



OHIO STATE BOARD OF PHARMACY

65 S. FRONT STREET, ROOM 504
COLUMBUS, OHIO 43215
TELEPHONE: 614/466-4143

03-1-06768

THE STATE BOARD OF PHARMACY

vs

LARRY G. MAX, R.Ph.

THE MATTER OF LARRY G. MAX, DOCKET NO. 6-123-3, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE ON WEDNESDAY, DECEMBER 4, 1985. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTIONS WERE 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 Larry G. Max 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 1974, when he did not renew until March 27, 1975.
- (2) From the evidence presented, the State Board of Pharmacy finds that Larry G. Max 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 1979, when he did not renew until October 15, 1979.
- (3) From the evidence presented, the State Board of Pharmacy finds that Larry G. Max 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 April 22, 1981.
- (4) From the evidence presented, the State Board of Pharmacy finds that Larry G. Max 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 1985, when he did not renew until September 26, 1985.
- (5) From the evidence presented, the State Board of Pharmacy finds that Larry G. Max did dispense and sell dangerous drugs while not being a registered pharmacist during the lapsed dates of his pharmacist license.

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) through (4) 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 (5) of the Findings Of Fact constitutes willful violation of more than one time of the provisions 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, the State Board of Pharmacy takes the following actions concerning the pharmacist license of Larry G. Max:

(A) On the basis of paragraphs (1) and (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of one thousand dollars (\$1,000.00).

(B) Further, the Board suspends nine hundred dollars (\$900.00) of the one thousand dollar monetary penalty on condition that Larry G. Max abides by the terms of probation set by the Board. The terms provide that Larry G. Max:

(1) does not violate any 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.

The one hundred dollar monetary penalty that was not suspended in paragraph (B) above is 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 43266-0320, with the enclosed form.

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.

LARRY G. MAX, R.Ph.
Page Three
Order of the Board

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

ORDER ISSUED: January 3, 1986

FZW/sb

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

cc/John E. Breen, Assistant Attorney General