

THE STATE BOARD OF PHARMACY
VS
HOWARD J. CLARK

Allegations concerning Howard J. Clark, Docket 6-35-3 were considered by the State Board of Pharmacy on December 5, 1979. The records of the State Board of Pharmacy reflect that Howard J. Clark was notified by letter on September 24, 1979 of the allegations against him and of his right to a public hearing, his rights in such a hearing, and his right to submit his position, arguments, or contentions in writing.

The record before the Board indicates that a letter on Howard J. Clark's behalf was submitted by William B. Simon, Attorney At Law, indicating that Mr. Clark had no defense to the allegations set forth in the letter of September 24, 1979. Further, by letter of October 10, 1979, Howard J. Clark expressed his regret for the acts alleged in the letter. In response to these letters, Mr. Clark was notified by letter of October 17, 1979, that a hearing had been scheduled for December 5, 1979 at 9:00 A.M.

On December 5, 1979 the hearing was convened, however, neither Howard J. Clark nor any representative was present. The Board therefore, will consider the letters from Howard J. Clark and William G. Simon, Attorney, as a submission of Mr. Clark's position, contentions, and arguments in writing pursuant to Section 119.07, Ohio Revised Code. On the basis of these written submissions, Mr. Clark's admissions, and his failure to rebut or deny any of the allegations against him, the motion was made and recorded the following order be adopted:

ORDER

FINDINGS OF FACT:

- 1) The State Board of Pharmacy finds that Howard J. Clark was found guilty of a felony on September 17, 1979, by the Portage County Court of Common Pleas, to wit; distributing a Controlled Substance, in violation of Section 2925.03(A), Ohio Revised Code; and, Selling a Controlled Substance In An Amount Equal To Or Exceeding The Bulk Amount, in violation of Section 2925.03(A)(5) Ohio Revised Code.

CONCLUSIONS OF LAW:

- 1) The State Board of Pharmacy finds that Howard J. Clark's conviction as set forth in paragraph 1 of the findings of fact establishes his guilt of a felony within the meaning of Section 4729.16(A), Ohio Revised Code.

PURSUANT TO SECTION 4729.16(A) AND 4729.16(C), OHIO REVISED CODE, AND THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE STATE BOARD OF PHARMACY HEREBY REVOKES THE IDENTIFICATION CARD OF HOWARD J. CLARK, EFFECTIVE IMMEDIATELY.

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

MOTION CARRIED.

SO ORDERED

12/6/79