THE STATE BOARD OF PHARMACY

vs

PAUL BENJAMIN, R.Ph.

THE MATTER OF PAUL BENJAMIN, DOCKET NO. 6-73-2, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE ON JANUARY 23, 1984. AFTER CONSIDERATION OF THE TESTIMONY RECEIVED AND EVIDENCE ADDUCED, MOTION WAS MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

(1) From the evidence presented, the State Board of Pharmacy finds that Paul Benjamin did fail to renew his identification card on the fifteenth day of September, as required by Section 4729.12 of the Ohio Revised Code, for 1983, when he did not renew until November 14, 1983.

(2) From the evidence presented, the State Board of Pharmacy finds that Paul Benjamin did fail to renew his identification card on the fifteenth day of September, as required by Section 4729.12 of the Ohio Revised Code, for 1980, when he did not renew until January 26, 1981.

(3) From the evidence presented, the State Board of Pharmacy finds that Paul Benjamin did dispense and sell dangerous drugs while not being a registered pharmacist during the lapsed dates of his pharmacist license; in violation of Section 4729.28 of the 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 willful violation of more than one time of the provisions of Section 4729.12 of the Revised Code.

(2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph (3) of the Findings Of Fact constitutes willful violation of more than one time of Section 4729.28 of the Revised Code.

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusions Of Law set forth above, the State Board of Pharmacy hereby takes the following actions concerning the registered pharmacist license of Paul Benjamin:

(A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of one hundred dollars ($100.00).

(B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of five hundred dollars ($500.00).

(C) Further, the Board suspends the one hundred dollar monetary penalty imposed in paragraph (A) above, and four hundred dollars of the five hundred dollar monetary penalty imposed in paragraph (B) above. Said one hundred dollar monetary penalty imposed to be due and owing within thirty (30) days of the issuance of this Order. Said monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 65 S. Front Street, Room 504, Columbus, Ohio 43215, with the enclosed form.

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

MOTION CARRIED.

SO ORDERED.