PLEAS  
WITHIN AND FOR SAID COUNTY.

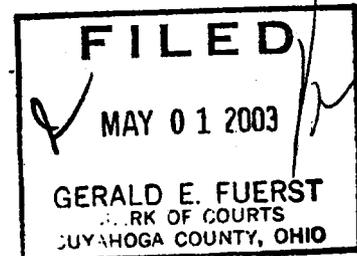
HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY  
TAKEN AND COPIED FROM THE ORIGINAL CRIMINAL  
JOURNAL ENTRY CR-436128

NOW ON FILE IN MY OFFICE.

WITNESS MY HAND AND SEAL OF SAID COURT THIS 5th  
DAY OF May A.D. 2003

GERALD E. FUERST, Clerk

By Dina Agones Deputy



04-29-2003  
PLEA BXM 04/30/03 09:15

JUDGE

RICHARD J MCMONAGLE

COPIES SENT TO:

Sheriff \_\_\_\_\_

Other \_\_\_\_\_

Defendant \_\_\_\_\_