

STATE BOARD OF MEDICINE  
P O BOX 2649  
HARRISBURG PA 17105-2649  
[www.dos.pa.gov/med](http://www.dos.pa.gov/med)

**BOARD ACTION REPORT**

**NAME:** BENJAMIN NOEL STAHLE  
**LICENSE TYPE:** Athletic Trainer  
**LIC NUMBER:** RT005362  
**ORIG LIC DATE:** 08/13/2012  
**EXP DATE:** 12/31/2016  
**ADDRESS:** 70 LOCUST GROVE ROAD  
YORK PA 17402  
**DOB:** 05/09/1990  
**SSN:**  
**SCHOOL:** LOCK HAVEN UNIVERSITY  
**YR OF GRAD:** 2012

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**Date of Order:** 09/07/2016

**Effective Date of Action:** 09/07/2016

**Action Taken:** **CONSENT AGREEMENT AND ORDER.** Effective immediately. Respondent hereby VOLUNTARILY SURRENDERS his license to practice as a medical athletic trainer in the Commonwealth of Pennsylvania along with any other licenses, registrations, certificates, approvals, authorizations, or permits issued by the Board to Respondent at the time this Consent Agreement is adopted by the Board until such time as the Board grants the reinstatement of his authorizations to practice the profession.

**Reason for Action:** Respondent engaged in immoral and/or unprofessional conduct.

PA STATE BOARD OF MEDICINE  
ADMINISTRATIVE OFFICER  
September 12, 2016

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

Commonwealth of Pennsylvania  
Bureau of Professional and  
Occupational Affairs

File No.: 16-49-09581

v.

Docket No: 1693 -49-16

Benjamin Noel Stahle, LAT,  
Respondent

(ITS at File No. 16-49-09264; Docket No. 1487-49-16)

CONSENT AGREEMENT AND ORDER

PARTIES

The Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs ("Commonwealth") and Benjamin Noel Stahle, LAT ("Respondent") stipulate as follows in settlement of the above-captioned case.

APPLICABLE LAW

1. This matter is before the State Board of Medicine ("Board") pursuant to the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, ("Act"), *as amended*, 63 P.S. §§ 422.1-422.53; 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. §§ 1303.101-1303.910; and/or the Act of July 2, 1993, P.L. 345, No. 48 ("Act 48"), *as amended*, 63 P.S. §§ 2201-2207.

LICENSURE STATUS

2. At all relevant and material times, Respondent held a license to practice as a medical athletic trainer in the Commonwealth of Pennsylvania, license no. RT005362, which was originally issued on August 13, 2012, and which is currently subject to an Immediate Temporary Suspension as of August 5, 2016.

STIPULATED FACTS

3. The Respondent, while admitting no guilt or wrongdoing, agrees that if this case were to proceed to a hearing the Commonwealth would be able to prove the following:

a. Absent further Board action, Respondent's license may be continually reactivated, renewed, or reinstated upon the filing of the appropriate documentation and payment of the necessary fees.

b. Respondent's last known address, as on file with the Board is 302B Friendship Avenue, York, PA 17406.

c. The Commonwealth has reason to believe that Respondent's current address is 70 Locust Grove Road, York, PA 17402.

d. On or about July 28, 2016, a Criminal Complaint was filed against the Respondent in Magisterial District Court No. 19-2-01 (*hereinafter* "Criminal Complaint").

e. The Criminal Complaint charged the Respondent with felony violations of the Pennsylvania Crimes Code as follows:

(1) 18 Pa. C.S. §6312(c) (6 counts) – Sexual Abuse of Children (Dissemination of Child Pornography) (Third Degree Felony);

(2) 18 Pa. C.S. §6312(d) (25 counts) – Sexual Abuse of Children (Possession of Child Pornography) (Third Degree Felony); and

(3) 18 Pa. C.S. §7512(a) (1 count) – Criminal Use of a Communication Facility (Third Degree Felony).

#### ALLEGED VIOLATIONS

4. The Commonwealth alleges that the Board is authorized to suspend, revoke, or otherwise restrict Respondent's license under Sections 41 and 42 of the Act, 63 P.S. §§ 422.41 & 422.42; and/or impose a civil penalty upon Respondent under Sections 39 through 42 of the Act, 63 P.S. §§ 422.39-422.42, and /or Section 5(b)(4) of Act 48, 63 P.S. § 2205(b)(4); and/or impose the costs of investigation upon Respondent under Section 5(b)(5) of Act 48, 63 P.S. § 2205(b)(5), because the Respondent engaged in immoral and/or unprofessional conduct in violation of Section 41(8) of the Act, 63 P.S. § 422.41(8).

#### PROPOSED ORDER

5. The Respondent, in consideration of this Consent Agreement only, has chosen not to contest the above allegations of wrongdoing and agrees that, for the purposes of this proceeding before the Board, this Consent Agreement shall have the same effect as if proven and ordered after a full hearing; however, for the purposes of any and all criminal proceedings, the Respondent maintains his innocence and admits no guilt or wrongdoing, and this Consent Agreement shall not be construed as an admission against interest. The parties, intending to be legally bound, consent to the issuance of the following Order in settlement of this matter:

a. The Board finds that it is authorized to suspend, revoke, or otherwise restrict Respondent's license under Sections 41 and 42 of the Act, 63 P.S. §§ 422.41 & 422.42; and/or impose a civil penalty upon Respondent under Sections 39 through 42 of the Act, 63 P.S. §§ 422.39-422.42, and/or Section 5(b)(4) of ACT 48, 63 P.S. § 2205(b)(4); and/or impose the costs of investigation upon Respondent under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because the Respondent engaged in immoral and/or unprofessional conduct in violation of Section 41(8) of the Act, 63 P.S. § 422.41(8).

PERMANENT VOLUNTARY SURRENDER

b. Respondent hereby **VOLUNTARILY SURRENDERS** his license to practice as a medical athletic trainer in the Commonwealth of Pennsylvania along with any other licenses, registrations, certificates, approvals, authorizations, or permits (hereinafter referred to collectively as “authorizations to practice the profession”) issued by the Board to Respondent at the time this Consent Agreement is adopted by the Board until such time as the Board grants the reinstatement of his authorizations to practice the profession as provided for below.

c. Respondent shall, within ten (10) days of adoption of this Consent Agreement and Order, surrender Respondent’s wall certificate, biennial renewal certificate and wallet card (or notarized affidavit of their loss or destruction) by mailing them to:

Mark R. Zogby  
Prosecuting Attorney  
Bureau of Professional and Occupational Affairs  
P.O. Box 69521  
Harrisburg, PA 17106-9521

or by delivering them in person at:

Bureau of Professional and Occupational Affairs  
One Penn Center  
2601 North 3rd St.  
Harrisburg, Pennsylvania

d. Upon the effective date of the Consent Agreement Respondent shall cease and desist from practicing as a medical athletic trainer, and shall not represent himself as a Board licensee in any manner unless and/or until his authorizations to practice the profession are reinstated by the Board.

e. The Respondent shall not apply to reinstate his authorizations to practice the profession while any criminal charges are pending against him.

f. Should Respondent be convicted of a crime, as defined by Section 40(b) and Section 41(3) of the Act, 63 P.S. §422.40(b) and 63 P.S. §422.41(3), Respondent's authorizations to practice the profession shall remain suspended until another Consent Agreement is reached or a Final Order is issued by the Board concerning the conviction of the Respondent.

g. Should the Respondent be acquitted of all criminal charges, the Respondent's authorizations to practice the profession shall remain suspended unless and/or until the Respondent requests reinstatement and is granted reinstatement of his authorizations to practice the profession by the Board.

h. Reinstatement of the Respondent's authorizations to practice the profession shall be subject to the following terms and conditions:

(1) Respondent shall show to the Board's satisfaction that there are no criminal charges pending against him;

(2) Respondent shall show to the Board's satisfaction that he has not been convicted of any crime, as defined by Section 40(b) and Section 41(3) of the Act, 63 P.S. §422.40(b) and 63 P.S. §422.41(3); and

(3) Respondent shall comply with any and all other requirements of reinstatement imposed by the Board and/or set forth in the Act.

i. This Consent Agreement and Order shall not be construed in any way to limit the Commonwealth's ability to proceed with further disciplinary action regardless of the outcome of the pending criminal charges.

j. This Order constitutes disciplinary action by the Board and shall be reported to other licensing authorities and any applicable national licensing databank as a disciplinary action by the Board.

k. This case shall be deemed settled and discontinued upon the Board issuing an Order adopting this Consent Agreement.

l. The Immediate Temporary Suspension of Respondent's licenses and permits at file no. 16-49-09264 and docket no. 1487-49-16 is hereby **MADE FINAL** by this Order.

#### **ADMISSIBILITY OF CONSENT AGREEMENT IN FUTURE PROCEEDINGS**

6. Respondent agrees that if Respondent is charged with a violation of an Act enforced by this Board in the future, this Consent Agreement and Order shall be admitted into evidence without objection in that proceeding.

#### **ACKNOWLEDGMENT OF NOTICE AND WAIVER OF HEARING**

7. Respondent waives the filing of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and knowingly and voluntarily waives the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

**ACKNOWLEDGMENT OF RIGHT TO ATTORNEY**

8. Respondent acknowledges that he is aware that he has the right to consult with, and/or be represented by, private legal counsel of Respondent's choosing and at Respondent's expense when reviewing, considering and accepting the terms of this Consent Agreement. To the extent that Respondent is not represented by legal counsel, Respondent has knowingly elected to proceed without the assistance of legal counsel.

**WAIVER OF CLAIM OF COMMINGLING AND OTHER CONSTITUTIONAL CLAIMS**

9. Respondent expressly waives any constitutional rights and issues, such as commingling of prosecutorial and adjudicative functions by the Board or its counsel, which may arise or have arisen during the negotiation, preparation and/or presentation of this Consent Agreement. Respondent specifically agrees that if the Board rejects this agreement, it may assume that the facts and averments as alleged in this Consent Agreement are true and correct for the limited purpose of recommending a sanction, based on those assumed facts that would be acceptable to the Board before hearing the case. In the event that the Board does assume the facts and averments as alleged in this Consent Agreement are true for purposes of making a recommendation as to an acceptable sanction, such action shall not constitute commingling of prosecutorial and adjudicative functions by the Board or its counsel, and the Respondent expressly waives any constitutional rights and issues related to alleged commingling, bias, or violation of due process rights to have an unbiased and impartial adjudicator in any subsequent hearing. If a hearing is subsequently held, neither this Consent Agreement nor the proposed terms of settlement may be admitted into evidence and any facts, averments, and allegations contained in the Consent Agreement must be proven at hearing unless otherwise separately stipulated. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.



**NO MODIFICATION OF ORDER**

10. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the Stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division.

**AGREEMENT NOT BINDING ON OTHER PARTIES**

11. The Office of General Counsel has approved this Consent Agreement as to form and legality; however, this Consent Agreement shall have no legal effect unless and until the Board issues the stipulated Order.

**EFFECT OF BOARD'S REJECTION OF CONSENT AGREEMENT**

12. Should the Board not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

**ENTIRE AGREEMENT**

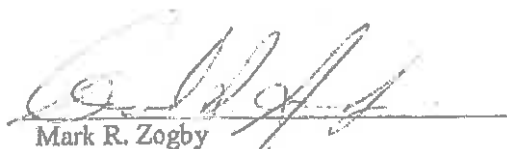
13. This agreement contains the whole agreement between the participants; provided however, that the captions printed in the various provisions of this agreement are for ease of reading only and are not to be interpreted as forming any part of this agreement. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.

**AGREEMENT DOES NOT PREVENT ADDITIONAL DISCIPLINE BASED ON OTHER COMPLAINTS**


14. Nothing in this Order shall preclude the Prosecution Division for the Commonwealth from filing charges or the Board from imposing disciplinary or corrective measures for violations or facts not contained in this Consent Agreement.

VERIFICATION OF FACTS AND STATEMENTS

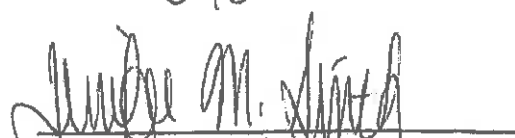
15. Respondent verifies that the facts and statements set forth in this Consent Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Consent Agreement are made subject to the criminal penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

  
Mark R. Zogby  
Prosecuting Attorney

DATED: 8/22/16

  
Benjamin Noel Stahlc, LAT  
Respondent

DATED: 8-18-16

  
Jennifer Marie Smith, Esquire  
Attorney for Respondent

DATED: 8-18-16

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

Commonwealth of Pennsylvania  
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(ITS at File No. 16-49-09264; Docket No. 1487-49-16)

ORDER

AND NOW, this 7<sup>th</sup> day of Sept. 2016, the STATE BOARD OF MEDICINE ("Board") adopts and approves the foregoing Consent Agreement and incorporates the terms of paragraph 5, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

BUREAU OF PROFESSIONAL AND  
OCCUPATIONAL AFFAIRS



Ian J. Harlow  
Commissioner

For the Commonwealth:

Attorney for Respondent:

Date of mailing:

BY ORDER:  
STATE BOARD OF MEDICINE



Marilyn J. Heine, M.D.  
Chair

Mark R. Zogby, Esquire  
2601 North Third Street  
P. O. Box 69521  
Harrisburg, PA 17106-9521

Jennifer Marie Smith, Esquire  
c/o CoWork155  
155 West Market Street  
York, PA 17406

September 8, 2016