

Board Members present: President Otto J. Schmidt, D.C., Vice-President Norman J. Gloekler, D.C., and Jeffrey O. Brown, Esq.  
Gregory P. Palkowski, D.C. arrived at 10:00 a.m.

Others present: Kelly A. Caudill, Executive Director; Elizabeth Moore, Executive Assistant; Charissa Payer, Principal AAG.

Members excused: None.

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*The Board's mission is...*

*to proactively protect the health and welfare of Ohio's citizens and to regulate the chiropractic profession with vision by setting high standards through examination of new doctors, annual license renewal, clinic inspections and timely investigation and disciplinary action when indicated.*

**CALL TO ORDER**

The four hundred and twenty-first Board meeting was called to order at 9:30 a.m. The meeting was held at the Ohio State Chiropractic Board Office; 77 South High Street, 16th Floor, Columbus, Ohio.

**ADDITIONS/CORRECTIONS TO AGENDA**

Vice-President Dr. Gloekler added the topic of board member attendance at the World Federation of Chiropractic's 14<sup>th</sup> Biennial Congress being held March 15-18, 2017 in Washington, DC to the agenda.

**PUBLIC FORUM**

No public in attendance.

**REVIEW OF MINUTES**

MOTION 2016-060: Mr. Brown moved and Vice-President Dr. Gloekler seconded a motion to approve the minutes of the October 6, 2016 Board meeting. Voting Aye: President Dr. Schmidt, Vice-President Dr. Gloekler and Mr. Brown. Voting Nay: None. Abstaining: None. Motion passed.

**RATIFICATION OF CHIROPRACTIC LICENSES**

MOTION 2016-061: Mr. Brown moved and Vice-President Dr. Gloekler seconded a motion to ratify the following chiropractic licenses issued: Mary C. Wiley, Aubrey D. Lane, Anthony Ramakrishna Dumas, Eugene Mennow II, James T. Marino II, Karen A. Hunter, Chad D. Hedges, Patrick J. Pfantz and Jared Bernstein. Motion passed unanimously.

**RATIFICATION OF ACUPUNCTURE CERTIFICATES**

MOTION 2016-062: Mr. Brown moved and Vice-President Dr. Gloekler seconded a motion to approve the acupuncture certificate issued to Dr. Christopher P. Clautti. Motion passed unanimously.

**RATIFICATION OF PRECEPTORSHIP APPLICATIONS**

MOTION 2016-063: Mr. Brown moved and Vice-President Dr. Gloekler seconded a motion to ratify the preceptorships approved for Bo Mathias with John Gillis, D.C.; Scott Roberts with Theresa Young, D.C. and Paige Nesbit with Christopher Clautti, D.C. Motion passed unanimously.

**EXECUTIVE DIRECTOR'S REPORT**

Director Caudill reviewed the Executive Director's report with the Board which included the Board

Docket, Legislative Matters, Administrative Rules, Investigative Statistics and miscellaneous matters.

Director Caudill advised that she attended proponent testimony on HB 276 offered Tuesday, November 29, 2016. Director Caudill reported that the Ohio Dietetics Association expressed opposition after the hearing.

Director Caudill reported that HB 617/SB 366 was introduced requiring the Department of Administrative Services to review referred agency disciplinary actions and determine whether they are consistent with state and federal antitrust laws. The bill also consolidates several Boards into larger Boards and reduces Board member representation.

### **DARWIN A. MINNIS, D.C., ADJUDICATION HEARING, CASE NO. 2017 CHR 011**

At 10:00 a.m. the matter of Darwin A. Minnis, D.C. came for hearing in accordance with Ohio Revised Code Chapters 119 and 4734, before the following members of the Ohio State Chiropractic Board: President Otto J. Schmidt, D.C. (Presiding); Gregory P. Palkowski, D.C., and Jeffrey O. Brown, Esq. As Board Designate, Vice President Norman J. Gloekler, D.C. was recused from active participation in the hearing and the deliberation process. The Board was represented by Charissa Payer, Esq., Principal Assistant Attorney General. Dr. Minnis was represented by David V. Patton, Esq. Deposition Specialists made a stenographic record of the proceedings at the Board's expense.

### **ADJOURN – 11:30 AM**

MOTION 2016-064: Mr. Brown moved and Vice-President Dr. Gloekler seconded a motion to adjourn the meeting for the purpose of engaging as a quasi-judicial body for deliberations regarding the matter of Darwin Minnis, D.C. Motion pass unanimously.

Vice-President Dr. Gloekler did not participate in the deliberation. The Board meeting was called back to order at the conclusion of the deliberations at 12:20 p.m.

### **DARWIN A. MINNIS, D.C., CASE NO. 2017 CHR 011**

MOTION 2016-065: Dr. Palkowski moved and Mr. Brown seconded a motion to issue the following Adjudication Order to Darwin A. Minnis, D.C.:

### **FINDINGS OF FACT**

1. On or about August 5, 2016, **DARWIN A. MINNIS, D.C.** filed an Application for License to Practice Chiropractic in the State of Ohio that included the following attachments: Form A (2 pages); Form 1 Record of Criminal Cases; Attachment providing explanation to responses to questions 5, 8, 6, 12, 14, 15, 19, 21 and 22; Indictment, Plea Agreement and Judgment Order from the U.S. District Court, Northern District of Illinois, Case No. 10cr-193-1; Consent Agreement and Order with the Pennsylvania State Board of Chiropractic; Letters of recommendation from David Anness, Monsignor Robert J. Siffrin, Daniel L. Minnis and Beverly Bressler; a list of doctors who **DR. MINNIS** stated would know his professional acumen; and National Practitioner Data Bank Self-Query Response for Darwin Minnis.
2. On or about October 6, 2016, the Board issued a Notice of Proposed Refusal of Application for Licensure and Opportunity for Hearing (“Notice”) to **DARWIN A. MINNIS, D.C.**

3. **DR. MINNIS** timely requested a hearing on this matter through his attorney in accordance with ORC § 119.07.
4. On October 25, 2016, the Board issued a Hearing Scheduling Notice setting **DR. MINNIS'** adjudication hearing for December 1, 2016.
5. The preponderance of evidence establishes that, as alleged in Count 1 of the Notice, on or about April 27, 2011, in the U.S. District Court, Northern District of Illinois, Case No. 10cr-193-1, **DR. MINNIS** pled guilty to and was convicted of one count of Health Care Fraud, in violation of 18 U.S.C. § 1347.
6. The preponderance of evidence establishes that, as alleged in Count 2 of the Notice, on or about April 10, 2012, the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation, indefinitely suspended **DR. MINNIS'** Illinois Chiropractic License No. 038005677 for a minimum of five (5) years for his conviction on or about April 27, 2011 of one count of Health Care Fraud, in violation of 18 U.S.C. § 1347, in the U.S. District Court, Northern District of Illinois, Case No. 10cr-193-1.
7. The preponderance of evidence establishes that, as alleged in Count 3 of the Notice, on or about March 4, 2013, the Pennsylvania State Board of Chiropractic revoked **DR. MINNIS'** Pennsylvania Chiropractic License No. DC-006917-R for his conviction on or about April 27, 2011 of one count of Health Care Fraud, in violation of 18 U.S.C. § 1347, in the U.S. District Court, Northern District of Illinois, Case No. 10cr-193-1.
8. **DR. MINNIS** is on probation until July 31, 2017, for his conviction of one count of Health Care Fraud, in violation of 18 U.S.C. § 1347, U.S. District Court, Northern District of Illinois, Case No. 10cr-193-1.
9. The preponderance of the evidence establishes that, as alleged in Count 4 of the Notice, **DR. MINNIS** has not practiced chiropractic in any jurisdiction since on or about July 31, 2011.
10. The preponderance of evidence establishes that, as alleged in Count 4 of the Notice, **DR. MINNIS** did not demonstrate that he has the current fitness to practice chiropractic in the state of Ohio.
11. **DR. MINNIS** did not submit evidence of earning any chiropractic continuing education.

### **CONCLUSIONS OF LAW**

1. Pursuant to ORC Chapter 4734, respondent **DARWIN A. MINNIS, D.C.** is subject to the jurisdiction of the Board in actions taken in regard to the Application for License to Practice Chiropractic in the State of Ohio that he submitted on or about August 5, 2016.
2. Pursuant to ORC Chapter 4734, the Board is authorized to take action with respect to **DARWIN A. MINNIS'** application for licensure upon sufficient cause to believe he does not meet the requirements for licensure as outlined in ORC § 4734.20 and § 4734.31.
3. Pursuant to ORC § 4734.31(A), the Board may refuse to issue a license to practice chiropractic to an applicant upon sufficient proof that the applicant has violated or attempted

- to violate any provision of ORC Chapter 4734.
4. The conduct described in Finding of Fact No. 5 above constitutes a violation of ORC § 4734.31 (C)(1), which authorizes the Board to refuse to issue a license based upon “a judicial finding of guilt of . . . a felony in any jurisdiction,” as alleged in Count 1 of the Notice. The conduct described in Finding of Fact No. 5 further authorizes the Board to refuse to issue a license pursuant to ORC § 4734.20 (C), ORC § 4734.31 (C)(7), OAC § 4734-6-01(L) and OAC § 4734-6-09, as alleged in Count 1 of the Notice.
  5. The conduct described in Finding of Fact No. 6 above constitutes a violation of ORC § 4734.31 (C)(35), which authorizes the Board to refuse to issue a license based upon “[a]ctions taken for any reason, other than nonpayment of fees, by the chiropractic or acupuncture licensing authority of another state or country,” as alleged in Count 2 of the Notice. The conduct described in Finding of Fact No. 6 above further authorizes the Board to refuse to issue a license based upon ORC § 4734.20 (C), ORC 4734.31 (C)(7), OAC § 4734-6-01 (L) and OAC § 4734-6-09, as alleged in Count 2 of the Notice.
  6. The conduct described in Finding of Fact No. 7 above constitutes a violation of ORC § 4734.31 (C)(35), which authorizes the Board to refuse to issue a license based upon “[a]ctions taken for any reason, other than nonpayment of fees, by the chiropractic or acupuncture licensing authority of another state or country,” as alleged in Count 3 of the Notice. The conduct described in Finding of Fact No. 7 above further authorizes the Board to refuse to issue a license based upon ORC § 4734.20 (C), ORC 4734.31 (C)(7), OAC § 4734-6-01 (L) and OAC § 4734-6-09, as alleged in Count 3 of the Notice
  7. Pursuant to ORC § 4734.20 the burden of proof is on the applicant, to prove by clear and convincing evidence to the Board, that the applicant meets the conditions for receipt of the license. The Board finds that **DR. MINNIS** has not met that burden. Pursuant to OAC § 4734-6-01, the Board may refuse or deny an applicant for licensure if the applicant does not meet the licensure requirements as outlined in ORC § 4734.20 or has committed any act which indicates the applicant does not possess the character and fitness to practice chiropractic, including any act that would be grounds for disciplinary action as outlined in ORC Section 4734.31. **DR. MINNIS** has not shown that he meets the requirements outlined in ORC § 4734.20 and § 4734.31 for licensure and did not demonstrate his current fitness to practice chiropractic in the state of Ohio. Further, the State has met its burden of proving **DR. MINNIS** has violated ORC § 4734.20, as alleged in Count 4 of the Notice. The Board is authorized to refuse to issue a license pursuant to ORC § 4734.20 (C) and § 4734.31 (C)(7) and OAC § 4734-6-01 (L) and OAC § 4734-6-09, as alleged in Count 4 of the Notice.

### ORDER

On the basis of the above Findings of Fact and Conclusions of Law, the Board hereby **ORDERS**:

**DR. DARWIN A. MINNIS'** Application for License to Practice Chiropractic in the State of Ohio is **REFUSED**.

Voting Aye: President Dr. Schmidt; Dr. Palkowski, Mr. Brown. Voting Nay: None.  
Abstaining: Vice President Dr. Gloekler. Motion passed.

**EXECUTIVE DIRECTOR’S REPORT**

Director Caudill resumed the Executive Director’s Report.

Director Caudill advised the Board of important upcoming dates, including the FARB Annual Forum being held January 26-29, 2017 in San Antonio, TX and the FCLB Annual Meeting scheduled for May 3-7, 2017 in Orlando, FL.

Director Caudill provided an eLicense update to the Board. The Board’s new go live date is June 2017.

Director Caudill gave a report on the FCLB District II Meeting that she and Ms. Moore attended on October 13-16, 2016 in Fort Walton Beach, FL.

MOTION 2016-065: Mr. Brown moved and Dr. Palkowski seconded a motion to approve the attendance of Director Caudill at the FARB Annual Forum being held January 26-29, 2017 in San Antonio, TX. Motion passed unanimously.

Director Caudill distributed the conference agenda and details about the World Federation of Chiropractic’s 14<sup>th</sup> Biennial Congress being held March 15-18, 2017 in Washington, DC.

MOTION 2016-067: Mr. Brown moved and Vice-President Dr. Gloekler seconded a motion to approve the attendance of Drs. Schmidt, Palkowski and Gloekler at the World Federation of Chiropractic’s 14<sup>th</sup> Biennial Congress being held March 15-18, 2017 in Washington, DC.

MOTION 2016-066: Dr. Palkowski moved and Mr. Brown seconded a motion to accept the Director’s Report as presented. Motion passed unanimously.

MOTION 2016-067: Dr. Palkowski moved and Mr. Brown seconded a motion to adjourn the meeting. Motion passed unanimously.

With no further business to be brought before the Board, President Dr. Schmidt adjourned the meeting at 12:55 p.m.

Approved By Majority of Board:

Attested By Its Secretary:

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Otto J. Schmidt, D.C.  
President

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Kelly A. Caudill  
Executive Director

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