



# State Medical Board of Ohio

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April 14, 2004

Lynn Ye Miller, M.D.  
540 Boardman-Canfield Road, Apt. 61  
Boardman, OH 44512

Dear Doctor Miller:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on April 14, 2004.

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 of the Ohio Revised Code.

Very truly yours,

Lance A. Talmage, M.D.  
Secretary

LAT:jam  
Enclosures

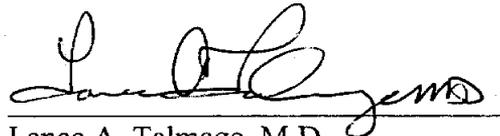
CERTIFIED MAIL RECEIPT NO. 7000 0600 0024 5150 1719  
RETURN RECEIPT REQUESTED

*Mailed 4-15-04*

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry approved by the State Medical Board, meeting in regular session on April 14, 2004, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Lynn Ye Miller, M.D., as it appears in the Journal of the State Medical Board of Ohio.

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



Lance A. Talmage, M.D.  
Secretary

(SEAL)

April 14, 2004

Date

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

IN THE MATTER OF :  
:  
LYNN YE MILLER, M.D. :

**FINDINGS, ORDER AND JOURNAL ENTRY**

This matter came on for consideration before the State Medical Board of Ohio on April 14, 2004, pursuant to a Notice of Opportunity for Hearing issued to Lynn Ye Miller, M.D., on October 8, 2003. No request for hearing having been received within the statutorily mandated time period, Hearing Examiner Sharon W. Murphy, Esq., on behalf of the Board, reviewed and summarized evidence supporting the Notice, and prepared Proposed Findings and a Proposed Order.

WHEREFORE, having reviewed Ms. Murphy's Proposed Findings and Proposed Order, which is attached hereto and incorporated herein, the Board hereby finds that there is reliable, probative and substantial evidence to support the allegations as set forth in the May 14, 2003, Notice of Opportunity for Hearing.

Accordingly, it is hereby ORDERED that:

The training certificate of Lynn Ye Miller, M.D., to practice medicine and surgery in the State of Ohio is PERMANENTLY REVOKED.

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



Lance A. Talmage, M.D.  
Secretary

(SEAL)

April 14, 2004  
Date

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

**ERRATA SHEET**

**FOR THE PROPOSED FINDINGS AND PROPOSED ORDER**

**IN THE MATTER OF LYNN YE MILLER, M.D.**

The Proposed Findings and Proposed Order in the Matter of Lynn Ye Miller, M.D., was filed on March 18, 2004. In the Proposed Findings and Proposed Order, the Proposed Order stated as follows:

It is hereby ORDERED that:

The application of Lynn Ye Miller, M.D., for a training certificate to practice medicine and surgery in the State of Ohio is PERMANENTLY DENIED. Further, Dr. Miller is advised that application for any other certificate is not encouraged, as the grounds for permanent denial found herein will be considered as grounds for permanent denial of any future applications she may submit.

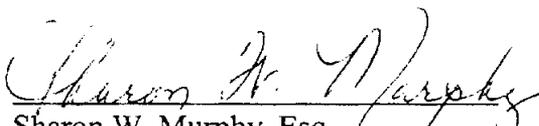
This Order shall become effective immediately upon the mailing of notification of approval by the Board.

This Proposed Order is inappropriate because Dr. Miller does not have a pending application for a training certificate; on July 17, 2002, the Board issued to Dr. Miller a training certificate in response to her most recent application for a training certificate. Therefore, the Proposed Order is hereby amended to state as follows:

It is hereby ORDERED that:

The training certificate of Lynn Ye Miller, M.D., to practice medicine and surgery in the State of Ohio is PERMANENTLY REVOKED.

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

  
Sharon W. Murphy, Esq.  
Hearing Examiner

2004 MAR 18 P 12: 43

**PROPOSED FINDINGS AND PROPOSED ORDER  
IN THE MATTER OF LYNN YE MILLER, M.D.**

The Matter of Lynn Ye Miller, M.D., was reviewed by Sharon W. Murphy, Esq., Hearing Examiner for the State Medical Board of Ohio.

**INTRODUCTION**

Basis for the Review

1. By letter dated May 14, 2003, the State Medical Board of Ohio [Board] notified Lynn Ye Miller, M.D., that it had proposed to take disciplinary action against or to refuse to register her training certificate to practice medicine and surgery in Ohio. The Board's action was based on allegations that Dr. Miller had made false statements to the Board and to her residency program—including the submission of two altered letters of recommendation.

The Board alleged that Dr. Miller's conduct constitutes "'fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board,' as that clause is used in Section 4731.22(A), Ohio Revised Code[; and/or] '[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." The Board further alleged that Dr. Miller's alteration of letters of recommendation constitutes "'[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed,' as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Section 2913.31, Ohio Revised Code, Forgery."

In addition, the Board advised Dr. Miller that she was entitled to a hearing if such hearing was requested within thirty days of the mailing of the notice of opportunity for hearing. (Exhibit 2)

2. In accordance with Section 119.07, Ohio Revised Code, the notice of opportunity for hearing was sent via certified mail on May 15, 2003, to the address of record for Dr. Miller: c/o St. Elizabeth Health Center, Medical Education Department, 1044 Belmont Avenue, Youngstown, Ohio, 44501. Proper service of the notice was documented. (Exhibits 1, 2)

3. As of October 2, 2003, more than thirty days after mailing of the notice of opportunity for hearing, the Board had not received a request for hearing from Dr. Miller. (Exhibit 1)

#### **EVIDENCE EXAMINED**

1. Exhibit 1: An October 2, 2003, Memorandum from Barbara A. Jacobs, Public Services Administrator, to Gregory Porter, Chief Hearing Officer.
2. Exhibit 2: A copy of the May 14, 2003, notice of opportunity for hearing in the Matter of Lynn Ye Miller, M.D., mailed to Dr. Miller on May 15, 2003; with copies of certified mail receipts.
3. Exhibit 3: A September 15, 2003, Affidavit of Kay L. Rieve, Administrative Officer for the Board.
4. Exhibit 4: A September 15, 2003, Affidavit of David P. Katko, Enforcement Attorney for the Board, with the following exhibits attached:
  - a. Exhibit 4A: Copy of an application for a training certificate submitted to the Board by Dr. Miller in April 2002.
  - b. Exhibit 4B-1 and 4B-2: Documents pertaining to Dr. Miller maintained by Wright State University School of Medicine, Dayton, Ohio. (Note: a Social Security number was redacted by the Hearing Examiner)
  - c. Exhibit 4C: Documents pertaining to Dr. Miller maintained by St. Elizabeth Health Center in Youngstown, Ohio.
  - d. Exhibit 4D: Affidavit of Nadine Bruce, M.D., Program Director of the Internal Medicine Residency Program at St. Elizabeth Health Center.

(Note: the pages of some exhibits were numbered by the Hearing Examiner.)

#### **SUMMARY OF THE EVIDENCE**

All exhibits, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Proposed Findings and Proposed Order.

1. On January 31, 2000, the Board issued to Lynn Ye Miller, M.D., a training certificate to practice medicine and surgery in Ohio. That training certificate remained valid until June 30, 2000. (Exhibit 3)

2. By letter dated May 30, 2000, Karen Kirkham, M.D., Chair of the Evaluation and Promotions Committee of the Department of Internal Medicine at Wright State University School of Medicine in Dayton, Ohio, advised Dr. Miller that she had been placed on academic probation, effective May 23, 2000. In the letter, Dr. Kirkland noted that,

Broad areas of concern identified include: poor knowledge base, lack of ability to consistently formulate a thorough assessment and plan, concerns by supervisors regarding lack of willingness to do patient work-ups when asked, lack of progress in current roles as an intern (let alone progress in the role of managing resident), and concerns about [Dr. Miller's] level of fatigue and any potential health issues.

(Exhibit 4B-1 at 6) Dr. Miller signed Dr. Kirkham's letter on June 1, 2000, to acknowledge her receipt of the letter. (Exhibit 4B-1 at 6)

3. Virginia C. Wood, M.D., Program Director of the Internal Medicine Program at Wright State University, had numerous discussions with Dr. Miller. In memoranda to Dr. Miller's file, Dr. Wood noted the following:
  - a. Dr. Wood met with Dr. Miller on May 31, 2000. At that time, Dr. Wood advised Dr. Miller that she had not met the requirements for promotion to the PGY-2 year. Dr. Wood offered Dr. Miller an extension of her PGY-1 year in order to correct the deficiencies. (Exhibit 4B-1 at 7)
  - b. Dr. Wood met with Dr. Miller on June 6, 2000. At that time, Dr. Miller stated that she was considering residency programs other than the Wright State University program for PGY-2, in part, because she felt that she had been treated unfairly. Dr. Wood responded that Dr. Miller had been treated no differently than any other resident in the program. Furthermore, Dr. Wood reminded Dr. Miller that, unless she accepted the school's offer to complete an additional three months in PGY-1, Dr. Miller would receive an unsatisfactory rating on her PGY-1. (Exhibit 4B-1 at 9)
  - c. Dr. Wood met with Dr. Miller on June 28, 2000. At that time, Dr. Miller asked for a letter stating that she had satisfactorily completed PGY-1. Dr. Wood responded that she could not do so, because, unless Dr. Miller completed an additional three months in PGY-1, Dr. Miller would receive an unsatisfactory rating on her PGY-1. (Exhibit 4B-1 at 10)
  - d. On June 30, 2000, Dr. Wood noted that Dr. Miller had not submitted a timely acceptance of the offer to extend Dr. Miller's PGY-1 year. (Exhibit 4B-1 at 11)

4. By letter dated July 31, 2000, Dr. Wood wrote a letter regarding Dr. Miller to the Associate Director of Registration at the American Board of Internal Medicine. In the letter, Dr. Wood advised, in part, as follows:

In response to your letter of 7/21/00, the following is a summary of the reasons for an unsatisfactory rating for Dr. Miller's PGY-1 year. Dr. Miller completed eleven months of rotations between July 1, 1999, and June 30, 2000, taking the month of December off for maternity leave. She received unsatisfactory ratings for clinical skills and/or medical knowledge on written evaluations for five of her eleven months of rotations as well as from her continuity clinic site. She demonstrated a lack of insight concerning her areas of weakness and she was considered unable to work independently by her resident and faculty supervisors as recently as May 2000. \* \* \* Dr. Miller declined [an] offer of an extended PGY-1 year and chose to leave the program on June 30, 2000.

(Exhibit 4B-1 at 5)

5. Additional memoranda to Dr. Miller's file included the following:
  - a. On January 25, 2001, Dr. Wood noted that she had been contacted by another physician regarding Dr. Miller. The other physician had sent Dr. Wood a copy of a letter ostensibly from Dr. Wood addressed "To whom it may concern." The letter stated that Dr. Miller had successfully completed nine months of her PGY-1 program, that she had taken maternity leave for three months, and that Dr. Wood recommended Dr. Miller for a new residency program. The letter was signed in the name of Dr. Wood. (Exhibit 4B-1 at 12-14)
  - b. Dr. Wood stated that she had not composed or signed the letter. (Exhibit 4B-1 at 12)
  - c. On May 22, 2001, Dr. Wood noted that Dr. Miller had submitted the fraudulent letter to a second residency program. (Exhibit 4B-2 at 4)
6. On August 24, 2001, Dr. Miller signed an application that she later submitted to the internal medicine residency program at St. Elizabeth Health Center [St. Elizabeth residency] in Youngstown, Ohio. (Exhibit 4C at 12-15) In the application,
  - a. Dr. Miller stated that she had had no prior residency experience. In fact, she stated that, between September 1998 and June 1999, she had participated in nine months of rotations at Wright State as a subinternship. She further stated that, at that time, she had been a fourth year medical student. (Exhibit 4C at 13, 15)

- b. Dr. Miller stated that she stayed at home with her baby from July 1999 to August 2001. Dr. Miller wrote the following:

Why did I chose to stay home and not return to work \* \* \* 07/1999 to present[?]

I had my first baby and fell in love with her. I did not want to miss the excitement and responsibility being a full time mother, which I think is the greatest job in the world. But I do miss seeing patients terribly and cannot stand a day passing by without reading my medical books. Realizing that I have more spare time to read than busy on-call residents, I am looking forward to being well prepared and having a jump-start in July 2002.

(Exhibit 4C at 15)

- c. Dr. Miller failed to disclose that she had been placed on probation in May 2000 during her tenure in the Wright State University residency. (Exhibit 4C at 13)

Finally, in signing the application, Dr. Miller certified that all information contained in the application was true. (Exhibit 4C at 14)

7. Although Dr. Miller was admitted to the PGY-1 year of the internal medicine residency program at St. Elizabeth Health Center, she was dismissed from the program in November 2002. The reasons for her dismissal included the numerous falsehoods in her application and in an application submitted to the Board. (Exhibit 4C at 26)

Furthermore, another reason cited for Dr. Miller's dismissal was that she had admitted to officials at St. Elizabeth that she had altered two letters of recommendation submitted with her application to that residency program. In the letters purportedly from professors at Wright State University, Dr. Miller deleted statements indicating that she had participated in a residency program there. She replaced the deleted statements with statements indicating that she had been at Wright State University as a senior or fourth-year medical student. (Exhibit 4C at 8-11, 26; Exhibit 4D) Finally, the reasons for her dismissal included the following:

- The [Internal Medicine Residency Program Education] Committee has serious concerns regarding your professionalism, trustworthiness, reliability, and truthfulness as evidenced by your statement to the Committee: "I didn't think I would get caught."
- The Committee has serious concerns that you do not have insight into the gravity of these omissions and commissions.

(Exhibit 4C at 26)

8. In April 2002, Dr. Miller submitted an Application for Training Certificate to the Board. In the "Additional Information" Section of the Training Certificate application, Dr. Miller answered "NO" to question number four which asked the following:

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

(Exhibit 4A at 7)

Moreover, in the "Resume of Activities" Section of the Training Certificate application, Dr. Miller stated that, for the period July 1999 to April 2002, she had been a "full time mother [-] stayed at home." (Exhibit 4A at 4)

9. On July 17, 2002, the Board issued to Dr. Miller a second training certificate. That certificate remained valid through June 30, 2003. As of September 12, 2003, the Board had not received an application from Dr. Miller for either renewal of a training certificate or for a full, unrestricted license. (Exhibit 3)

### **PROPOSED FINDINGS**

1. On or about August 24, 2001, Lynn Ye Miller, M.D., signed and later submitted an application to the internal medicine residency program at St. Elizabeth Health Center in Youngstown, Ohio. In that application,
  - a. Dr. Miller falsely stated that she had had no prior residency experience, when, in fact, she had completed eleven months of rotations from July 1999 to June 2000 in the internal medicine residency program at Wright State University School of Medicine in Dayton, Ohio.
  - b. Dr. Miller falsely stated that she had stayed at home with her baby from July 1999 to August 2001, when, in fact, she had completed eleven months of rotations from July 1999 to June 2000 in the Wright State University internal medicine residency program.
  - c. Dr. Miller failed to disclose that she had been placed on probation in May 2000 during her tenure in the Wright State University internal medicine residency program.

2. Dr. Miller admitted to officials at the internal medicine residency program at St. Elizabeth Health Center that she had altered two letters of recommendation in connection with her application to that program.
3. On or about April 12, 2002, Dr. Miller submitted an Application for Training Certificate to the Board. In the "Additional Information" Section of the Training Certificate application, Dr. Miller answered "NO" to question number four which asked the following:

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

In fact, in or about May 2000, Dr. Miller had been placed on probation by the Wright State University internal medicine residency program. In addition, Dr. Miller had been counseled on several occasions by officials at the Wright State University internal medicine residency program.

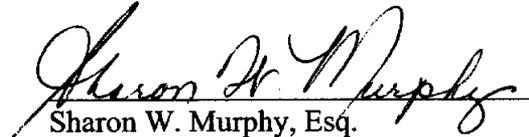
4. In the "Resume of Activities" Section of her April 2002 Training Certificate Application, Dr. Miller falsely stated that, for the period July 1999 to April 2002, she had been a "full time mother [-] stayed at home." In fact, Dr. Miller had completed eleven months of rotations from July 1999 to June 2000 in the Wright State University internal medicine residency program.
5. Dr. Miller's conduct, as set forth in Findings of Fact 1 through 4, constitute "fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.
6. Dr. Miller's conduct, as set forth in Findings of Fact 1 through 4, 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.
7. Dr. Miller's conduct, as set forth in Findings of Fact 2, constitute "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed," as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Section 2913.31, Ohio Revised Code, Forgery.

**PROPOSED ORDER**

It is hereby ORDERED that:

The application of Lynn Ye Miller, M.D., for a training certificate to practice medicine and surgery in the State of Ohio is PERMANENTLY DENIED. Further, Dr. Miller is advised that application for any other certificate is not encouraged, as the grounds for permanent denial found herein will be considered as grounds for permanent denial of any future applications she may submit.

This Order shall become effective immediately upon 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.state.oh.us/med/](http://www.state.oh.us/med/)

May 14, 2003

Lynn Ye Miller, M.D.  
C/O St. Elizabeth Health Center  
Medical Education Department  
1044 Belmont Avenue  
Youngstown, OH 44501

Dear Doctor Miller:

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

- (1) On or about April 12, 2002, you submitted an Application for Training Certificate [Training Certificate Application] to the State Medical Board of Ohio.
- (2) On or about August 24, 2001, you caused an application [St. Elizabeth application] to be submitted to the internal medicine residency program at St. Elizabeth Health Center [St. Elizabeth residency] in Youngstown, Ohio.
  - (a) You falsely stated in the St. Elizabeth application that you had no prior residency experience, when, in fact, you completed eleven months of rotations from July 1999 to June 2000 in the Wright State University internal medicine residency program [Wright State residency].
  - (b) You falsely stated in the St. Elizabeth application that you stayed at home with your baby from July 1999 to August 2001, when, in fact, you completed eleven months of rotations from July 1999 to June 2000 in the Wright State residency.
  - (c) You failed to disclose that you were placed on probation in May 2000 during your tenure in the Wright State residency.
- (3) You admitted to officials at St. Elizabeth that you altered two letters of recommendation in connection with your St. Elizabeth application.
- (4) In the "Additional Information" Section of the Training Certificate Application you answered "NO" to question number four which asks the following:

Have you ever resigned from, withdrawn from, or have you ever been warned by, censured by, disciplined by, been put on probation by, been requested to

*Mailed 5/15/03*

withdraw from, dismissed from, been refused renewal of a contract by, or expelled from, a medical school, clinical clerkship, externship, preceptorship, residency, or graduate medical education program?

In fact, in or about May 2000, you were placed on probation by the Wright State residency. In addition, you were counseled on several occasions by the Wright State residency.

- (5) In the Training Certificate – Medicine or Osteopathic Medicine Resume of Activities Section of the Training Certificate Application you falsely stated that, for the period July 1999 to April 2002, you were a “full time mother ... stayed at home.” In fact, you completed eleven months of rotations from July 1999 to June 2000 in the Wright State residency.

Your acts, conduct, and/or omissions as alleged in paragraphs (2) through (5) above, individually and/or collectively, constitute “fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board,” as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (2) through (5) 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.

Further, your acts, conduct, and/or omissions as alleged in paragraph (3) above, individually and/or collectively, constitute “[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed,” as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Section 2913.31, Ohio Revised Code, Forgery.

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

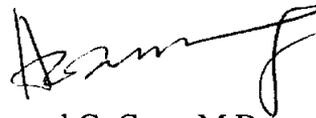
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at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

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



Anand G. Garg, M.D.  
Secretary

AGG/blt  
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5148 1219  
RETURN RECEIPT REQUESTED

Duplicate mailing to: 540 Boardman-Canfield Road  
Apartment 61  
Boardman, OH 44512

CERTIFIED MAIL # 7000 0600 0024 5148 1202  
RETURN RECEIPT REQUESTED