



September 14, 2022

Case number: 22-CRF- 0168

Sherri J. Tenpenny, D.O.
7380 Engle Road
Middleburg Heights, Ohio 44130

Dear Dr. Tenpenny:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke or suspend your license or certificate, or refuse to grant or register or issue the license or certificate for which you have a pending application in accordance with Section 9.79 of the Ohio Revised Code, or refuse to renew or reinstate your license or certificate to practice osteopathic medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about July 14, 2021, a Board investigator attempted to interview you at your office, which was also your credential mailing address. After the receptionist confirmed that you were not present, the Board investigator left his business card with her with a request that his business card be given to you with the message that he needed to speak with you. You failed to respond to his request. Consequently, on or about July 21, 2021, the Board investigator sent an email to you requesting you contact him at the earliest convenience to schedule an interview. The investigator received no indication that the email was not delivered. You failed to respond to this email.
- (2) As part of an investigation, on or about September 7, 2021, the Board sent to you via certified mail, at your credential mailing address, the State Medical Board of Ohio's First Set of Interrogatories Directed to Sherri J. Tenpenny, D.O. [Interrogatories]. As was set forth in the Interrogatories and accompanying cover letter, your responses were due no later than October 8, 2021. You were duly notified of the Interrogatories and the due date for your responses, as the certified letter was delivered on September 9, 2021. By letter dated September 20, 2021, you notified the Board through your legal counsel that you did not believe that the Board had a lawful basis for sending the Interrogatories and that you will not submit responses to the Interrogatories. No response to the Interrogatories was received by the Board.
- (3) As part of an investigation, on or about October 12, 2021, the Board sent to you via certified mail, to your credential mailing address, an Investigative Subpoena for Deposition [subpoena]. As was set forth in the subpoena, you were ordered to appear in the offices of the Board, in Columbus, Ohio, on November 3, 2021, at 1:00 p.m. for an investigatory deposition. You were duly notified of the subpoena and the date of the deposition, as the certified letter containing the subpoena was delivered on October 15, 2021. By letter dated October 31, 2021, you notified the Board through your legal counsel that you did not

Mailed 9-15-2022

believe that the Board had a lawful basis for the deposition and that you would not participate. You failed to appear at the Board Office on November 3, 2021.

- (4) As part of an investigation, on or about June 21, 2022, the Board sent to you via certified mail, at your credential mailing address, a letter directing you to attend an investigative office conference on July 26, 2022, at 1:15 p.m., at the offices of the Board. You were duly notified of the investigative office conference, as the certified letter was delivered on June 27, 2022. By letter dated July 5, 2022, you notified the Board through your legal counsel that you did not believe that the Board had a lawful basis for the investigative office conference and that you would not participate. You failed to appear at the Board Office on July 26, 2022.

Your acts, conduct, and/or omissions as alleged in paragraph (1) through (4) above, individually and/or collectively, constitute “[f]ailure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories,” as that clause is used in Section 4731.22(B)(34), Ohio Revised Code.

Furthermore, for any violations that occurred on or after September 29, 2015, the Board may impose a civil penalty in an amount that shall not exceed twenty thousand dollars, pursuant to Section 4731.225, Ohio Revised Code. The civil penalty may be in addition to any other action the Board may take under section 4731.22, Ohio Revised Code.

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

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

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to grant or register or issue the license/certificate for which you have a pending application in accordance with Section 9.79 of the Ohio Revised Code, or refuse to renew or reinstate your license or certificate to practice osteopathic medicine and surgery, or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or 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 license

or certificate to practice and the board shall not accept an application for reinstatement of the license or certificate or for issuance of a new license or certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Kim G. Rothermel, M.D.
Secretary

KGR/MAP/lv
Enclosures

CERTIFIED MAIL # 9414 8149 0315 2968 0092 29
RETURN RECEIPT REQUESTED

cc: Thomas Renz
Renz Law
1907 W State St # 162
Fremont Ohio 43420

CERTIFIED MAIL # 9414 8149 0315 2968 0092 36
RETURN RECEIPT REQUESTED