



# OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor  
Columbus, Ohio 43266-0320  
Telephone: 614/466-4143

THE STATE BOARD OF PHARMACY  
(Docket No. D-880826-006)

In The Matter Of:

STOLTZ LEADER DRUG  
Steven J. Holtel, R.Ph.  
40 Watkins Street  
Nelsonville, Ohio 45764

02-0180900

## INTRODUCTION

THE MATTER OF STOLTZ LEADER DRUG CAME TO HEARING ON DECEMBER 14, 1988 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JEROME WIESENHAHN, R.Ph. (presiding); NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; ROBERT VALENTINE, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

STOLTZ LEADER DRUG WAS REPRESENTED BY HERMAN A. CARSON, AND THE STATE OF OHIO WAS REPRESENTED BY CHRISTOPHER COSTANTINI, ASSISTANT ATTORNEY GENERAL.

## SUMMARY OF EVIDENCE

### (A) Testimony

State's Witnesses:

- (1) William L. Padgett - Board of Pharmacy
- (2) Ronald H. Haver
- (3) Carolyn Barron

Respondent's Witnesses:

- (1) Steven J. Holtel

### (B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter for Steven J. Holtel dated August 26, 1988.
- (2) Exhibit B - Notice of Opportunity letter for Stoltz Leader Drug dated August 26, 1988.

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(3) Exhibit C -

(4) Exhibit D -

(5) Exhibit E -

(6) Exhibit 1 -

(7) Exhibit 2 -

(8) Exhibit 3 -

(9) Exhibit 4 -

(10) Exhibit 5 -

(11) Exhibit 6 -

(12) Exhibit 7 -

(13) Exhibit 8 -

(14) Exhibit 9 -

(15) Exhibit 10

(16) Exhibit 11

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(17) Exhibit 12

(18) Exhibit 13

(19) Exhibit 14

(20) Exhibit 15

(21) Exhibit 16

(22) Exhibit 17

(23) Exhibit 18

(24) Exhibit 19

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(25) Exhibit 20

(26) Exhibit 21

(27) Exhibit 22

(28) Exhibit 23

(29) Exhibit 24

(30) Exhibit 25

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(31) Exhibit 26

(32) Exhibit 28

(33) Exhibit 29

(34) Exhibit 30

(35) Exhibit 31

(36) Exhibit 32

(37) Exhibit 33

(38) Exhibit 34

(39) Exhibit 35

(40) Exhibit 36

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(41) Exhibit 37

(42) Exhibit 38

(43) Exhibit 39

(44) Exhibit 40

(45) Exhibit 41

(46) Exhibit 42

(47) Exhibit 43

(48) Exhibit 44

(49) Exhibit 45

(50) Exhibit 46

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(51) Exhibit 47

(52) Exhibit 48

(53) Exhibit 49

(54) Exhibit 50

(55) Exhibit 51

(56) Exhibit 52

(57) Exhibit 53

(58) Exhibit 54

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(59) Exhibit 55

(60) Exhibit 56

(61) Exhibit 57

(62) Exhibit 58

(63) Exhibit 59

(64) Exhibit 60

(65) Exhibit 61

(66) Exhibit 62

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(67) Exhibit 63

(68) Exhibit 64

(69) Exhibit 65

(70) Exhibit 66

(71) Exhibit 67

(72) Exhibit 68

(73) Exhibit 69

(74) Exhibit 70

(75) Exhibit 71

(76) Exhibit 72

(77) Exhibit 73

(78) Exhibit 74

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(80) Exhibit 76

(81) Exhibit 77

(82) Exhibit 78

(83) Exhibit 79

(84) Exhibit 80

(85) Exhibit 81

(86) Exhibit 82

(87) Exhibit 83

(88) Exhibit 84

(89) Exhibit 85

(90) Exhibit 86

(91) Exhibit 87

(92) Exhibit 88

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(93) Exhibit 89

(94) Exhibit 90

(95) Exhibit 91

(96) Exhibit 92

(97) Exhibit 93

(98) Exhibit 94

(99) Exhibit 95

(100) Exhibit 96

(101) Exhibit 97

(102) Exhibit 98

(103) Exhibit 99

Respondent's Exhibits:

- (1) Exhibit 1 -
- (2) Exhibit 2 -
- (3) Exhibit 3 - Letter by Rev. John G. Price dated December 10, 1988.
- (4) Exhibit 4 -
- (5) Exhibit 5 - Letter by Jeff Maiden dated December 7, 1988.
- (6) Exhibit 6 - Letter by Mark E. Beicke, R.Ph. dated December 6, 1988.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that Steven J. Holtel had been the responsible pharmacist required by Ohio Revised Code Section 4729.55 for Stoltz Leader Drug, 40 Watkins Street, Nelsonville, Ohio 45764, Terminal Distributor of Dangerous Drugs License No. 02-180900, since August 17, 1987; that he had actively engaged in the practice of pharmacy at Stoltz Leader Drug, 40 Watkins Street, Nelsonville, Ohio 45764 since at least August 17, 1987; and, that he was the pharmacist in full and actual charge of the pharmacy pursuant to

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CONCLUSIONS OF LAW

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ORDER

Pursuant to Section 4729.57 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the terminal distributor license, No. 02-180900, held by Stoltz Leader Drug:

(A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the terminal distributor license held by Stoltz Leader Drug for five years.

(B) On the basis of paragraphs (2) and (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of ten thousand dollars (\$10,000.00), due and owing within thirty (30) days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed form.

(C) Further, the Board suspends the suspension imposed in paragraph (A) above on condition that Stoltz Leader Drug:

(1) does not violate the drug laws of the state of Ohio, any other state, or the federal government; and

(2) abides by the rules of the State Board of Pharmacy.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.

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It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

Section 119.12 of the Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL  
Return Receipt  
#P-596 184 074

ORDER MAILED: MARCH 3, 1989

FZW/pw

By Franklin Z. Wickham  
Franklin Z. Wickham, Executive Director

cc: Christopher Costantini, Assistant Attorney General  
Herman A. Carson, Attorney for Respondent