

**TSBPME Case No. 14-009**

**IN THE MATTER OF  
BRIAN J. ALTMAN, D.P.M.**

**AGREED ORDER of**

**DENIAL**

**of LICENSE APPLICATION**

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**BEFORE THE TEXAS STATE  
BOARD OF PODIATRIC  
MEDICAL EXAMINERS**

**SITTING IN AUSTIN,**

**TRAVIS COUNTY, TEXAS**

**AGREED ORDER**

BE IT REMEMBERED that on the date approved and entered below came to be considered the application for license of Brian J. Altman, DPM. By letter dated June 17, 2015 the staff of the Texas State Board of Podiatric Medical Examiners (the "Board") gave preliminary notice to Dr. Altman of its intent to investigate complaints, concerns or reports filed against him. Dr. Altman was duly notified of the allegations against him and the Board's actions leading up to this Agreed Order. Dr. Altman was given the opportunity to present information in rebuttal.

By his signature on this Order, and upon acceptance and entry of this Order by the Board, Dr. Altman does hereby waive his right to an administrative hearing before the State Office of Administrative Hearings, and judicial review of this Order. Dr. Altman understands that he has the option, before signing this Agreed Order, to participate in a contested case hearing under the Administrative Procedure Act.

The Board and Dr. Altman, in order to avoid the expense, delay and uncertainty of a hearing, have agreed to the entry of an Order dispensing with the need for further action in this matter. Dr. Altman agrees to this Order for the purpose of resolving this proceeding only.

The Board makes the following Findings of Fact and Conclusions of Law and enters this Order:

**FINDINGS OF FACT**

1. The Board received Dr. Altman's application for a license to practice podiatry in the State of Texas on September 27, 2013.
2. Review of Dr. Altman's application revealed concerns regarding his criminal history. Dr. Altman was provided with notice of the Board's concerns and with an opportunity to respond to the concerns and to show compliance with the law.
3. Dr. Altman, as an applicant to be a podiatrist licensed in the State of Texas, is subject to the provisions of the Podiatric Medical Practice Act of Texas and the Board's Rules.
4. On December 18, 2012 Dr. Altman was arrested on the charge of Voyeurism/Class D Felony by the Richmond, Indiana Wayne County Sheriff's Department.

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**OCT 26 2015**

**TEXAS PODIATRIC  
MEDICAL EXAMINERS**

5. On July 28, 2014 Dr. Altman was convicted on the charge of Attempted Voyeurism/ Class D Felony in the State of Indiana Criminal Docket, Wayne Superior Court I, Cause No.: 89D01-1212-FD-000493 (Exhibit 1). Dr. Altman placed a hidden video camera in the staff restroom used by his female staff which recorded a female employee using the restroom at his Altman Foot & Ankle Clinic located at 3923 Chester Blvd, Richmond, IN 47374. Dr. Altman was in a position of trust regarding the female victim, being a licensed professional and the employer of the female victim.
6. Dr. Altman was sentenced to one and one-half years (1 ½ years) jail and placed on probation [defendant to pay court costs of \$168.00 and the sum of \$508.97 to reimburse the Wayne County Sheriff's Department for extradition costs, conviction remains a Class D Felony, defendant received credit for 128 actual days of confinement (December 19, 2012 – December 19, 2012 at 1-day; March 20, 2014 – July 24, 2014 at 127-days; 256-days with good time credit; Voyeurism Bench Warrant for Failure to Appear on March 6, 2014 Indiana PTR Court Date; Arrested March 20, 2014 in the State of Texas and Extradited to Indiana by the Wayne County Sheriff's Department; Placed in Jail); Placed on 291-days Probation for Remainder of Suspended Term, with such Probation to be supervised by the Wayne County Probation Department]. Dr. Altman is a Convicted Felon.
7. On July 30, 2013 Dr. Altman was arrested and charged for/with Violation of Protection Order or Consent Agreement MIS by the Eaton, Ohio Police Department. Dr. Altman recklessly violated the terms of a Protection Order by visiting the home of a seven-year old female resident who was the protected person. Dr. Altman did not report this arrest incident on his license application.
8. On January 23, 2014 Dr. Altman was convicted on the 4th Degree Misdemeanor charge of Aggravated Disorderly Conduct (related to the Violation of Protection Order or Consent Agreement MIS charge) in the Eaton, Ohio Municipal Court (Preble County); Case No.: 2013CRB00781 (Exhibit 2). Dr. Altman did recklessly cause inconvenience, annoyance or alarm to another by engaging in a verbal argument, despite orders to cease, and was ordered to pay a \$60.00 fine and \$230.00 court costs.
9. Dr. Altman, in not reporting the July 30, 2013 arrest by the Eaton, Ohio Police Department for Violation of Protection Order or Consent Agreement MIS, did knowingly submit false information to the Board.

#### CONCLUSIONS OF LAW

1. Texas Occupations Code §53.021(a) "Authority To Revoke, Suspend, or Deny License" provides that: "A licensing authority may suspend or revoke a license, disqualify a person from receiving a license, or deny to a person the opportunity to take a licensing examination on the grounds that the person has been convicted of: (1) an offense that directly relates to the duties and responsibilities of the licensed occupation. (2) an offense that does not directly relate to the duties and responsibilities of the licensed occupation and that was committed less than five years before the date the person applies for the license."

2. Texas Occupations Code §202.253(a) “Grounds For Denial Of License” provides that the Board may refuse to admit a person to an examination, and may refuse to issue a license to practice podiatry to a person, for: “(2) being convicted of: (A) a felony; (B) a crime that involves moral turpitude; (4) engaging in grossly unprofessional or dishonorable conduct of a character that in the Board’s opinion is likely to deceive or defraud the public; (5) directly or indirectly violating or attempting to violate this chapter or a rule adopted under this chapter as a principal, accessory, or accomplice; (14) wilfully making in the application for a license to practice podiatry a material misrepresentation or material untrue statement; (16) failing to practice podiatry in an acceptable manner consistent with public health and welfare.”
3. Texas Occupations Code §202.5015 “Certain Conduct Constituting Chapter Violation” provides that: “A license holder who engages in conduct described by Section 202.253 violates this chapter.”
4. 22 Texas Administrative Code, §371.5(b) “Applicant for License” provides that: “Any person who wishes to sit for examination, shall submit a written application on a form provided by the Board. The applicant shall verify by affidavit the information in the application. The Board may refuse to admit to the examination or grant a license to any applicant who knowingly submits false information to the Board.”
5. 22 Texas Administrative Code, §375.3 “General” provides that: “(a) The health and safety of patients shall be the first consideration of the podiatric physician. The principal objective to the podiatric profession is to render service to humanity. A podiatric physician shall continually strive to improve his medical knowledge and skill for the benefit of his patients and colleagues. The podiatric physician shall administer to patients in a professional manner and to the best of his ability. Secrets and personal information entrusted to him shall be held inviolate unless disclosure is necessary to protect the welfare of the individual or the community. A podiatric physician shall be temperate in all things in recognition that his knowledge and skill are essential to public health, welfare, and human life. (b) A licensed podiatric physician shall conduct his practice on the highest plane of honesty, integrity, and fair dealing and shall not mislead his patients as to the gravity of such patient’s podiatric medical needs. A podiatric physician shall not abandon a patient he has undertaken to treat. He may discontinue treatment after reasonable notice has been given to the patient by the podiatric physician of his intention to discontinue treatment and the patient has had a reasonable time to secure the services of another podiatric physician or all podiatric medical services actually begun have been completed and there is no contract or agreement to provide further treatment.”
6. 22 Texas Administrative Code, §375.33 “Sexual Misconduct” provides that: “(a) Explanations/Conduct. (1) Sexual misconduct is behavior that exploits the physician-patient or physician-staff member relationship in a sexual way. This behavior is non-diagnostic and non-therapeutic, may be verbal or physical, and may include expressions of thoughts and feelings or gestures that are sexual or that reasonably may be construed by a person as sexual. (2) There are three levels of sexual misconduct: sexual violation, sexual impropriety and sexual exploitation. Behavior listed in all three levels may be the basis for disciplinary action by the Board if the Board finds that the behavior was injurious or an exploitation of the physician-patient

or physician-staff member relationship. (B) Sexual impropriety may comprise behavior, gestures, or expressions that are seductive, sexually suggestive, or sexually demeaning to a patient/staff, including but not limited to: (i) Disrobing or draping practices that reflect a lack of respect for the patient's/staff's privacy, deliberately watching a patient/staff dress or undress, instead of providing privacy for disrobing. (C) Sexual exploitation by a physician is the breakdown of the professionalism in the physician/patient/staff relationship constituting sexual abuse. Sexual exploitation may undermine the therapeutic relationship, may exploit the vulnerability of the patient/staff, and ultimately may be detrimental to the patient's/staff's emotional well-being, including but not limited to: (i) Causing emotional dependency of the patient/staff; (ii) Causing unnecessary dependence outside the therapeutic relationship; (iii) Breach of trust; (iv) Imposing coercive power over the patient/staff."

7. 22 Texas Administrative Code §376.31 "Consequences of Background and Criminal History Checks" provides that: "(a) This section sets out the factors and criteria on the eligibility of persons with criminal convictions, deferred adjudications, state or federal guilty pleas on indictments and/or informations, and background information to obtain a license to practice podiatry or those already licensed who renew. The Board may refuse to issue or renew a license to any individual that has been convicted of a felony, received a deferred sentence, or engaged in conduct unacceptable to the Board. (b) The practice of podiatry involves dealing with patients, their families and friends, and the public in a variety of clinical and private practice settings. The podiatrist deals with individuals who are physically, emotionally and financially vulnerable. Therefore, criminal behavior whether violent or non-violent, directed against persons, property or public order and decency is considered by the Board as relevant to an individual's fitness to practice podiatry."
8. The Findings of Fact numbers 1 through 9 establish that Dr. Altman's felony conviction, misdemeanor conviction and grossly unprofessional, dishonorable and deceptive conduct toward his staff, legal and judicial authorities, members of the public, and this Board support the denial of his application for a license, pursuant to Texas Occupations Code §53.021(a)(1)(2); Texas Occupations Code §202.253(a)(2)(A)(B),(4),(5),(14),(16); Texas Occupations Code §202.5015; 22 Texas Administrative Code, §371.5(b); 22 Texas Administrative Code, §375.3(a)(b); and 22 Texas Administrative Code, §375.33(a)(1),(a)(2)(B)(i),(a)(2)(C)(i)(ii)(iii)(iv) in that he engaged in the crime of moral turpitude, willfully made in the application for a license to practice podiatry a material misrepresentation or material untrue statement, failed to practice podiatry in an acceptable manner consistent with public health and welfare, failed to conduct his practice on the highest plane of honesty, integrity, and fair dealing and committed sexual misconduct against a vulnerable female employee (staff) breaching a position of trust as a licensed professional and as an employer and reflected a lack of respect for the female's employee's (staff's) privacy.

## ORDER

1. Dr. Altman's application for a license to practice podiatric medicine in the State of Texas is hereby Denied.
2. Dr. Altman shall not represent himself to be a licensed podiatrist in the State of Texas and shall not offer and shall not accept to consult with, diagnose or treat a patient in the State of Texas.
3. The terms of this Agreed Order become effective on the date the Order is signed.

## GENERAL PROVISIONS

1. Effective Date. This Agreed Order shall take effect and become binding upon the approval by the Board.
2. No Waiver. No waiver of any of the terms of this Agreed Order shall be valid unless in writing. No waiver of default of any terms of the Agreed Order shall be deemed a waiver of any subsequent breach or default of the same or similar nature.
3. Governing Law. This Agreed Order is entered into pursuant to and shall be construed in accordance with the laws of the State of Texas including Tex. Occup. Code Ann., §202.001 et seq., the Podiatric Medical Practice Act; Tex. Occup. Code Chapter 53 and Tex. Gov't Code Ann., §2001.001 et seq., the Administrative Procedure Act.
4. Acknowledgment of Entire Agreement. Dr. Altman acknowledges that he has carefully read this instrument, including all documents or exhibits, if any, that are referred to, that this instrument expresses the entire agreement between the parties concerning the subjects it purports to cover, and Dr. Altman has executed this instrument freely and of his own accord.
5. Notice. Any notice to be given under the terms of this Agreed Order by either party to this Order shall be in writing and shall be delivered by personal delivery or certified mail, return receipt requested, to the following addresses:

Brian J. Altman, DPM  
15953 Hometown Drive  
Plainfield, IL 60586

Texas State Board of Podiatric Medical Examiners  
P.O. Box 12216  
Austin, TX 78711-2216

6. Upon approval of this Agreed Order by the Board, the Presiding Officer and the Executive Director are authorized to sign the Order on the Board's behalf.

I, BRIAN J. ALTMAN, DPM, HAVE READ AND UNDERSTAND THE FOREGOING ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE THE RIGHT TO A HEARING BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS AND TO JUDICIAL REVIEW OF THE AGREED ORDER. I SIGN IT VOLUNTARILY. I UNDERSTAND THE AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, ORAL, WRITTEN OR OTHERWISE.

B. Altman  
Brian J. Altman, DPM

10.21.15  
Date

IN THE STATE OF Illinois §

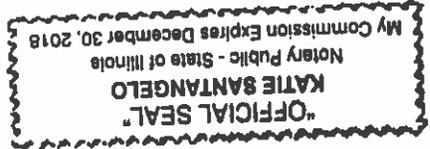
COUNTY OF Will §

BEFORE ME, on this day personally appeared Brian J. Altman known to me, who first, being duly sworn, signed the foregoing **Agreed Order** in my presence.

SIGNED on this the 21<sup>st</sup> day of October, 2015.

Katie Santangelo  
(Printed Name of Notary Public)

Katie Santangelo  
Notary Public, in and for the State of ILLINOIS



**APPROVED AND ENTERED** by the Texas State Board of Podiatric Medical Examiners on this the 29<sup>th</sup> day of February, 2016, after a Board vote.

Travis A. Motley  
Travis A. Motley, DPM  
Board President

Hemant Makan  
Mr. Hemant Makan  
Executive Director

# **EXHIBIT 1**

**RECEIVED**

IN THE WAYNE SUPERIOR COURT NO. 1

JAN 09 2015

2014 TERM

**TEXAS PODIATRIC  
MEDICAL EXAMINERS**

CAPTION: STATE OF INDIANA vs. BRIAN J. ALTMAN

CAUSE NO: 89D01-1212-FD-000493

**ORDER ON SENTENCING**

This matter is called for further hearing on the Notice of Intent to Enter Plea of Guilty filed by the Defendant. The Defendant, Brian J. Altman, appears with counsel, Terry O'Maley. Michael W. Shipman, Prosecuting Attorney, appears for the State of Indiana. Pamela Waters, Adult Probation Officer, also appears.

The Court, having entered judgment of conviction against the Defendant, Brian J. Altman, on the charge of Attempted Voyeurism, a Class D Felony, I.C. 35-35-1-2, on July 1, 2014, and having taken the matter under advisement and having considered evidence and argument of counsel, the Pre-Sentence Report and the various factors, including those set forth in I.C. 35-38-1-7.1, now sentences the Defendant.

IT IS ORDERED AND ADJUDGED that Defendant, Brian J. Altman, is committed to the custody of the Indiana Department of Correction for a period of one and one-half (1 ½) years, with all but two hundred fifty-six (256) days of said time being suspended. The Defendant is placed on probation for that suspended term, with such probation to be supervised by the Wayne County Probation Department upon terms and conditions of probation set forth in the Agreement of Probation and attached Conditions of Probation, which document is marked as Court's Exhibit One, a copy of which is attached to this Judgment and Sentence. Defendant acknowledges receipt of a copy of Court's Exhibit One, and Defendant indicates that Defendant understands the terms and conditions set forth therein.

Defendant shall pay the costs of this action in the amount of \$168.00 and the sum of \$508.97 to reimburse the Wayne County Sheriff's Department for extradition costs.

In entering such sentence the Court has considered the aggravating and mitigating circumstances in this case, including but not limited to those set forth in I.C. § 35-38-1-7.1(a) and (b), as well as aggravating and mitigating circumstances pursuant to I.C. § 35-38-1-7.1(c). The aggravating circumstances which the Court finds to exist are:

Defendant has a history of criminal behavior that consists of four (4) misdemeanors in two separate causes. Although the Court agrees with Defendant that the Defendant's criminal history is not significant, there is a criminal history, and it is an aggravator which carries moderate weight.

Defendant violated conditions of his pre-trial release. The Court finds that Defendant committed two (2) violations, one (1) by committing a new criminal offense while on pre-

Order on Sentencing  
State of Indiana vs. Brian J. Altman  
Cause No.: 89D01-1210-FD-000448

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trial release, the offense of aggravated disorderly conduct in Preble County, Ohio to which Defendant pled guilty and was sentenced on January 23, 2014. Further, Defendant failed to appear for his pre-trial hearing on March 7, 2014 in this cause and had to be extradited back from the State of Texas. The record in this cause is clear that conditions of pre-trial release included Defendant violate no criminal law and Defendant appear at pre-trial hearings in person in this cause. The Court also finds that these violations speak to the character of the Defendant.

Under subsection (c), Defendant was in a position of trust regarding the victim, being the employer of the victim.

The mitigating circumstances which the Court finds to exist are:

Defendant is likely to respond affirmatively to probation or short term imprisonment. This cause will be the longest period of time that the Defendant will have been incarcerated to date.

Defendant is accepting responsibility for his actions by pleading guilty.

Defendant's mental health condition provides some mitigation, and the Defendant had sought treatment/counseling prior to the commission of this offense.

The Court, in considering and balancing the aggravating circumstances against the mitigating circumstances finds that the imposition of an advisory sentence for the Class D felony, with the suspended time as set forth in this Order, is an appropriate, reasonable, and justified sentence in this cause. The Court further finds that the overall balance of the aggravating and mitigating circumstances does not warrant the converting of the Class D Felony to a Class A Misdemeanor, especially in light of the Defendant violating twice the conditions of his pre-trial release in this cause.

The Court finds and the Defendant agrees that Defendant has spent one hundred twenty-eight (128) actual days in confinement as a result of this cause, said time calculated as follows:

December 19, 2012 to December 19, 2012	1 actual day
March 20, 2014 to July 24, 2014	127 actual days

and that Defendant is entitled to credit for time so spent towards the sentence of imprisonment. The Court finds that with good time credit Defendant is entitled to a total of two hundred fifty-six (256) days credit.

The Court further finds that with credit for time spent in confinement, that Defendant has served that portion of Defendant's sentence which is not suspended, and IT IS THEREFORE ORDERED that Defendant be released from custody of the Sheriff of Wayne County, Indiana, on this charge, and permitted to go at liberty upon the terms and conditions of Defendant's probation.

Order on Sentencing  
State of Indiana vs. Brian J. Altman  
Cause No.: 89D01-1210-FD-000448

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IT IS FURTHER ORDERED that the cash bond posted by the Defendant in this cause be applied to the costs of these proceedings as follows:

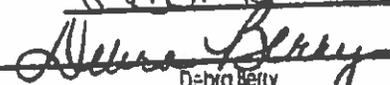
Special Death Benefit Fee	\$ 5.00
Court Costs	\$ 168.00
Administrative Probation Fee	\$ 100.00
Initial Probation User's Fee	\$ 100.00
Extradition Expenses	Remainder

This entry is made this date for hearing held on July 24, 2014.

Dated: July 28, 2014

Distribution:

Michael W. Shipman, Prosecuting Attorney  
Terry O'Maley, Counsel for Defendant  
Pamela Waters, Adult Probation Officer  
Sheriff, Wayne County  
Department of Correction, Field Classification Section Room B-304, 302 West Washington Street, Indianapolis, IN 46204

  
\_\_\_\_\_  
Judge, Wayne Superior Court No. 1  
The document to which this certificate is attached is a true and complete copy of the original on file and of record in my office.  
89D01-1210-FD-000448  
  
\_\_\_\_\_  
Debra Berry  
Wayne Circuit and Wayne Superior Courts,  
for the County of Wayne, State of Indiana

I hereby certify that I mailed a copy of the above entry to all parties listed in the distribution above, on July 30, 2014.

  
\_\_\_\_\_  
Clerk, Wayne Superior Court No. 1

IN THE WAYNE SUPERIOR COURT NO. 1

2014 TERM

COURT'S
EXHIBIT NO. <u>1</u>
CN: <u>01-1212-FD-493</u>
DATE: <u>7/24/14</u>

STATE OF INDIANA

vs.

CAUSE NO. 89D01-1212-FD-000493

BRIAN J. ALTMAN,  
Defendant

AGREEMENT OF PROBATION

I have been placed on probation and have met with the Probation Officer.

I understand the rules of probation attached to this Agreement.

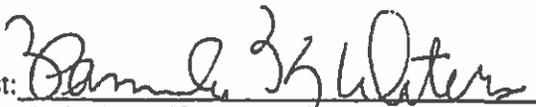
I will follow these rules of probation. I know if I violate any of these rules, I am subject to arrest, detention and a petition to revoke my probation may be filed before the earlier of: one (1) year after termination of probation; or forty-five (45) days after the State receives notice of the violation.

If I leave the State of Indiana without first receiving written permission of the Probation Officer, or if I fail to return at the time designated after having received permission to leave, I now expressly waive all rights of extradition and consent to return to the State of Indiana in the custody of any law enforcement officer without the necessity of any further proceedings of any nature.

I acknowledge receipt of a copy of this agreement and the attached rules.

Dated: July 24, 2014

  
Defendant: Brian J. Altman

Attest:   
Probation Officer

Agreement of Probation (contd.)  
State of Indiana vs. Brian J. Altman  
Cause No. 89D01-1212-FD-000493

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The Defendant has received a sentence which has been suspended in part. The Defendant shall be placed on probation during that part of Defendant's sentence which Defendant is not incarcerated, which shall be for a period of     years and 291 days from the date of Defendant's release or from date of sentencing if no further incarceration is imposed. The Defendant's period of probation commences after Defendant's release from incarceration or from the date of sentencing if no further incarceration is imposed.

The Defendant's Conditions of Probation shall be as follows:

1. Defendant shall violate no criminal law and possess no firearm or deadly weapon.
2. Defendant shall report to the Probation Officer at the times and places and in the manner as directed by the Probation Officer, and Defendant shall permit the Probation Officer to visit Defendant at Defendant's home or elsewhere.
3. Defendant shall report to the Probation Officer at the Wayne County Probation Department within five (5) days from the date of release from incarceration or from the sentencing date, if no incarceration is imposed.
4. Defendant shall report to the Probation Officer within seventy-two (72) hours, any arrest, citation or questioning by any law enforcement officer.
5. Defendant shall obtain written permission from the Probation Officer before:
  - (a) Changing place of residence
  - (b) Leaving the State of Indiana
  - (c) Quitting or changing employment
6. Defendant shall consent to a search of Defendant's person and property and/or automobile owned or operated by Defendant at the request of Defendant's Probation Officer or any law enforcement officer.
7. Defendant shall not knowingly make a false report or deceive the Probation Office regarding any matter applicable to Defendant's probationary supervision.
8. Defendant shall refrain from the consumption of alcohol and do not frequent any establishment that sells alcoholic beverages.
9. Defendant shall refrain from the use or possession of narcotics and other unlawful substances except as lawfully medically prescribed, and to consent to and participate in all tests and examinations requested by the Probation Officer or treating agency to determine if Defendant

Agreement of Probation (contd.)  
State of Indiana vs. Brian J. Altman  
Cause No. 89D01-1212-FD-000493

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has taken prescribed medication or engaged in prohibited substance abuse or consumption of alcoholic beverages and paying the cost of such test or examination; consent to the release of information which the Probation Officer may request from the treating agency, and executing documents to evidence such consent upon request. The treating agency is ORDERED to inform the Probation Officer of any violation of any condition of this term of probation by Defendant.

10. Defendant shall diligently participate in and successfully complete such counseling and/or substance abuse treatment as will be arranged by the Probation Officer with any social service agency or facility.
11. Defendant shall satisfactorily and diligently perform thirty-two (32) hours of community service per week in a program approved by the Wayne County Probation Department under the direction of the Wayne County Community Corrections Office, with the Defendant to receive one (1) hour credit against each weekly community service requirement for each hour Defendant spends in gainful private employment during such week, provided the Defendant furnishes the Wayne County Community Corrections Officer with proper verification of the hours spent in gainful employment. (The Probation Officer may reduce the community service requirement as circumstances necessitate by written agreement with the Defendant.)
12. Defendant shall execute all written consents and provide other documents requested by the Probation Officer to permit the Probation Officer to ensure the compliance of any and all conditions of probation.
13. Defendant shall refrain from entering into any agreement or contract with any law enforcement agency to act as an informant, drug buyer, or assist in undercover police activities.
14. Defendant shall provide a DNA sample pursuant to the requirements as set forth in Indiana Code 10-13-6.
15. Defendant shall pursue Defendant's high school diploma through GED or other suitable program as directed by the Probation Officer.
16. Defendant shall enroll, participate in and successfully complete those educational and vocational classes and programs as directed by the Probation Officer.
17. Defendant shall pay to the Wayne County Probation Department, in Wayne County, Indiana, an administrative fee of \$100.00 and an initial probation user's fee of \$100.00 upon entering probation and a further fee of \$30.00 each month while remaining on probation or in

Agreement of Probation (contd.)  
State of Indiana vs. Brian J. Altman  
Cause No. 89D01-1212-FD-000493

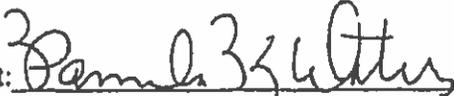
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accordance with a written schedule arranged by the Probation Officer.

18. Defendant shall pay Court costs in the sum of \$168.00 within ninety (90) days of entering upon probation or in accordance with a written schedule arranged by the Probation Officer.
19. Defendant shall pay restitution to the Wayne County Sheriff's Department in the sum of \$508.97 to reimburse extradition costs, within ninety (90) days of entering upon probation or in accordance with a written schedule arranged by the Probation Officer.
20. Defendant shall have no knowing contact or communication with the victim of this offense, Lindsey Bell, without the proper written consent of the Probation Officer and promptly report to the Probation Officer any contact or communication had with the victim, even if the same be accidental.

Dated: July 24, 2014

  
\_\_\_\_\_  
Defendant: Brian J. Altman

Attest:   
\_\_\_\_\_  
Probation Officer

# **EXHIBIT 2**



EATON MUNICIPAL COURT

1199 Prohle Drive  
Eaton, Ohio 45320  
(937) 456-4941

TO: Hemant Makan FAX: 513-305-7003

FROM: Eaton Municipal Court FAX: (937) 456-4685

RE: Alman DATE: 2-19-14

\* \* \* \* \*

THIS TRANSMISSION CONSISTS OF 3 PAGES INCLUDING THE COVER.

NOTES OR COMMENTS: \_\_\_\_\_

**RECEIVED**

FEB 19 2014

**TEXAS PODIATRIC  
MEDICAL EXAMINERS**

\* \* \* \* \*

IF YOU HAVE ANY DIFFICULTY WITH THIS TRANSMISSION OR QUESTIONS

CONCERNING SAME, PLEASE CALL (937) 456-4941 OR (937) 456-6204.

Unless otherwise indicated or obvious from the nature of the transmittal, the information contained in this facsimile message is confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is confidential, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Services.

RECEIVED

FEB 19 2014

TEXAS PODIATRIC MEDICAL EXAMINERS

Eaton Municipal Court  
1199 Preble Drive, Eaton, OH 45320  
Judge Paul D Henry  
Bertha D. Kalil, Clerk

Journal Entry/Sentencing Order

1/23/2014

Case Number: 2013CRB00781

State of Ohio

Plaintiff

Assigned: Judge Paul D Henry

vs.

FILED

JAN 23 2014

BRIAN J ALTMAN

MUNICIPAL COURT OF EATON, OHIO

Defendant

This case came before the court on 01/23/2014. Defendant was present in court with counsel present and entered pleas to the charges listed below. Defendant was advised of the maximum penalties involved, right to counsel, right to have counsel appointed if indigent, right to trial by jury, right to confrontation and the right to compulsory process. Defendant knowingly waived these rights. Plea was accepted.

Violation	Description	Plea	Finding	Fine	Susp Fine	Jail	Susp Jail	Points Assessed
2917.11(a)c	Agg. Disorderly Conduct	Guilty	Plea of guilty to a lesser charge	\$60.00	\$0.00	0	0	0

Costs to be determined by clerks office \$170<sup>00</sup>

Total \$230.<sup>00</sup>

X

Defendant Signature  
*[Signature]*  
Attorney Signature

Prosecutor Signature  
*[Signature]*  
Judge Paul D Henry

I CERTIFY THE WITHIN TO BE A TRUE COPY OF THE ORIGINAL FILED WITH ME

*[Signature]* 1/23/2014  
CLERK

IN THE MUNICIPAL COURT OF THE CITY OF EATON  
PREBLE COUNTY, OHIO

STATE OF OHIO

CASE NO. 13CRB7181

Vs.

JOURNAL ENTRY

Brian Altman  
Defendant

Upon the motion of the Prosecuting Attorney and the Prosecuting Witness, this Complaint is amended to provide that Defendant did recklessly cause inconvenience, annoyance or alarm to another by:

*engaging in a verbal argument, despite orders to cease*

This in violation of Ohio Revised Code Section 2917.11, a misdemeanor of the fourth degree.

On the date and time charged.

**FILED**

JAN 23 2014

MUNICIPAL COURT  
OF EATON, OHIO

Defendant

Counsel for Defendant

J. Allen  
Prosecuting Attorney

Paul D. Horney  
JUDGE

I CERTIFY THE WITHIN TO BE A TRUE COPY OF THE ORIGINAL FILED WITH ME

1-23-2014  
[Signature]  
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EATON MUNICIPAL COURT  
EATON, OHIO