



# OHIO STATE BOARD OF PHARMACY

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03-1-03546

THE STATE BOARD OF PHARMACY  
(Docket No. D-881130-028)

In The Matter Of:

SIDNEY WOLKOV, R.Ph.  
24840 Maidstone Lane  
Beachwood, Ohio 44122

### INTRODUCTION

THE MATTER OF SIDNEY WOLKOV CAME TO HEARING ON JANUARY 25, 1989 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JEROME WIESENHAHN, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; 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.

SIDNEY WOLKOV WAS REPRESENTED BY LEONARD WOLKOV, AND THE STATE OF OHIO WAS REPRESENTED BY CHRISTOPHER COSTANTINI, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Christopher K. Reed - Board of Pharmacy
- (2) Det. Norman Jasinski - Cuyahoga County Sheriff's Department

Respondent's Witnesses:

- (1) Sidney Wolkov - Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated November 30, 1988.
- (2) Exhibit B - Hearing Request letter dated December 21, 1988.
- (3) Exhibit C - Hearing Schedule letter dated December 23, 1988.
- (4) Exhibit 1 - Exempt Narcotic Register.
- (5) Exhibit 2 - Written Statement from Sidney Wolkov.
- (6) Exhibit 3 - Journal Entry of Indictment on Sidney Wolkov from the Cuyahoga County Common Pleas Court.

Respondent's Exhibits:

- (1) Exhibit A - Letter from Leonard Lewin, M.D. dated January 20, 1989.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that Sidney Wolkov did, on or about March 9, 1988, while practicing pharmacy at New Heights Pharmacy, 2179 South Green Road, University Heights, Ohio 44121, dispense or sell, under exemptions of Section 3719.15 of the Revised Code, to one person a preparation included within such section when he knew, or could by reasonable diligence ascertain, that such dispensing or selling would provide the person to whom sold, within any forty-eight consecutive hours, with more than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Sidney Wolkov sold one four-ounce bottle of Cheracol after the same person purchased one four-ounce bottle of Cheracol within forty-eight hours previous. Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that Sidney Wolkov did, on or about March 25, 1988, while practicing pharmacy at New Heights Pharmacy, 2179 South Green Road, University Heights, Ohio 44121, dispense or sell, under exemptions of Section 3719.15 of the Revised Code, to one person a preparation included within such section when he knew, or could by reasonable diligence ascertain, that such dispensing or selling would provide the person to whom sold, within any forty-eight consecutive hours, with more than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Sidney Wolkov sold one four-ounce bottle of Elixir Terpin Hydrate and Codeine after the same person purchased one four-ounce bottle of Elixir Terpin Hydrate and Codeine within forty-eight hours previous. Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) and (2) of the Findings Of Fact constitutes being guilty of a felony.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) and (2) of the Findings Of Fact constitutes aiding and abetting the violation of the provisions of Chapter 3719. of the Ohio Revised Code.

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Order of the Board

ORDER

Based on the Board's determination that the aforementioned Findings Of Fact and Conclusions Of Law constitute minor violations of Section 3719.16 of the Ohio Revised Code, it is the Board's belief that while any offense is a serious matter, a written warning is sufficient to protect the public health, safety, and welfare and to ensure that future violations will not occur.

Pursuant to Section 4729.25 of the Ohio Revised Code, Sidney Wolkov is hereby WARNED to desist from all future violations of Chapter 3719. of the Ohio Revised Code.

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

MOTION CARRIED.

SO ORDERED.

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-417-664-662

ORDER MAILED: MARCH 8, 1989

FZW/pw

By

  
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Franklin Z. Wickham, Executive Director

cc: Christopher Costantini, Assistant Attorney General  
Leonard Wolkov, Attorney for the Respondent