



October 24, 2024

Brian Q Magat

[REDACTED]  
[REDACTED], OH [REDACTED]

Hello Brian:

Please be advised that the Board of Certification, Inc. (BOC) Professional Practice and Discipline Committee (Committee) has rendered the following decision with respect to the charge that you violated Codes 2.2, 3.8, and 3.17 of the Code of Professional Responsibility (COPR) section of the BOC Standards of Professional Practice.

In a Charge letter dated August 6, 2024, the BOC informed you that the Committee had determined that good cause existed to believe that you have violated Codes 2.2, 3.8, and 3.17 of the COPR section of the *BOC Standards of Professional Practice* based on the fact that your 2022-2023 disciplinary audit was to be completed by April 26, 2024. Per Eversign records, on May 7 and 15, 2024 you viewed an Investigation Notice sent to you from the BOC. Via USPS records, September 16, 2024, you signed for a Charge letter as received. To date, the BOC has not received a response from you, and you still have not yet complied with the audit.

#### Factual Findings

1. On February 5, 2022, you submitted your 2020-2021 CE report. Due to submitting your CEUs after the December 31, 2021 deadline date, you were required to participate in the 2020-2021 CE audit. During the audit, the BOC discovered that you used CEUs earned after the December 31, 2021 deadline to comply with the audit. On August 12, 2023, you entered into a Consent Agreement with the BOC for a Private Censure and mandatory audit of the 2022-2023 CE reporting period.
2. On December 30, 2023, you submitted your 2022-2023 CEUs and attested to the following relevant statements:
  - The information contained in this report is a true and accurate statement of my continuing education activities, falsification of this report may result in the suspension of my BOC certification.
  - I am submitting the required minimum number of CEUs for the current reporting period including at least the minimum number of CEUs in Category A on this form.
  - I am in possession of and prepared to present all original documentation confirming participation in reported activities. I am aware I must keep these records for at least two years after the reporting period has ended.
  - I am aware that I will be subject to an audit if I submit this form after the 12/31/2025 deadline.
  - I am aware my certification will expire, and late fees will be assessed starting 1/1/2024 if this form is not completed and submitted by 12/31/2023.
  - I am aware that my name, location, certification status and certification number will be available online through the BOC certification verification system to potential employers, state licensing officials and others.
3. On March 11, 28, 2024 and April 11, 24, 2024, the BOC emailed you audit reminders.

4. On March 12, 2024, the BOC mailed you an audit notice for the 2022-2023 CEU reporting period. The BOC did not receive a response.
5. On May 6, 2024, the BOC sent you an Investigation Notice electronically via Eversign as you had not complied with the CE audit.
6. On May 7 and 15, 2024, per Eversign records, you viewed the Investigation Notice. The BOC did not receive a response.
7. On May 30, 2024, the BOC sent you a Consent Agreement electronically via Eversign for Suspension of your certification for non-compliance with the CE audit. The BOC did not receive a response.
8. On June 13, 2024, the BOC left you a voicemail reminder and sent you a reminder electronically via Eversign regarding the Consent Agreement. The BOC did not receive a response.
9. On June 27, 2024, the BOC mailed you the Consent Agreement for Suspension via USPS Certified mail.
10. On July 2, 2024, per USPS records a notice was left that the document was available for delivery.
11. On July 7, 2024, per USPS records, a reminder notice to schedule redelivery was left.
12. On July 31, 2024, per USPS records, the document was marked unclaimed and sent back to the BOC.
13. On August 6, 2024, the BOC sent you a Charge Letter electronically via Eversign for non-compliance with the CE Audit. The BOC did not receive a response.
14. On August 21, 2024, the BOC spoke to you via telephone as a reminder for the Charge Letter and sent a reminder electronically via Eversign on the same day. The BOC did not receive a response.
15. On September 12, 2024, the BOC mailed you a Charge Letter via USPS Certified mail.
16. On September 16, 2024, per USPS records, the Charge Letter was delivered.
17. On September 24, 2024, the BOC received a Certified mail receipt signed by you acknowledging receipt of the Charge Letter on September 16, 2024. The BOC has not received a response. To date, you have not complied with the CE audit.

## Conclusions

Based on the lack of response to BOC notifications, the Committee determined that the facts above are valid and that such actions violate Codes 2.2, 3.8, and 3.17 of the COPR section of the BOC Standards of Professional Practice:

Code 2.2: The Athletic Trainer, specialist or applicant complies with the most current BOC recertification policies and requirements.

Code 3.8: The Athletic Trainer, specialist or applicant ensures that any information provided to the BOC in connection with exam eligibility, certification recertification or reinstatement including but not limited to, exam applications, reinstatement applications or continuing education forms, is accurate and truthful.

Code 3.17: The Athletic Trainer, specialist or applicant Complies with all conditions and requirements arising from certification restrictions or disciplinary actions taken by the BOC, including, but not limited to, conditions and requirements contained in decision

letters and consent agreements entered into pursuant to Section 4 of the "BOC Professional Practice and Discipline Guidelines and Procedures."

As a result, the Committee has issued the following sanctions regarding your certification:

Your certification status is considered Suspended. Suspension of a BOC certification is considered public information and may be published or otherwise disclosed by the BOC. Further, while your certification is Suspended, you are not authorized to do the following:

1. Represent yourself to the public as a practicing Certified Athletic Trainer or use the certification mark "ATC" following your name; or
2. Serve as an item writer for the BOC certification exam; or
3. Serve as a supervisor of students who are satisfying the athletic training requirements for certification eligibility.

You may petition for reinstatement in accordance with Section 12 of the BOC Discipline Procedures. Such petition may be filed upon your ability to provide proof of compliance with the 2022-2023 CE audit or you are prepared to take the BOC Certification Exam for reinstatement. Such petitions may be subject to a background check and panel review. Contact the BOC office for reinstatement fees and procedures.

Brian, this matter will remain a part of your BOC certification file and may be used for the purpose of determining sanctions in any future matters that come before the BOC Professional Practice and Discipline Committee or other Disciplinary Panels. You have the right to appeal a decision made by the Committee. An appeal must be received by the BOC within thirty (30) days of receipt of this decision. The appeal must be written and addressed to the BOC Chief Executive Officer. For details regarding the appeal process, please see the enclosed procedures.

Sincerely,



Shannon Fleming, MA, ICE-CCP, AT Ret.  
Vice President of Credentialing

cc: BOC Professional Practice and Discipline Committee  
BOC Counsel  
Ohio Occupational Therapy, Physical Therapy, Athletic Trainers Board

Enclosures: [BOC Standards of Professional Practice](#)  
[Professional Practice and Discipline Guidelines and Procedures](#)