

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania,
Bureau of Professional and
Occupational Affairs
v.

James Warren Ochse, L.A.T.,
Respondent

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:
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:
:
:
:

File No. 14-49-08559

Docket No. 1777-49-14

FINAL ORDER

AND NOW, this 25th day of February 2015, noting that neither party filed an application for review and that the State Board of Medicine (Board) did not issue a Notice of Intent to Review, in accordance with 1 Pa. Code § 35.226(a)(3) and 49 Pa. Code § 16.57, the hearing examiner's adjudication and order dated November 12, 2014, appended to this order as **Appendix A**, is now the **FINAL ORDER** of the Board in this proceeding.

This order shall be effective immediately.

BUREAU OF PROFESSIONAL &
OCCUPATIONAL AFFAIRS

STATE BOARD OF MEDICINE


IAN J. HARLOW
ACTING COMMISSIONER


ANDREW J. BEHNKE, MD
CHAIR

Respondent's Address:

James Warren Ochse, L.A.T.
404 West Hamilton Street
Apartment 314
Allentown, PA 18102

Prosecuting attorney:

Anita P. Shekletski, Esquire

Board counsel:

Teresa Lazo, Esquire

Date of mailing:

February 25, 2015

APPENDIX A

RECEIVED
JAN 28 2015
Department of State
Prothonotary

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE**

Commonwealth of Pennsylvania, :
Bureau of Professional and :
Occupational Affairs :
 :
v. :
James Warren Ochse, LAT :
Respondent :

Docket No. 1777-49-14
File No. 14-49-08559

ADJUDICATION AND ORDER

Marc A. Moyer, Esquire
Hearing Examiner

Commonwealth of Pennsylvania
GOVERNOR'S OFFICE OF GENERAL COUNSEL
Department of State
P.O. Box 2649
Harrisburg, PA 17105-2649
(717) 772-2686

RECEIVED 1/28/15
SECTION _____
EXAMINER _____

HISTORY

This matter comes before a hearing examiner for the Department of State on a two-count Order To Show Cause ("OTSC") filed October 21, 2014, in which the Commonwealth alleged that James Warren Ochse, LAT ("Respondent"), is subject to disciplinary action by the State Board of Medicine ("Board") under the Medical Practice Act ("Act"), Act of December 20, 1985, P.L. 457, No. 112, *as amended*, 63 P.S. § 422.1 *et. seq.*; the Medical Care Availability and Reduction of Error ("Mcare") Act, Act of March 20, 2002, P.L.154, No. 13, *as amended*, 40 P.S. § 1303.101 *et. seq.*; the Criminal History Record Information Act, Act of July 16, 1979, P.L. 116, No. 47 ("CHRIA"), *as amended*, 18 Pa.C.S. § 9101 *et. seq.*, and/or the Act of July 2, 1993, P.L. 345, No. 48 ("Act 48"), *as amended*, 63 P.S. § 2201 *et. seq.* based upon Respondent having entered a guilty plea to a second degree criminal felony, and a guilty plea to a second degree criminal misdemeanor in the Lehigh County Court of Common Pleas on or about October 25, 2013.

The Commonwealth served the Order To Show Cause upon Respondent on October 21, 2014, by mailing the OTSC to Respondent via Certified Mail, return receipt requested and via first class mail, postage prepaid, at Respondent's last known address on file with the Board, 404 West Hamilton Street, Apartment 314, Allentown, PA 18102. The OTSC mailed to Respondent via first class mail was not returned as having not been delivered. The OTSC served upon Respondent via Certified Mail was delivered and signed for on October 23, 2014, at 10:53 a.m. Service of the Order To Show Cause upon Respondent in the foregoing manner was in accordance with the requirements of 1 Pa. Code § 33.31 of the General Rules of Administrative Practice and Procedure ("GRAPP"). The Order To Show Cause directed Respondent to file an Answer thereto within thirty days. Respondent did not file an answer.

On January 13, 2015, the Commonwealth filed a Motion to Enter Default and Deem Facts Admitted (“MDFA”). The MDFA was served upon Respondent on January 14, 2015 by first class mail, postage prepaid, at the same addresses at which the Order To Show Cause had been served. Respondent did not file an answer to the MDFA, and the MDFA was granted by Order of the Hearing Examiner dated January 27, 2015.

FINDINGS OF FACT

1. Respondent holds a license to practice as a medical athletic trainer in the Commonwealth of Pennsylvania, License No. RT001722A. (Official Notice-Board records; Order To Show Cause at Paragraph 1).¹

2. Respondent's license was originally issued on February 26, 1998, was current through December 31, 2014, and may be renewed, reactivated or reinstated thereafter upon the

¹ Official notice of such matters as might be judicially noticed by courts is permissible under the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 31.1 *et. seq.*, at § 35.173, which provides, in pertinent part, as follows:

§ 35.173. Official notice of facts.

Official notice may be taken by the agency head or the presiding officer of such matters as might be judicially noticed by the courts of this Commonwealth, or any matters as to which the agency by reason of its functions is an expert. . . .

1 Pa. Code § 35.173.

Official notice is also permitted under case law. *See, e.g., Falasco v. Commonwealth of Pennsylvania Board of Probation and Parole*, 521 A. 2d 991 (Pa. Cmwith. 1987), in which the Commonwealth Court explained:

“Official notice” is the administrative counterpart of judicial notice and is the most significant exception to the exclusiveness of the record principle. The doctrine allows an agency to take official notice of facts which are obvious and notorious to an expert in the agency's field and those facts contained in reports and records in the agency's files, in addition to those facts which are obvious and notorious to the average person. Thus, official notice is a broader doctrine than is judicial notice and recognizes the special competence of the administrative agency in its particular field and also recognizes that the agency is a storehouse of information on that field consisting of reports, case files, statistics and other data relevant to its work.

521 A. 2d at 994, n. 6

filing of the appropriate documentation and payment of the necessary fees. (Official Notice-Board records; Order To Show Cause at Paragraph 2).

3. At all times material to the factual allegations set forth in the Order To Show Cause, Respondent held a license to practice as a medical athletic trainer in the Commonwealth of Pennsylvania. (Official Notice-Board records; Order To Show Cause at Paragraph 3).

4. Respondent's last known address on file with the Board is 404 West Hamilton Street, Apartment 314, Allentown, PA 18102. Service was made upon Respondent at that address. (Official Notice-Board records; Order To Show Cause at Paragraph 4; MDFA Paragraphs 3-4, and Exhibit B attached to the MDFA).

5. On or about October 25, 2013, Respondent entered a plea of guilty in the Lehigh County Court of Common Pleas, at Docket No. CP-39-CR-0003512-2013, to one (1) count of violating 18 Pa.C.S.A. § 3304(a)(5), Criminal Mischief, a misdemeanor of the second degree. (Order To Show Cause at Paragraph 8, and attached Exhibit A).

6. On or about October 25, 2013, Respondent entered a plea of guilty in the Lehigh County Court of Common Pleas, at Docket No. CP-39-CR-0003512-2013, to one (1) count of violating 18 Pa.C.S.A. § 3503(a)(1)(ii), Criminal Trespass, a felony of the second degree. (Order To Show Cause at Paragraph 8, and attached Exhibit A).

7. On or about October 25, 2013, Respondent was sentenced by the Lehigh County Court of Common Pleas, at Docket No. CP-39-CR-0003512-2013, to the following: (a) 12 months imprisonment; (b) Costs in the amount of \$2,142.30; and (c) Restitution in the amount of \$2,495.07. Respondent was also ordered to refrain from alcohol, to have no contact with his victims, and to continue with mental health treatment. (Order To Show Cause at Paragraph 9, and attached Exhibit A).

8. On or about October 21, 2014, the Commonwealth filed an Order To Show Cause alleging that Respondent violated the Act at Section 41(3), 63 P.S. § 422.41(3), in that Respondent was convicted of a felony or a misdemeanor relating to a health profession or received probation without verdict, disposition in lieu of trial or an Accelerated Rehabilitative Disposition in the disposition of felony charges, in the courts of the Commonwealth. (Order To Show Cause at Paragraphs 1-11, and attached Exhibit A).

9. On or about October 21, 2014, the Commonwealth filed an Order To Show Cause alleging that the Board is authorized to suspend or revoke Respondent's license to practice as a medical athletic trainer under 18 Pa.C.S.A. § 9124(c)(1) of the CHRIA based upon Respondent having been convicted of a felony. (Order To Show Cause at Paragraphs 1-9, 12-13, and attached Exhibit A).

10. The Commonwealth served the Order To Show Cause upon Respondent on October 21, 2014, by mailing the Order To Show Cause to Respondent via Certified Mail, return receipt requested, and via first class mail, postage prepaid, at Respondent's last known address on file with the Board, 404 West Hamilton Street, Apartment 314, Allentown, PA 18102. (Official Notice-Board records; Order To Show Cause, Certificate of Service; MDFA at Paragraphs 3-4, Exhibit B).

11. The Order To Show Cause mailed to Respondent via first class mail was not returned as having not been delivered. The OTSC served upon Respondent via Certified Mail was delivered and signed for on October 23, 2014, at 10:53 a.m. (Official Notice-Board records; Order To Show Cause, Certificate of Service; MDFA at Paragraphs 3-4, Exhibit B).

12. The Order To Show Cause directed Respondent to file an Answer within thirty days. (Official Notice-Board records; Order To Show Cause, "Procedures" paragraph; MDFA at Paragraph 5).

13. To date, Respondent has not filed an Answer to the Order To Show Cause. (Official Notice-Board records).

14. On January 13, 2015, the Commonwealth filed a Motion to Enter Default and Deem Facts Admitted, alleging that Respondent had been served with the Order To Show Cause and had failed to file an Answer within thirty days. (Official Notice-Board records).

15. The Commonwealth served the MDFA on Respondent by first class mail, postage prepaid, at the same address at which the Order To Show Cause had been served. *Id.*

16. To date, Respondent has not filed a response to the MDFA. *Id.*

17. An Order Granting Commonwealth's Motion to Enter Default and Deem Facts Admitted was issued on January 27, 2015. (Official Notice-Board records).

18. The Order Granting Commonwealth's Motion to Enter Default and Deem Facts Admitted issued on January 27, 2015 was served upon Respondent at the same address at which service of the Order To Show Cause upon Respondent had been accomplished. *Id.*

19. Respondent has been served with the Order To Show Cause and all subsequent pleadings, Orders and notices filed of record in this matter. *Id.*

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter. (Findings of Fact 1 – 3).
2. Respondent has been afforded reasonable notice of the charges against him and an opportunity to be heard in this proceeding, in accordance with the Administrative Agency Law, 2 Pa. C.S. § 504. (Findings of Fact, Nos. 8-19).
3. Respondent is subject to discipline under Section 41(4) of the Act, 63 P.S. § 422.41(3), and pursuant to CHRIA at 18 Pa.C.S.A. § 9124(e)(1) in that Respondent was convicted of a felony. (Finding of Fact, No. 6).

DISCUSSION

The Commonwealth successfully served the Order To Show Cause on Respondent by certified and first class mail. In the Notice attached to the Order To Show Cause, Respondent was notified that the Commonwealth had instituted formal disciplinary action against him and that his failure to respond to the Order To Show Cause could result in a default judgment being entered against him. The Notice also advised Respondent that he could lose his license to practice as a medical athletic trainer in the Commonwealth as a result of the disciplinary action against him, and directed him to file an answer to the allegations in the Order To Show Cause within 30 days. The Notice additionally advised Respondent that disciplinary action could be taken against him without a hearing if he did not file an answer to the Order To Show Cause.

The Order To Show Cause similarly directed Respondent to file an answer within thirty (30) days of the date of the Order. Under a section of the Order to Show Cause captioned "Procedures", Respondent was once again ordered to file a written answer to the Order To Show Cause within 30 days, and was advised that his failure to do so would result in him being deemed

to have waived his right to a hearing, and a final judgment being entered against him without a hearing.

The Commonwealth filed a MDFA on January 13, 2015, due to Respondent's failure to file an answer to the Order To Show Cause. The MDFA was served upon Respondent via first class mail, postage prepaid, at the same address at which the Commonwealth had served the Order To Show Cause. The Commonwealth's MDFA was granted by Order of the Hearing Examiner on January 27, 2015.

Violation

The granting of the MDFA by the Hearing Examiner on January 27, 2015 constituted a determination that Respondent is in default in accordance with the GRAPP at 1 Pa. Code § 35.37. That Rule provides, in pertinent part, as follows:

§ 35.37. Answers to orders to show cause.

A person upon whom an Order To Show Cause has been served...shall, if directed so to do, respond to the same by filing within the time specified in the order an answer in writing....A respondent failing to file an answer within the time allowed shall be deemed in default, and relevant facts stated in the Order To Show Cause may be deemed admitted.

By virtue of 1 Pa. Code § 35.37, and the granting of the Commonwealth's MDFA, the allegations set forth in the Order To Show Cause are deemed to be admitted, there are no material facts in dispute, and the facts deemed admitted constitute the basis for the findings of fact set forth above.

Count One in this action is brought under Section 41(3) of the Act, 63 P.S. § 422.41(3), which provides as follows:

§ 422.41. Reasons for refusal, revocation, suspension or other corrective actions against a licensee or certificate holder

The board shall have authority to impose disciplinary or corrective measures on a board-regulated practitioner for any or all of the following reasons:

* * *

(3) Being convicted of a felony or being convicted of a misdemeanor relating to a health profession or receiving probation without verdict, disposition in lieu of trial or an Accelerated Rehabilitative Disposition in the disposition of felony charges, in the courts of this Commonwealth, a Federal court or a court of any other state, territory or country.

Count Two the Order To Show Cause asserts that Respondent is subject to disciplinary action pursuant to the CHRIA at 18 Pa.C.S.A. § 9124(c)(1) for having been convicted of violating 18 Pa.C.S.A. § 3503(a)(1)(ii), Criminal Trespass, a felony of the second degree.

CHRIA provides, in pertinent part, as follows:

(c) State action authorized. –Boards, commissions or departments of the Commonwealth authorized to license, certify, register or permit the practice of trades, occupations or professions may refuse to grant or renew or may suspend or revoke any license, certificate, registration or permit for the following causes:

(1) Where the applicant has been convicted of a felony.

18 Pa.C.S.A. § 9124(c)(1).

By virtue of the facts deemed admitted pursuant to the Hearing Examiner's January 27, 2015 Order, the Commonwealth has proven that Respondent was convicted of a felony by a preponderance of the evidence, thereby subjecting Respondent's license to practice as a medical athletic trainer to disciplinary action pursuant to the Act at Section 41(3), 63 P.S. § 422.41(3), CHRIA at 18 Pa.C.S.A. § 9124(c)(1), the Mcare Act at Section 908, 40 P.S. § 1303.908, and/or

under Act 48 at 63 P.S. § 2205(b), as set forth in the Order To Show Cause.² It is, therefore, proper to now enter a final order in this disciplinary proceeding without a hearing. See, *Goetz v. Dept. of Environmental Resources*, 613 A.2d 65 (Pa. Cmwlth. 1992); *Celane v. Insurance Commissioner*, 415 A.2d 130 (Pa. Cmwlth. 1980).

Sanction

The Board has a duty to protect the health and safety of the public. Under professional licensing statutes, including the Act, the Board is charged with the responsibility and authority to oversee the profession and to regulate and license professionals to protect the public health and safety. *Barran v. State Board of Medicine*, 670 A.2d 765, 767 (Pa. Cmwlth. 1996), *app.den.*, 679 A.2d 230 (Pa. 1996). Although he has been given appropriate notice and the opportunity to respond, Respondent has not defended himself in the matter now before the Board, and so there is no mitigating evidence in the record to be considered when determining the appropriate sanctions to be imposed.

The Act at 63 P.S. § 422.42 provides the Board with broad discretion in determining the appropriate corrective action to be taken against a licensee who has violated the Act. Specifically, Section 422.42 of the Act provides:

§ 422.42. Types of corrective action

(a) **Authorized actions.**- When the board is empowered to take disciplinary or corrective action against a board-regulated practitioner under the provisions of this act or pursuant to other statutory authority, the board may:

- (1) Deny the application for a license, certificate or any other privilege granted by the board.
- (2) Administer a public reprimand with or without probation.

² The Hearing Examiner does not find that Respondent's conviction for one (1) count of violating 18 Pa.C.S.A. § 3304(a)(5), *Criminal Mischief*, a misdemeanor of the second degree, was related to a health profession under the circumstances described in the OTSC at Exhibit "A" so as to constitute a violation of the Act.

- (3) Revoke, suspend, limit or otherwise restrict a license or certificate.
- (4) Require the board-regulated practitioner to submit to the care, counseling or treatment of a physician or a psychologist designated by the board.
- (5) Require the board-regulated practitioner to take refresher education courses.
- (6) Stay enforcement of any suspension, other than that imposed in accordance with section 40, and place a board-regulated practitioner on probation with the right to vacate the probationary order for noncompliance.
- (7) Impose a monetary penalty in accordance with this act.

63 P.S. § 422.42(a).³

The Board is also authorized to impose a maximum civil penalty of up to one thousand dollars (\$1,000.00) for each and every violation of the Act pursuant to 63 P.S. § 422.39(b). In addition, a maximum civil penalty of up to ten thousand dollars (\$10,000.00) for each violation of the Act is authorized under Section 908 of the Medical Care Availability and Reduction of Error Act (Mcare Act), Act of March 20, 2002, P.L. 154, 40 P.S. § 1303.908.⁴

³ Act 48 additionally authorizes the Board to levy a civil penalty of not more than \$10,000.00 per violation on any licensee, registrant, certificate holder, permit holder or unlicensed person who violates any provision of the applicable licensing act or board regulation. 63 P.S. § 2205(b).

⁴ § 1303.908. Licensure board-imposed civil penalty.

In addition to any other civil remedy or criminal penalty provided for in this act, the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, the State Board of Medicine and the State Board of Osteopathic Medicine, by a vote of the majority of the maximum number of the authorized membership of each board as provided by law or by a vote of the majority of the duly qualified and confirmed membership or a minimum of five members, whichever is greater, may levy a civil penalty of up to \$10,000 on any current licensee who violates any provision of this act, the Medical Practice Act of 1985 or the Osteopathic Medical Practice Act or on any person who practices medicine or osteopathic medicine without being properly licensed to do so under the Medical Practice Act of 1985 or the Osteopathic Medical Practice Act. The boards shall levy this penalty only after affording the accused party the opportunity for a hearing as provided in 2 Pa.C.S. (relating to administrative law and procedure).

In this case, the documents incorporated into the factual averments of the Order To Show Cause show that Respondent's felony conviction resulted from breaking into the home of his former/estranged wife without her permission by climbing through a window that he had pried out of its track with a screwdriver. As a result of his conviction, Respondent was sentenced by the Lehigh County Court of Common Pleas to: 1) 12 months of imprisonment; 2) Payment of costs in the amount of \$2,142.30; and 3) Payment of restitution in the amount of \$2,495.00. Respondent was also ordered to have no contact with the victims of his crimes, and to continue with mental health treatment.

Although Respondent's actions were not committed while practicing as a medical athletic trainer, the nature of his conduct was quite serious as evidenced by the grading of the offense as a felony, and the severity of the sentence he received by the Lehigh County Court of Common Pleas. Moreover, because Respondent did not appear at the hearing, the Board is without any knowledge regarding the status of his criminal sentence or Respondent's compliance with the terms therein. Of particular concern are the Special Conditions imposed upon Respondent by the criminal court under which Respondent is to refrain from consuming alcoholic beverages and continue with mental health treatment as a condition for his probation/parole. Under the present circumstances where the Respondent has failed to offer the Board any explanation for the underlying conduct giving rise to his felony criminal conviction, evidence demonstrating that such conduct will not occur in the future, or evidence that he has faithfully discharged his obligations under the court's sentencing Order, Respondent's actions and resulting criminal conviction demonstrate a propensity to commit actions which could potentially create a risk of harm to the Commonwealth's citizens, including Respondent's patients/clients.

In light of the Board's duty and responsibility to protect the public health and safety, this Hearing Examiner believes Respondent should be precluded from actively practicing as a medical athletic trainer until such time as he can demonstrate to the Board that he can do so safely while upholding the professional standards expected of the Board's licensees. Similarly, the Hearing Examiner believes that the imposition of a civil monetary penalty is unwarranted based upon the nature and extent of Respondent's criminal sentence, including the imposition of \$4,637.37 in costs and restitution already imposed against him. Accordingly, the imposition of additional monetary penalties is unlikely to deter Respondent or others from similar conduct in the future so as to advance the interest of public safety. Based upon the above Findings of Fact, Conclusions of Law and Discussion, the following Order will issue:

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE**

Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs	:	
	:	Docket No. 1777-49-14
v:	:	
	:	File No. 14-49-08559
	:	
James Warren Ochse, LAT Respondent	:	

ORDER


AND NOW, this 28th day of January, 2015, upon consideration of the foregoing Findings of Fact, Conclusions of Law and Discussion, it is hereby **ORDERED** that the license to practice as a medical athletic trainer in the Commonwealth of Respondent, **James Warren Ochse, LAT**, License No. RT001722A, is **INDEFINITELY SUSPENDED** until such time as Respondent provides documentary evidence that he has completed the period of incarceration and any applicable period of probation in the Lehigh County Criminal matter, and submits to a mental and physical examination/evaluation by a Board approved provider that demonstrates at a hearing before the Board or its designated representative that Respondent is competent and fit to practice as a medical athletic trainer in the Commonwealth of Pennsylvania.

Respondent is to cease practicing as a medical athletic trainer in the Commonwealth of Pennsylvania and return all licensure documents, including wall certificates and wallet card to the following address:

State Board of Medicine
Attn: Board Counsel
P.O. Box 2649
Harrisburg, PA 17105-2649

This Order shall take effect twenty (20) days from the date of mailing shown below,
unless otherwise ordered by the State Board of Medicine.

BY ORDER:



Marc A. Moyer, Esquire
Hearing Examiner

Respondent:

James Warren Ochse, LAT
404 West Hamilton Street
Apartment 314
Allentown, PA 18102

Prosecuting Attorney:

Anita P. Shekletski, Esquire
Senior Prosecutor in Charge
Commonwealth of Pennsylvania
GOVERNOR'S OFFICE OF GENERAL COUNSEL
Department of State
P.O. Box 2649
Harrisburg, PA 17105-2649

Date of mailing: 1/28/15

NOTICE

REHEARING AND/OR RECONSIDERATION

A party may file an application for rehearing or reconsideration within 15 days of the mailing date of this adjudication and order. The application must be captioned "*Application for Rehearing*", "*Application for Reconsideration*", or "*Application for Rehearing or Reconsideration*". It must state specifically and concisely, in numbered paragraphs, the grounds relied upon in seeking rehearing or reconsideration, including any alleged error in the adjudication. If the adjudication is sought to be vacated, reversed, or modified by reason of matters that have arisen since the hearing and decision, the matters relied upon by the petitioner must be set forth in the application.

APPEAL TO BOARD

An application to the State Board of Medicine for review of the hearing examiner's adjudication and order must be filed by a party within 20 days of the date of mailing of this adjudication and order. The application must be captioned "*Application for Review*". It must state specifically and concisely, in numbered paragraphs, the grounds relied upon in seeking the Board's review of the hearing examiner's decision, including any alleged error in the adjudication. Within an application for review a party may request that the Board hear additional argument and take additional evidence.

An application to the Board to review the hearing examiner's decision may be filed irrespective of whether an application for rehearing or reconsideration is filed. However, the filing of an application for rehearing and/or reconsideration does not extend, or in any other manner affect, the time period in which an application for review may be filed.

STAY OF HEARING EXAMINER'S ORDER

Neither the filing of an application for rehearing and/or reconsideration nor the filing of an application for review operates as a stay of the hearing examiner's order. To seek a stay of the hearing examiner's order, the party must file an application for stay directed to the Board.

FILING AND SERVICE

An original and three (3) copies of all applications shall be filed with:

Prothonotary
P.O. Box 2649
Harrisburg, PA 17105-2649

A copy of all applications must also be served on all parties.

Applications must be received for filing by the Prothonotary within the time limits specified. The date of receipt at the office of Prothonotary, and not the date of deposit in the mail, is determinative.

NOTICE

The attached Final Order represents the final agency decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a Petition for Review with that Court within 30 days after the entry of the order in accordance with the Pennsylvania Rules of Appellate Procedure. See Chapter 15 of the Pennsylvania Rules of Appellate Procedure entitled "Judicial Review of Governmental Determinations," Pa. R.A.P 1501 – 1561. Please note: An order is entered on the date it is mailed. If you take an appeal to the Commonwealth Court, you must serve the Board with a copy of your Petition for Review. The agency contact for receiving service of such an appeal is:

Board Counsel
P.O. Box 2649
Harrisburg, PA 17105-2649

The name of the individual Board Counsel is identified on the Final Order.