



State Medical Board of Ohio

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

April 14, 2004

Luke A. Siegel-Schaefer, M.T.
4781 Rossmoor Place
Columbus, OH 43220

Dear Mr. Siegel-Schaefer:

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 April 14, 2004, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

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

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of 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

A handwritten signature in cursive script, appearing to read "Lance A. Talmage".

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 7000 0600 0024 5150 1177
RETURN RECEIPT REQUESTED

Mailed 4-15-04

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 April 14, 2004, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the Matter of Luke A. Siegel-Schaefer, M.T., as it appears in the Journal of the State Medical Board of Ohio.

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



Lance A. Talmage, M.D.
Secretary

(SEAL)

April 14, 2004

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *

*

LUKE A. SIEGEL-SCHAEFER, M.T. *

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on April 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 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. **GRANT OF MASSAGE THERAPIST LICENSURE AFTER PASSAGE OF EXAMINATION; PROBATION:** The application of Luke A. Siegel-Schaefer, M.T., for a certificate to practice massage therapy in Ohio is GRANTED, provided that he successfully completes the massage therapy licensing examination and that he otherwise meets all statutory and regulatory requirements, and subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three years:
1. **Obey the Law:** Mr. Siegel-Schaefer shall obey all federal, state, and local laws, and all rules governing the practice of massage therapy in Ohio.
 2. **Personal Appearances:** Mr. Siegel-Schaefer shall appear in person for quarterly interviews before the Board or its designated representative, 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.

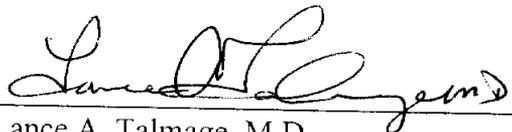
3. **Quarterly Declarations:** Mr. Siegel-Schaefer shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on 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. **Submission of Blood or Urine Specimens upon Request:** Mr. Siegel-Schaefer shall submit blood and urine specimens for analysis without prior notice at such times as the Board may request, at Mr. Siegel-Schaefer's expense.
 5. **Tolling of Probationary Period While Out of State:** In the event that Mr. Siegel-Schaefer should leave Ohio for three consecutive months, or reside or practice outside the State, Mr. Siegel-Schaefer must notify the Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this probationary period, unless otherwise determined by motion of the Board in instances where the Board can be assured that the purposes of the probationary monitoring are being fulfilled.
 6. **Violation of Probation; Discretionary Sanction Imposed:** If Mr. Siegel-Schaefer violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.
 7. **Tolling of Probationary Period while Out of Compliance:** In the event Mr. Siegel-Schaefer 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.
- B. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Mr. Siegel-Schaefer's certificate will be fully restored.
- C. **REQUIRED REPORTING BY LICENSEE TO THOSE WHO EMPLOY HIM TO PRACTICE MASSAGE THERAPY:** Within thirty days of the effective date of this Order, unless otherwise determined by the Board, Mr. Siegel-Schaefer shall provide a copy of this Order to all employers or entities with which he is under

contract to provide massage therapy services or is receiving training. Further, Mr. Siegel-Schaefer shall provide a copy of this Order to all employers or entities with which he contracts to provide massage therapy services, or applies for or receives training.

- D. **REQUIRED REPORTING BY LICENSEE TO OTHER STATE LICENSING AUTHORITIES:** Within thirty days of the effective date of this Order, unless otherwise determined by the Board, Mr. Siegel-Schaefer 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. Mr. Siegel-Schaefer shall also provide a copy of this Order by certified mail, return receipt requested, at 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, Mr. Siegel-Schaefer 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.

EFFECTIVE DATE OF ORDER: This Order shall become effective immediately upon the mailing of notification of approval by the Board.

(SEAL)



Lance A. Talmage, M.D.
Secretary

April 14, 2004

Date

2004 FEB 24 P 2: 39

**REPORT AND RECOMMENDATION
IN THE MATTER OF LUKE A. SIEGEL-SCHAEFER, M.T.**

The Matter of Luke A. Siegel-Schaefer, M.T., was heard by Sharon W. Murphy, Esq., Hearing Examiner for the State Medical Board of Ohio, on December 4, 2003.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated October 8, 2003, the State Medical Board of Ohio [Board] notified Luke A. Siegel-Schaefer, M.T., that it had proposed to take disciplinary action against or to deny his application for a certificate to practice massage therapy in this state. The Board based its proposed action on allegations pertaining to Mr. Siegel-Schaefer's criminal conviction of one felony count of Trafficking in Drugs, in violation of Section 2925.03(A)(C)(2), Ohio Revised Code. The Board alleged that the acts underlying this finding of guilt involved Mr. Siegel-Schaefer's selling Mescaline Mushrooms in April 1998.

The Board further alleged that Mr. Siegel-Schaefer's conduct and criminal conviction constitute "[s]elling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug,' as those clauses are used in Section 4731.22(B)(3), Ohio Revised Code." Moreover, the Board alleged that Mr. Siegel-Schaefer's criminal conviction constitutes "[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony,' as that clause is used in Section 4731.22(B)(9), Ohio Revised Code." Accordingly, the Board advised Mr. Siegel-Schaefer of his right to request a hearing in this matter. (State's Exhibit 1A)

- B. On November 4, 2003, Mr. Siegel-Schaefer submitted a written hearing request. (State's Exhibit 1B)

II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Rebecca J. Albers, Assistant Attorney General.
- B. On behalf of the Respondent: Mr. Siegel-Schaefer, having been apprised of his right to be represented by counsel, appeared at the hearing on his own behalf.

EVIDENCE EXAMINED

I. Testimony Heard

Luke A. Siegel-Schaefer, M.T.

II. Exhibits Examined

- A. State's Exhibits 1A-1G: Procedural exhibits.
- B. State's Exhibit 2: Certified copy of Mr. Siegel-Schaefer's application for a certificate to practice massage therapy in Ohio. [Portions of the exhibit were redacted post-hearing by the Hearing Examiner by agreement of the parties.]
- C. State's Exhibits 3-6: Certified copies of documents pertaining to Mr. Siegel-Schaefer maintained by the Court of Common Pleas of Sandusky County, Ohio, Criminal Division.
- D. State's Exhibit 7: Certified copy of Mr. Siegel-Schaefer's application for reexamination in massage therapy.

(Note: pages numbered by the Hearing Examiner post-hearing).

PROCEDURAL MATTERS

The hearing record in this matter was held open to allow the Respondent to submit additional exhibits. Nevertheless, the Respondent did not submit the exhibits, and the hearing record closed on February 6, 2004. (See Hearing Transcript at 43-45)

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. Luke A. Siegel-Schaefer, M.T., was born in July 1976. Mr. Siegel-Schaefer did not finish high school. He worked as a physical therapy/occupational therapy aide from 1993 through 1996 and in a factory from 1996 through 2002. Mr. Siegel-Schaefer held various other jobs, such as pizza delivery, during that time. Mr. Siegel-Schaefer currently works at a restaurant, Buffalo Wild Wings, in Columbus, Ohio. (Hearing Transcript at [Tr.] 12; State's Exhibit [St. Ex.] 2 at 4-6, 42)

2. On April 19, 1998, when he was twenty-one years old, Mr. Siegel-Schaefer sold hallucinogenic mushrooms to an informant for the Bellevue, Ohio, police department. Mr. Siegel-Schaefer was arrested and charged with Trafficking in Drugs, a fourth degree felony, in violation of Section 2925.03(A)(C)(2), Ohio Revised Code. On April 14, 1999, in the Court of Common Pleas of Sandusky County, Ohio, Mr. Siegel-Schaefer pled guilty to the crime. (St. Exs. 3, 4, 5)

On June 1, 1999, the court sentenced Mr. Siegel-Schaefer to community control for a period of five years. Terms of the community control included the following:

- a. Mr. Siegel-Schaefer shall be confined to his residence when not at his place of employment and shall be electronically monitored for compliance at his expense, for a period of ninety days.
- b. Mr. Siegel-Schaefer shall be assessed and engage in substance abuse treatment, aftercare, and random testing as recommended.
- c. Mr. Siegel-Schaefer must obtain his GED in lieu of completing high school.

(St. Ex. 5)

3. Mr. Siegel-Schaefer completed ninety days of home arrest confinement in September 1999. (St. Ex. 2 at 25) He also completed his evaluation for substance abuse, after which it was determined that he did not have a substance abuse problem and did not require treatment. Moreover, Mr. Siegel-Schaefer obtained his GED. Accordingly, in November 2001, Mr. Siegel-Schaefer was released from community control nearly three years early because he had met his obligations and had “gained maximum benefit from supervision.”(Tr. 18; St. Ex. 6)
4. Mr. Siegel-Schaefer entered the American Institute of Massage Therapy in April 2002, and graduated in April 2003. (St. Ex. 2 at 3, 14)
5. On February 21, 2003, Mr. Siegel-Schaefer submitted an Application for Certificate to Practice a Limited Branch – Massage Therapy to the Board. (St. Ex. 2) In the application, Mr. Siegel-Schaefer advised that he had been convicted of a crime. Moreover, Mr. Siegel-Schaefer contacted the court and arranged to have all of the court documents sent to the Board. (Tr. 9; St. Ex. 2 at 9, 24-52) Finally, in a letter of explanation, Mr. Siegel-Schaefer stated,

I was convicted of a fourth degree felony in drug trafficking psilocybin. I was approached by an individual who unbeknownst to me was an informant for the Bellevue police department [due] to his own convictions.

He asked me on several occasions if I would find and purchase the psilocybin. I told him that I did not engage in such activity. He then approached me with a sum of money I could not pass up. I was thinking of getting ahead, paying bills, so on and so forth. I know that this is no excuse for breaking the law. Once again, I am embarrassed and ashamed as well as truly sorry for committing this act.

(St. Ex. 2 at 22)

6. Mr. Siegel-Schaefer sat for the massage therapy examination in June 2003, but did not pass. On September 22, 2003, Mr. Siegel-Schaefer submitted a Massage Therapy Re-examination Application. Mr. Siegel-Schaefer retook the examination in December 2003, but did not have the results at the time of hearing. (Tr. 12-13, 27-28; St. Ex. 7).
7. At hearing, Mr. Siegel-Schaefer testified that he had completed only the tenth grade in high school. Thereafter, he had left home and worked “odd jobs.” He later obtained a job in a factory and remained there for six years. Mr. Siegel-Schaefer further testified that his mother is an occupational therapist. She lost her job in 1998, when Mr. Siegel-Schaefer was twenty-one years old. Mr. Siegel-Schaefer returned home to help save her house. He stated that he had been “looking for every way possible to make ends meet.” (Tr. 15-16, 17-19)
8. Mr. Siegel-Schaefer further testified that, shortly thereafter, he had been approached by a friend of his neighbor who asked Mr. Siegel-Schaefer if he could obtain psilocybin mushrooms for him. Mr. Siegel-Schaefer testified that the neighbor’s friend had approached him several times, but Mr. Siegel-Schaefer had refused to comply. Finally, the neighbor’s friend offered one hundred dollars, and Mr. Siegel-Schaefer accepted. (Tr. 16-17, 20)

Mr. Siegel-Schaefer testified that he had not known at the time how to find the mushrooms, and had had to find someone who would sell them to him. Nevertheless, Mr. Siegel-Schaefer stated that, because he had gone to concerts, he had known where to start looking. He eventually found the mushrooms, purchased them, and sold them to the neighbor’s friend. (Tr. 17)

Mr. Siegel-Schaefer testified that he had later learned that the neighbor’s friend was a police informant, and had been wearing a wire when interacting with Mr. Siegel-Schaefer. Moreover, Mr. Siegel-Schaefer learned that the neighbor’s friend had been indicted for drug related crimes, had agreed to work as a police informant, and had agreed to target others as a means to reduce his sentence. Mr. Siegel-Schaefer explained that the neighbor’s friend had been allowed to approach anyone he believed

might produce results and that twenty-eight indictments had resulted from the undercover activities. (Tr. 17, 20-21)

9. Mr. Siegel-Schaefer testified that, when he entered his plea, treatment in lieu of conviction had not been an option for him. He explained that it had not been an option because he had not been using drugs and had not had a substance abuse problem. Moreover, Mr. Siegel-Schaefer testified that, as part of his sentence, he had been ordered to Firelands Community Hospital for a substance abuse evaluation and drug testing. He stated that he had gone, and that the evaluation at Firelands had confirmed that he did not have a substance abuse problem. (Tr. 25-26, 36-37)
10. Mr. Siegel-Schaefer testified that, in 2002, the factory where he had worked for the previous six years closed. Mr. Siegel-Schaefer lost his job. He stated that he had seen it as an opportunity to better his life. Since he had obtained his GED as a condition of community control, he decided to attend massage school. Mr. Siegel-Schaefer completed the program in 2003. (Tr. 18)
11. Mr. Siegel-Schaefer testified that, in September 2003, he and his mother had gone to the Ukraine on a medical missionary trip with his church, the United Church of Christ. The medical missionary group was composed of physicians, dentists, physical therapists, occupational therapists, and other health care professionals. Mr. Siegel-Schaefer testified that the medical missionary group focuses their medical talents on children and adults suffering from the ill effects of the Chernobyl nuclear reactor disaster. He added that these trips are very important to him, and he plans to continue making similar trips in the future. (Tr. 28-33)

Mr. Siegel-Schaefer further testified that, if he is granted a license to practice massage therapy, he hopes to focus on the therapeutic aspects of massage and hopes to find employment in a hospital or clinic. Moreover, he will provide massage therapy services as part of the medical missionary trips with his church. (Tr. 34, 39)

FINDINGS OF FACT

1. On February 21, 2003, Luke A. Siegel-Schaefer, M.T., submitted an Application for Certificate to Practice a Limited Branch – Massage Therapy to the Board. On September 22, 2003, he submitted a Massage Therapy Re-examination Application.
2. On April 14, 1999, in the Court of Common Pleas for Sandusky County, Ohio, Mr. Siegel-Schaefer entered a plea of guilty to one count of Trafficking in Drugs, a fourth degree felony, in violation of Section 2925.03(A)(C)(2), Ohio Revised Code. The Court accepted Mr. Siegel-Schaefer's plea of guilty. On June 1, 1999, Mr. Siegel-Schaefer was sentenced to a five-year term of community control. The facts underlying the conviction

are that, on April 19, 1998, Mr. Siegel-Schaefer “knowingly sold or offered to sell a controlled substance, to wit: Mescaline Mushrooms.”

CONCLUSIONS OF LAW

1. The judicial finding of guilt and the facts underlying the conviction of Luke A. Siegel-Schaefer, M.T., as set forth in Findings of Fact 2, constitute “[s]elling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug,” as those clauses are used in Section 4731.22(B)(3), Ohio Revised Code.
2. The judicial finding of guilt pertaining to Mr. Siegel-Schaefer, as set forth in Findings of Fact 2, constitutes “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony,” as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

* * * * *

Mr. Siegel-Schaefer was convicted of a felony involving drugs. He is now asking the Board to grant him a certificate to practice massage therapy in Ohio. Mr. Siegel-Schaefer’s criminal conviction is sufficient justification for the Board to deny Mr. Siegel-Schaefer’s request.

Nevertheless, there are mitigating circumstances in this matter. Mr. Siegel-Schaefer is aware selling drugs was wrong. He is ashamed and repentant for his conduct. Moreover, that conduct took place when Mr. Siegel-Schaefer was twenty-one years old. Since that time, he has made great strides in an attempt to improve his live. He has obtained his GED. He completed an education in massage therapy. In addition, he is committed to helping others with the skills he has obtained, as is demonstrated by his commitment to the medical missionary activities of his church.

Accordingly, the Proposed Order would, upon Mr. Siegel-Schaefer’s successful completion of the massage therapy licensing examination, grant his application for a certificate to practice massage therapy, subject to probationary monitoring for a period of at least three years. During the probationary period, Mr. Siegel-Schaefer will be required to meet with the Board or its designee on a quarterly basis to afford the Board an opportunity to assess Mr. Siegel-Schaefer’s progress as a massage therapist. Moreover, Mr. Siegel-Schaefer will be required to provide urine or blood samples at the request of the Board for toxicology analysis.

PROPOSED ORDER

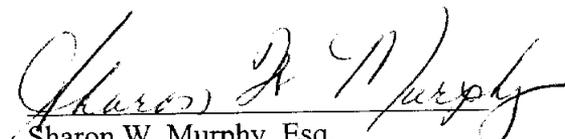
It is hereby ORDERED that:

- A. **GRANT OF MASSAGE THERAPIST LICENSURE AFTER PASSAGE OF EXAMINATION; PROBATION:** The application of Luke A. Siegel-Schaefer, M.T., for a certificate to practice massage therapy in Ohio is GRANTED, provided that he successfully completes the massage therapy licensing examination and that he otherwise meets all statutory and regulatory requirements, and subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three years:
1. **Obey the Law:** Mr. Siegel-Schaefer shall obey all federal, state, and local laws, and all rules governing the practice of massage therapy in Ohio.
 2. **Personal Appearances:** Mr. Siegel-Schaefer shall appear in person for quarterly interviews before the Board or its designated representative, 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.
 3. **Quarterly Declarations:** Mr. Siegel-Schaefer 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 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. **Submission of Blood or Urine Specimens upon Request:** Mr. Siegel-Schaefer shall submit blood and urine specimens for analysis without prior notice at such times as the Board may request, at Mr. Siegel-Schaefer's expense.
 5. **Tolling of Probationary Period While Out of State:** In the event that Mr. Siegel-Schaefer should leave Ohio for three consecutive months, or reside or practice outside the State, Mr. Siegel-Schaefer must notify the Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this probationary period, unless otherwise determined by motion of the Board in instances where the Board can be assured that the purposes of the probationary monitoring are being fulfilled.
 6. **Violation of Probation; Discretionary Sanction Imposed:** If Mr. Siegel-Schaefer violates probation in any respect, the Board, after giving him notice and the

opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.

7. **Tolling of Probationary Period while Out of Compliance:** In the event Mr. Siegel-Schaefer 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.
- B. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Mr. Siegel-Schaefer's certificate will be fully restored.
- C. **REQUIRED REPORTING BY LICENSEE TO THOSE WHO EMPLOY HIM TO PRACTICE MASSAGE THERAPY:** Within thirty days of the effective date of this Order, unless otherwise determined by the Board, Mr. Siegel-Schaefer shall provide a copy of this Order to all employers or entities with which he is under contract to provide massage therapy services or is receiving training. Further, Mr. Siegel-Schaefer shall provide a copy of this Order to all employers or entities with which he contracts to provide massage therapy services, or applies for or receives training.
- D. **REQUIRED REPORTING BY LICENSEE TO OTHER STATE LICENSING AUTHORITIES:** Within thirty days of the effective date of this Order, unless otherwise determined by the Board, Mr. Siegel-Schaefer 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. Mr. Siegel-Schaefer shall also provide a copy of this Order by certified mail, return receipt requested, at 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, Mr. Siegel-Schaefer 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.

EFFECTIVE DATE OF ORDER: 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

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EXCERPT FROM THE DRAFT MINUTES OF APRIL 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 record, the proposed findings, conclusions, and order, and any objections filed in the matters of: Adel Abdullah Bakhsh, M.D.; Minakshi B. Deshmukh, M.D.; Michael Shane Gainey, M.D.; Louis A. Ling, M.D.; Brian F. McNamee, M.D.; Michael T. Salwitz, M.D.; Ahmad Shahamat, M.D.; Luke A. Siegel-Schaefer, M.T.; and Brian D. Southern, M.D. 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), 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.

.....
LUKE A. SIEGEL-SCHAEFER, M.T.

.....
DR. KUMAR MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF LUKE A. SIEGEL-SCHAEFER, M.T. DR. STEINBERGH SECONDED THE MOTION.

.....
Dr. Steinbergh left the meeting prior to the vote.

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

Vote:

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
Ms. Sloan	- aye

The motion carried.



State Medical Board of Ohio

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

October 8, 2003

Luke A. Siegel-Schaefer, M.T.
8751 North State Route 269
Bellevue, Ohio 44811

Dear Mr. Siegel-Schaefer:

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 certificate to practice massage therapy, or to reprimand or place you on probation for one or more of the following reasons:

- (1) On or about February 21, 2003, you submitted an Application for Certificate to Practice a Limited Branch – Massage Therapy [License Application] to the State Medical Board of Ohio. On or about September 22, 2003, you submitted a Massage Therapy Re-examination Application [Re-examination Application] to the State Medical Board of Ohio. Your License Application and Re-examination Application are currently pending.
- (2) On or about April 14, 1999, in the Sandusky County Court of Common Pleas, you entered a plea of guilty to one count of Trafficking in Drugs, a 4th degree felony, in violation of Ohio Revised Code Section 2925.03(A)(C)(2), and the Court accepted your plea of guilty. On or about June 1, 1999, you were sentenced to a five-year term of community control. The facts, as set forth in the Sandusky County Criminal Indictment, are that, on or about April 19, 1998, you knowingly sold or offered to sell a controlled substance, to wit: Mescaline Mushrooms. Copies of the Sandusky County Criminal Indictment, Journal Entry of Defendant's Plea of Guilty and Judgment Entry of Sentencing in Sandusky County Case No. 98 CR 912 are attached hereto and incorporated herein.

Your plea of guilty and/or your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute “[s]elling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug,” as those clauses are used in Section 4731.22(B)(3), Ohio Revised Code.

Mailed 10-9-03

Further, your plea of guilty as alleged in paragraph (2) above constitutes “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony,” as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

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

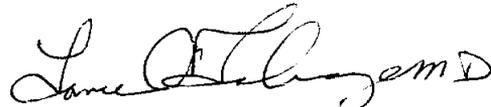
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at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

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



Lance A. Talmage, M.D.
Secretary

LAT/blt
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5146 1709
RETURN RECEIPT REQUESTED

Redacted

SANDUSKY COUNTY
COMMON PLEAS COURT

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

98 DEC 18 AM 10:56

LINDA COOPER-SMITH
CLERK

STATE OF OHIO,)

Plaintiff,)

-vs-)

LUKE A. SIEGEL-SCHAEFER)
139 ASHFORD AVENUE)
BELLEVUE, OH 44811)

DOB: 7/15/76)

ITN #:)

ARR. AGENCY:)

Defendant.)

Case No. 98-CR-912

Judge Margaret K. Weaver

BILL OF INDICTMENT

State of Ohio, Sandusky County, SS:
I hereby certify that this is a true copy of
the original document now on file in my
office this 23rd day of Sept,
2003.

WARREN P. BROWN
Sandusky County Clerk of Courts

By Sherry Belicai
Deputy Clerk

THE JURORS OF THE GRAND JURY OF THE COUNTY OF
SANDUSKY AND THE STATE OF OHIO, within and for the body of the County
aforesaid, on their oaths, in the name and by the authority of the State of Ohio,
do find and present that:

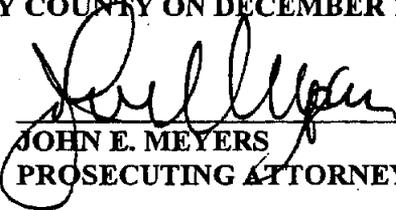
COUNT 1: On or about April 19, 1998, at 139 Ashford Avenue, Bellevue,
Sandusky County, Ohio, the defendant did knowingly sell or offer to sell a
controlled substance, to wit: Mescaline Mushrooms.

In Violation of OHIO REVISED CODE SECTION 2925.03(A)(C)(2)
TRAFFICKING IN DRUGS - a Felony of the Fourth Degree
PENALTY: A term of 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 months
imprisonment and up to \$5,000 fine. In addition, the Court shall impose a
mandatory Driver's License suspension for not less than 6 months nor more than
five years.

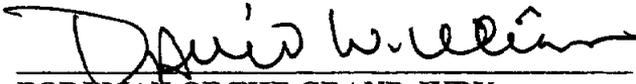
PAGE 2: BILL OF INDICTMENT
STATE OF OHIO v. LUKE A. SIEGEL- SCHAEFER

and against the peace and dignity of the State of Ohio.

**THIS BILL OF INDICTMENT FOUND UPON SWORN TESTIMONY BEFORE
THE GRAND JURY OF SANDUSKY COUNTY ON DECEMBER 10, 1998.**



JOHN E. MEYERS
PROSECUTING ATTORNEY



TRUE BILL: FOREMAN OF THE GRAND JURY

Redacted

SANDUSKY COUNTY
COMMON PLEAS COURT
FILED

COURT OF COMMON PLEAS, SANDUSKY COUNTY, OHIO

99 APR 14 AM 7:21

STATE OF OHIO,

PLAINTIFF,

VS.

LUKE A. SIEGEL-SCHAEFER,

DEFENDANT.

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CASE NO. 98 CR 912 LINDA COOPER-SMITH
CLERK
JUDGE MARGARET K. WEAVER

PLEA OF GUILTY
FELONY 4

State of Ohio, Sandusky County, SS:
I hereby certify that this is a true copy of
the original document now on file in my
office this 23rd day of Sept,
A.C. 03.

WARREN P. BROWN
Sandusky County Clerk of Courts

By Sherry Pestkai

I, Luke A. Siegel-Schaefer, am represented by retained Attorney Tom ~~Siegl~~
After discussions with my attorney, I desire to enter a plea of Guilty to **Count**
One: Trafficking in Drugs, a violation of Ohio Revised Code Section
2925.03(A)(C)(2), a felony of the fourth degree. Make full and complete
restitution to the Bellevue Police Department for the money used to buy
the drugs on all counts.

My attorney and the judge have advised me and I understand that:

1. There is a rebuttable presumption that I be imprisoned for a term of 6,7,8,9,10,11,12,13,14,15,16,17 or 18 months.
2. I can be sentenced to community control instead of prison. However, if I fail to comply with my community control, as a result the judge can sentence me to any other community control or to prison.
3. Community control can include (1) a term of up to six months at a community based facility;(2) a term of up to six months in a jail;(3) a term of probation up to five years which could include entering a drug treatment program with a level of security for me as determined necessary by the court or intensive supervision or basic supervision, any of which would include standard probation orders which would or could include a curfew, that I obtain employment, that I obtain education or training, and other requirements.
4. I am also subject to financial sanctions including a fine of \$5000.00; restitution to the victim of my crime, if any; reimbursement of the costs of this case and could include reimbursement of the costs incurred in my community sanction, if any.

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APR 14 1999

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5. The judge may impose a prison sentence if the judge finds any of the following: (A) that I caused physical violence to a person;(B) that in committing the crime, I attempted to cause or made an actual threat of physical harm to a person with a deadly weapon; (C) that in committing the crime, I attempted to cause or made an actual threat of physical harm to a person, and was previously convicted of an offense that caused physical harm to a person;(D) that I held public office or a position of trust, and crime was related to that office or position or that I had a position of obliged me to prevent the offense or to bring those committing it to justice, or that my professional reputation or positioned facilitated the offense or was likely to influence the future conduct or others;(E) that I committed the offense for hire or as part of an organized criminal activity; (F) that the offense is a sex offense;(G) that I previously served a prison term; (h) that I previously was subject to a community sanction and I either violated the conditions of the sanction or I committed another offense while under the sanction.

6. The likelihood that I will or will not commit another crime will also be considered by the judge.

7. My plea will result in a conviction for the crimes charged and the judge can sentence me immediately after accepting my plea.

8. If I have previously not served a prison term, the judge must impose the shortest term authorized for this offense, unless the judge finds that the shortest prison term will demean the seriousness of my conduct or will not adequately protect the public from future crime by me or others.

9. The judge may impose the longest prison term authorized for this offense only if I committed the worst forms of the offense by acting in a particularly shocking or heinous manner, or I pose the greatest likelihood of committing future crimes, or I am a major drug offender or I am a repeat violent offender.

10. I can have additional time added to my stated prison term because I, while serving the prison term or terms, committed an act that, if proved beyond a reasonable doubt in a court of law, would be a criminal offense under the law, and the parole board may extend my prison term for a period of 30, 60, or 90 days, but not for a period longer than one-half of the term's duration for all violations during the course of my prison term.

11. If the judge imposes a prison term, I may also be subjected to a period of post-release control for up to 3 years after my release from imprisonment.

My attorney and the judge have also advised me that in entering these guilty pleas I am giving up the following Constitutional rights:

My presumption of innocence.

My right to a jury or court trial.

My right to present evidence in my favor and to have the court's subpoena power to require witnesses with evidence in my favor to come to court if they won't on their own.

My right to confront the witnesses against me and have my attorney cross-examine them.

My right to require the State prove my guilt beyond a reasonable doubt.

My right to remain silent, which means not to testify for or against myself.

I understand that a plea of guilty is a complete admission of my guilt.

I am/~~am~~ not a United States citizen.

No promises have been made to me regarding my plea other than are written here.

No threats have been made to me to make me enter these guilty pleas.

I ~~am~~/am not drug dependent or in danger of becoming drug dependent.

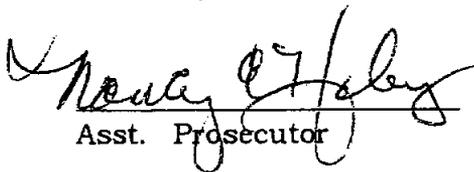
I ~~do~~/do not take prescription drugs.

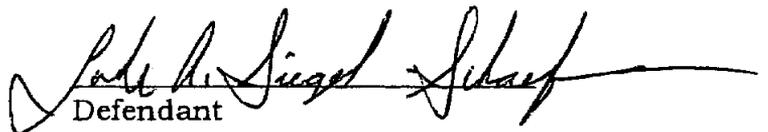
I have completed 10 years of school.

I am/~~am~~ not satisfied with my attorneys' representation of me.

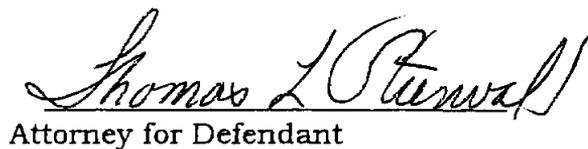
I am entering these pleas of GUILTY of my own free will and choice.

I understand that I have a right to appeal if I am given the maximum prison term possible or if the sentence is contrary to law. I understand that I have a right to appeal procedural issues reserved upon a plea of GUILTY.


Asst. Prosecutor


Defendant

Court Reporter


Attorney for Defendant

JUDGMENT ENTRY

The Defendant having been advised of his/~~her~~ rights and having made a knowing, voluntary, and intelligent waiver of those rights, the Court accepts his/her plea(s) of GUILTY as set forth above and refers this matter to the Adult Probation Department for a pre-sentence investigation. The Bond previously set will be continued/~~re-set~~.


Judge Margaret K. Weaver

State of Ohio, Sandusky County, SS:
I hereby certify that this is a true copy of
the original document now on file in my
office this 23rd day of Sept.,
1999.

WARREN P. BROWN
Sandusky County Clerk of Courts

Sherry Dulca
COURT OF COMMON PLEAS OF SANDUSKY COUNTY, OHIO
Deputy Clerk

STATE OF OHIO,

Plaintiff

-vs-

LUKE A. SIEGEL-SCHAEFER,

Defendant

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CASE NO. 98 CR 912

JUDGMENT ENTRY

LINDA COOPER-SMITH
CLERK

99 JUN - 1 AM 10:42

SANDUSKY COUNTY
COMMON PLEAS COURT
FILED

This cause came on for sentencing this 1st day of June, 1999. Present were the defendant with his retained counsel, Thomas L. Stierwalt, Esq., and Asst. Prosecuting Attorney Nancy E. Haley. The defendant previously pleaded guilty to Trafficking in Drugs, in violation of R.C. 2925.03(A)(C)(2), a felony of the fourth degree as charged in Count One of the Indictment.

Counsel for the defendant was given the opportunity to speak on behalf of the defendant and in mitigation of penalty. The Court personally addressed the defendant and invited him to speak in his own behalf or offer information in mitigation of penalty.

The Court considered the record, oral statements, and the presentence report prepared, as well as the principles and purposes of sentences set forth in Ohio law, including the factors under Revised Code Sections 2929.12 and 2929.13.

Thereupon the Court found that the defendant is amenable to an available community control sanction.

The Court thereupon ORDERED, ADJUDGED and DECREED, and the defendant hereby is, sentenced to a five (5) year term of community control which shall include the following:

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JUN 02 1999

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1. He shall be confined to his residence when not at his place of employment and shall be electronically monitored for compliance at his expense, for a period of ninety (90) days.

2. His first year of community control thereafter shall be under the Intensive Probation Supervision (ISP) program of this court.

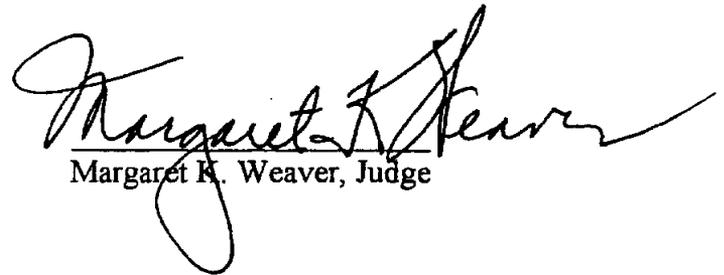
3. He shall be assessed and engage in substance abuse treatment, aftercare, and random testing as recommended.

4. He shall comply with the rules and regulations of the Adult Probation Department, make restitution to the Bellevue Police Department for the buy money, and shall pay the costs of this action, electronic monitoring costs, and probation supervision fees.

5. His driver's license is suspended for six (6) months commencing on this date.

The Court thereupon notified the Defendant that if his community control sanction is violated, the Court may impose a more restrictive sanction or a prison term of up to eighteen (18) months.

The Court further informed the Defendant of his limited right of appeal which must be filed within thirty (30) days.


Margaret K. Weaver, Judge