

**Before The Ohio  
Occupational Therapy, Physical Therapy, and Athletic Trainers Board**

**Athletic Trainers Section**

Melinda K. Rober  
2552 106<sup>th</sup> Street  
Toledo, OH 43611

IN RE:

The eligibility of Melinda K. Rober,  
AT.001841, to retain her license as an  
Athletic Trainer in the State of Ohio

Case No: AT-FY 13-011

Issue Date: May 9, 2013

**Notice of Summary Suspension And Notice of Opportunity for a Hearing**

**Introduction and Jurisdiction**

The Athletic Trainers Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board has determined that evidence exists indicating that you have violated sections 4755.64(A)(2), (4), and (5) of the Ohio Revised Code and Ohio Administrative Code rule 4755-41-01(E)(4), and has further determined that your continued practice poses an immediate threat to the public pursuant to section 4755.64(D) of the Ohio Revised Code, as set forth below:

- (2) Violation of sections 4755.61 to 4755.65 of the Revised Code or any order issued or rule adopted thereunder;
- (4) Negligence or gross misconduct in the practice of athletic training;
- (5) Violating the standards of ethical conduct in the practice of athletic training as adopted by the athletic trainers section under section 4755.61 of the Revised Code;

Therefore, pursuant to Section 4755.64(D) of the Ohio Revised Code, and upon recommendation of AT Section case review liaison Brian Hartz, AT, you are hereby notified that, as set forth in the attached Entry of Order, your license to practice athletic training in the State of Ohio is summarily suspended. Accordingly, at this time, you are no longer authorized to practice athletic training in Ohio.

Furthermore, in accordance with Chapter 119 and section 4755.64 of the Ohio Revised Code, you are hereby notified that the Athletic Trainers Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (hereinafter, "**Board**") intends to determine whether or not to suspend or revoke your athletic trainers license, or reprimand, fine, or place you on probation for the following reasons:

### Count 1

On or about February 2012, and on or about November 2012, while working under contract as an athletic trainer through ProMedica at Clay High School located at 5665 Seaman Road, Oregon, Ohio 43616, you engaged in inappropriate sexual contact with student athletes. On April 22, 2013, you were charged with two (2) counts of sexual battery, both 3rd degree felonies, a violation of Ohio Revised Code 2907.03, in Lucas County Ohio Municipal Court. On April 22, 2013, this matter was bound over to the Lucas County Grand Jury, Ohio and the Lucas County Ohio Court of Common Pleas. Said conduct constitutes a violation of Ohio Revised Code section 4755.64(A)(2),(4), and (5), and Ohio Administrative Code rule 4755-41-01 (E)(4).

#### **4755-41-01 Code of ethical conduct.**

The following basic principles make up the code of ethical conduct for the practice of athletic training in the state of Ohio. When a person becomes a licensed athletic trainer they assume certain ethical obligations and responsibilities. An athletic trainer whose conduct is not in accordance with the principles set forth in the following code of ethical conduct shall be considered in violation of the Revised Code.

- (E) Athletic trainers shall not exploit persons served professionally.
  - (4) Athletic trainers shall not date or engage in any sexual activity with any client, or reengage in any conduct that may reasonably be interpreted by the client to be sexual, whether consensual or nonconsensual, while a practitioner/client relationship exists. This prohibition shall exist for six months immediately following termination of the practitioner/client relationship. In the case of minors, the practitioner/client relationship extends to the minor's parent or guardian.

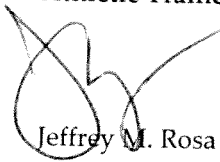
### Hearing Procedures

Pursuant to section 119.07 of the Ohio Revised Code, you have the right to request a hearing on these charges, if your written request for a hearing is received by the Board office, located at 77 South High Street, 16<sup>th</sup> Floor, Columbus, OH 43215, within thirty (30) days of the mailing of this Notice. Further, you are advised that you are entitled to appear at such hearing in person, or by an attorney, or by such other representative who is permitted to practice before the agency. At the hearing, you may present evidence and examine witnesses appearing for or against you. Also, In lieu of personally appearing, you may present your positions, arguments or contentions in writing.

If you do not timely request such a hearing, the Board, upon consideration of the charges cited, may, in your absence, take such disciplinary action it deems appropriate. This action may include, but is not limited to, suspension or revocation of your license.

Please be advised that under section 4755.031 of the Ohio Revised Code, a person sanctioned under section 4755.11, 4755.47, 4755.482, or 4755.64 of the Revised Code shall pay a fee in the amount of the actual cost of the administrative hearing including the cost of the court reporter, the hearing officer, transcripts, and any witness fees for lodging and travel, as determined by the appropriate section of the board. The fee shall be collected by the appropriate section.

By Order of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board:  
**Athletic Trainers Section**



Jeffrey M. Rosa  
Executive Director

Certified Mail: 7011 1150 0001 6788 8387

**Return Receipt Requested**

cc: Yvonne Tertel, Principal Assistant Attorney General

**Before The Ohio  
Occupational Therapy, Physical Therapy, and Athletic Trainers Board**

**Athletic Trainers Section**

Melinda K. Rober  
2552 106<sup>th</sup> Street  
Toledo, OH 43611

IN RE:

The eligibility of Melinda K. Rober,  
AT.001841, to retain her license as an  
Athletic Trainer in the State of Ohio

Case No: AT-FY13-011

Issue Date: May 9, 2013

**ENTRY OF ORDER**

This matter came on for consideration before the Athletic Trainers Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board this 8<sup>th</sup> day of May, 2013.

Pursuant to section 4755.64(D) of the Ohio Revised Code, and upon recommendation of Athletic Trainers Section case review liaison Brian Hertz, AT; and,

Pursuant to his determination, based upon their review of the information supporting the allegations as set forth in the Notice of Summary Suspension and Opportunity for Hearing, that sufficient evidence exists that Melinda K. Rober, AT, has violated sections 4755.64(A)(2), (4), and (5) of the Ohio Revised Code and Ohio Administrative Code rule 4755-41-01(E)(4), as alleged in the Notice of Summary Suspension and Opportunity for Hearing that is enclosed herewith and fully incorporated herein; and,

Pursuant to his further determination, based upon their review of the information supporting the allegations as set forth in the Notice of Summary Suspension and Opportunity for Hearing, that Melinda K. Rober's continued practice as an athletic trainer poses an immediate threat to the public;

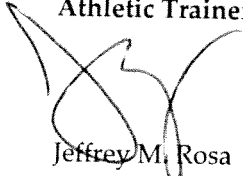
The following Order is hereby entered on to the Journal of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board for the 8<sup>th</sup> day of May, 2013:

It is hereby ORDERED that the license of Melinda K. Rober, AT, to practice athletic training in the State of Ohio be summarily suspended.

It is hereby ORDERED that Melinda K. Rober, shall immediately cease the practice of athletic training in Ohio and immediately refer all active patients/clients to other appropriate health care professionals.

**This Order shall become effective immediately.**

By Order of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board:  
**Athletic Trainers Section**



Jeffrey M. Rosa  
Executive Director

Certified Mail: 7011 1150 0001 6788 8387

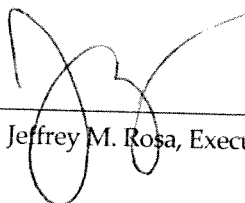
**Return Receipt Requested**

cc: Yvonne Tertel, Principal Assistant Attorney General

CERTIFICATION

The State of Ohio,  
County of Franklin, SS

I, the undersigned Executive Director for the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, hereby certify that the foregoing is a true and exact reproduction of the original Order of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Athletic Trainers Section entered on its journal, on the 8<sup>th</sup> day of May, 2013.

  
\_\_\_\_\_  
Jeffrey M. Rosa, Executive Director

5-8-13  
\_\_\_\_\_  
Date

(BOARD SEAL)

**Before the Ohio  
Occupational Therapy, Physical Therapy, and Athletic Trainers Board**

**Athletic Trainers Section**

In Re:

The eligibility of Melinda K. Rober, AT.001841 to retain her license as an Athletic Trainer in the State of Ohio

Case Number: AT- FY 13-011

**Adjudication Order**

This matter came for hearing before the Athletic Trainers Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (hereinafter "Board") on the 12th day of September, 2013.

The State was represented by Principal Assistant Attorney General Yvonne Tertel.

Melinda K. Rober (hereinafter "Rober") was not present.

The State presented an affidavit from Lisa Ratinaud, Enforcement Division Supervisor, and the following exhibits:

- Exhibit 1:** A copy of the Credential View Screen for Ms. Rober demonstrating a 'suspended' license status.
- Exhibit 2:** A copy of media reports from April 22 and 23, 2013 alleging Ms. Rober, an athletic trainer for Clay High School, was under criminal investigation and facing sexual battery charges of two minor students from the high school.
- Exhibit 3:** A copy of the written complaint and police report the Board received on April 23, 2013 from ProMedica Bay Park Hospital, Ms. Rober's former employer.
- Exhibit 4:** Certified copies of the arraignment journal entries for State of Ohio/City of Oregon vs. Melinda K. Rober, Cases: 13CRA00307-0101 and 13CRA00308-0101, for the offense of sexual battery (F-3), which were obtained on April 22, 2013.
- Exhibit 5:** A copy of the Notice & Emergency Suspension Order for Ms. Rober from the Board of Certification for the Athletic Trainer, which the Board received on April 29, 2013.
- Exhibit 6:** Certified copies of the following documents from Ms. Rober's personnel file at ProMedica: Kara Zimmerly's notes (Director of Human Resources for ProMedica Bay Park Hospital), Tweets on "Clay Confessions" on Twitter, and Ms. Rober's employment separation paperwork from ProMedica, which were received by the Board office on May 6, 2013.
- Exhibit 7:** A copy of the Entry of Order, Notice of Summary Suspension and Notice of Opportunity for Hearing, and an excerpt from the May 8, 2013 Athletic Trainers Section Meeting Minutes sent via certified mail to Ms. Rober.

- Exhibit 7a:** A copy of the returned certified mail labeled as "return to sender, unclaimed, unable to forward", which was returned to the Board office on June 4, 2013.
- Exhibit 8:** Pursuant to R.C. 119.07, a copy of the Entry of Order, Notice of Summary Suspension and Notice of Opportunity for Hearing, and an except from the May 8, 2013 Athletic Trainers Section Meeting Minutes sent via ordinary mail with a certificate of mailing to Ms. Rober. This mailing was not returned to the Board office by postal authorities
- Exhibit 9:** A copy of a letter from Stephen D. Hartman with Kerger & Hartman, LLC. Mr. Hartman indicated that he represents Ms. Rober, and that she is not requesting a hearing.
- Exhibit 10:** A copy of a hearing scheduling letter sent certified and regular mail to Ms. Rober advising her of the September 12, 2013 affidavit proceeding.
- Exhibit 10a:** A copy of the certified mail receipt for the hearing scheduling letter.
- Exhibit 11:** A copy of the Court's Public Docket print out from Lucas County Court of Common Pleas, State of Ohio vs. Melinda K. Rober, Case: G-4801-CR-201301833-000, which outlines the current status of Ms. Rober's criminal case.

After review of the evidence and testimony, the Board makes the following findings of fact:

1. The Board became aware of media reports from April 22 and 23, 2013, alleging Ms. Rober, an athletic trainer for Clay High School, was under criminal investigation and facing sexual battery charges of two minor students from the high school. In addition, on April 23, 2013, the Board received a written complaint and copies of police reports from ProMedica Bay Park Hospital, Ms. Rober's former employer.
2. Based on the evidence provided, on May 8, 2013, the Board summarily suspended Ms. Rober's license to practice as an athletic trainer in the state of Ohio for engaging in inappropriate sexual contact with student athletes.
3. On May 9, 2013, the Board sent an Entry of Order and a "Notice of Summary Suspension And Notice of Opportunity for Hearing" (hereinafter Notice) to Ms. Rober via certified mail, pursuant to Ohio Revised Code section 119.07. The certified mailing was returned to the Board office on June 4, 2013, labeled as "return to sender, unclaimed, unable to forward". On June 7, 2013, pursuant to R.C. 119.07, the Board sent the Entry of Order, Notice of Summary Suspension and Notice of Opportunity for Hearing to Ms. Rober by ordinary mail with a certificate of mailing. The Entry of Order, Notice of Summary Suspension and Notice of Opportunity for Hearing were not returned to the Board office by postal authorities. The Entry of Order and Notice informed Ms. Rober that her license was summarily suspended and of the Board's intent to take disciplinary action against her license as an athletic trainer in the state of Ohio, respectively.
4. Ms. Rober did not request a hearing on the charges outlined in the Notice.
5. The Case came before the Board for an evidentiary review hearing on September 12, 2013.



6. Based upon the evidence presented at the evidentiary review hearing, the Board finds that Ms. Rober's engaged in inappropriate sexual contact with student athletes.

After review of the evidence and testimony, the Board makes the following conclusion of law:

1. Rober was properly served with the Entry of Order and Notice of Summary Suspension And Notice of Opportunity for Hearing pursuant to Revised Code section 119.07.
2. Ms. Rober violated Ohio Revised Code sections 4755.64(A)(2),(4), and (5), and Ohio Administrative Code rules 4755-41-01 (E)(4) as incorporated by Revised Code section 4755.64(A)(5).

Wherefore, based on the evidence and the above findings, it is the conclusion of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Athletic Trainers Section, that Rober violated Ohio Revised Code sections 4755.64(A)(2),(4), and (5), and Ohio Administrative Code rule 4755-41-01 (E)(4), as incorporated by Revised Code section 4755.64(A)(5).

At the September 12, 2013 hearing, a vote was taken which resulted in the adoption of the following order:

**Therefore, it is the order of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Athletic Trainers Section that the license of Melinda K. Rober as an Athletic Trainer in the state of Ohio is PERMANENTLY REVOKED in accordance with section 4755.64 (D) of the Ohio Revised Code.**

**The Board further orders that the Police Records found in Exhibit #3 and the Clay Confessions Twitter Feeds in Exhibit #6 be sealed.**

**The decision of the Athletic Trainers Section of the Board shall be EFFECTIVE IMMEDIATELY.**

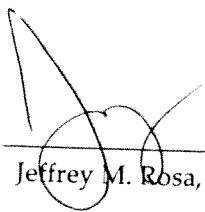
**Within thirty (30) days from the mailing date of this order, you shall surrender to the Board office all evidence of your license, including your wall certificate. This document shall be sent to the attention of the Enforcement Division of the Board.**

#### **TIME AND METHOD TO PERFECT AN APPEAL**

Ohio Revised Code Section 119.12 may authorize an appeal from this Order. Such an appeal must be commenced by the filing of a Notice of Appeal with the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board and in the court of common pleas of the county in which the place of business of the licensee is located or the county in which the licensee is a resident. If the party appealing from the order is not a resident of and has no place of business in this state, the party may appeal to the court of common pleas of Franklin County, Ohio. The Notice of Appeal must set forth the order appealed from and state that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The Notice of Appeal may, but need not, set forth the specific grounds of the party's appeal beyond the statement that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. Both Notices of Appeal must be filed with the

Board and the applicable court within fifteen days after mailing of this notice of the agency's order, and in accordance with the provisions of Ohio Revised Code section 119.12.

**By order of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board,  
Athletic Trainers Section.**



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Jeffrey M. Rosa, Executive Director

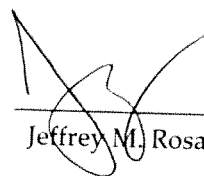
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Date

## CERTIFICATION

The State of Ohio,  
County of Franklin, SS

I, the undersigned Executive Director for the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, hereby certify that the foregoing is a true and exact reproduction of the original Order of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Athletic Trainers Section entered on its journal, on the 12<sup>th</sup> day of September, 2013.



\_\_\_\_\_  
Jeffrey M. Rosa, Executive Director

9-30-13

\_\_\_\_\_  
Date

(BOARD SEAL)