



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-930104-047)

In The Matter Of:

ROOSEVELT STRIGGLES
3266 East 146th Street
Cleveland, Ohio 44120
(D.O.B. 11-07-36)

INTRODUCTION

THE MATTER OF ROOSEVELT STRIGGLES CAME TO HEARING ON JUNE 29, 1993, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: TIMOTHY D. MOORE, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; METTA LOU HENDERSON, R.Ph.; PAUL F. LAMPING, R.Ph.; WAYNE C. MILLER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE.

ROOSEVELT STRIGGLES WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY CINDY MARTIN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Robert Cole, Ohio State Board of Pharmacy
- (2) Roosevelt Striggles, Respondent

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Notice of Opportunity letter dated January 4, 1993.
- (2) Exhibit 1A - Hearing Request letter dated January 11, 1993.
- (3) Exhibit 1B - Hearing Schedule letter dated January 22, 1993.
- (4) Exhibit 1C - Continuance Request letter, not dated, received in the Board office on May 3, 1993.
- (5) Exhibit 1D - Hearing Schedule letter dated April 29, 1993.
- (6) Exhibit 2 - Application for Examination as Pharmacist of Roosevelt Striggles and attached response to the legal question on the application received in the Board office on December 2, 1992.
- (7) Exhibit 3 - Pharmacist File Front sheet of Roosevelt Striggles showing original date of registration as March 8, 1960.

- (8) Exhibit 4 - Order of the Ohio State Board of Pharmacy, Docket No. 6-39-1, of Roosevelt Striggles and Gardelle Drugs, Inc. dated June 27, 1980.
- (9) Exhibit 5 - Order of the Ohio State Board of Pharmacy, Docket No. D-881201-031 of Roosevelt A. Striggles dated March 8, 1989.

Respondent's Exhibits:

- (1) Exhibit A - Letter from Charles L. Patton, Jr. dated June 18, 1993; list of Continuing Pharmacy Education courses credited in the years 1991, 1992, and 1993; copy of letter from Rev. Anthony M. Alford, Sr. dated June 22, 1993; letter from Jodi Regalbuto, not dated; and letter from Marc A. Melamed dated June 18, 1993.

FINDINGS OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the Board indicate that Roosevelt Striggles submitted an Application for Examination as a Pharmacist on December 2, 1992. Records further indicate that Roosevelt Striggles was originally licensed to practice pharmacy in the state of Ohio, pursuant to examination, on March 8, 1960.
- (2) Roosevelt Striggles was, on or about June 27, 1980, disciplined by the Ohio State Board of Pharmacy for the late renewals of his pharmacist renewal applications; said years being for 1968, 1969, 1974, 1977, 1978, and 1979. The Board concluded that Roosevelt Striggles was in violation of Chapter 4729. and Section 4729.51 of the Ohio Revised Code; and Rule 4729-5-06 of the Ohio Administrative Code. The Board suspended Roosevelt Striggles for two years and imposed monetary penalties equaling \$2,000.00. The Board suspended the suspension on the condition that Roosevelt Striggles not violate any drug laws of the state of Ohio; and abide by the rules of the State Board of Pharmacy.
- (3) On or about March 8, 1989, the Ohio State Board of Pharmacy found the following to be fact:
 - (a) Roosevelt Striggles was the owner and responsible pharmacist of Gardelle Drug, 17606 Harvard Avenue, Cleveland, Ohio 44128, terminal distributor license number 02-120150, from February 28, 1966, to May 15, 1987.
 - (b) Roosevelt Striggles did, between May 3, 1985, and February 2, 1986, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding three times the bulk amount when the conduct was not in accordance with Chapter 4729. of the Ohio Revised Code, to wit: Roosevelt Striggles sold the following drugs in the following amounts:

| <u>Drug</u> | <u>Schedule</u> | <u>Amount</u> |
|---------------|-----------------|---------------|
| Percodan | II | 4,496 units |
| Demerol 100mg | II | 1,085 units |
| Percocet 5 | II | 715 units |

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| | | |
|-----------------|-----|-------------|
| Demerol 50mg | II | 697 units |
| Fastin | IV | 2,614 units |
| Talwin NX-50mg | IV | 2,214 units |
| Tussionex Susp. | III | 1,980 ml |
| Ionamin 30mg | IV | 1,639 units |
| Doriden .5gm | III | 850 units |
| Adipex-P | IV | 627 units |
| ETH & C | V | 26,760 ml |
| Ambenyl | V | 22,500 ml |

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (c) Roosevelt Striggles did, between June 3, 1985 and February 2, 1986, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding the bulk amount but less than three times that amount when the conduct was not in accordance with Chapter 4729. of the Ohio Revised Code, to wit: Roosevelt Striggles sold the following drugs in the following amounts:

| <u>Drug</u> | <u>Qty.</u> |
|------------------|-------------|
| Dexedrine 10mg | 135 units |
| Dexedrine 15mg | 50 units |
| Biphetamine 20mg | 35 units |

Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.

- (d) Roosevelt Striggles did, between May 9, 1985, and February 2, 1986, knowingly sell or offer to sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapter 4729. of the Ohio Revised Code, to wit: Roosevelt Striggles sold the following drug in the following amount:

| <u>Drug</u> | <u>Qty.</u> |
|---------------|-------------|
| Preludin 75mg | 17 units |

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

- (e) Roosevelt Striggles did, between December 2, 1979, and April 12, 1980, sell or dispense to any one person within a forty-eight consecutive hour period more than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Roosevelt Striggles sold to the following individuals on the following dates exempt narcotics:

- (1) Illegal sales of ETH&C made to Paul Favors, 3386 Spangler, on the following dates: 05/18/79, and 01/11/80.
- (2) Illegal sales of ETH&C made to Ollie Batey Jr., 3436 E. 131, on the following dates: 10/12/79, 10/15/79, 10/18/79, 10/19/79, 10/22/79, 10/27/79, 11/06/79, 11/23/79, 11/24/79, 11/27/79, 12/02/79, 12/05/79, 12/18/79, 12/22/79, 12/27/79,

01/06/80, 01/11/80, 01/24/80, 01/25/80, 01/26/80, 02/01/80,
02/04/80, 02/05/80, 02/14/80, 02/25/80, 02/22/80, 02/28/80,
03/08/80, 03/11/80, 03/12/80, 03/15/80, 03/18/80, 03/22/80,
03/23/80, 03/24/80, 03/30/80, 03/31/80, 04/03/80, 04/04/80,
04/07/80, and 04/12/80.

- (3) Illegal sales of Tricodene to Ollie Batey Jr., 3436 E. 131, on 11/12/79.
- (4) Illegal sales of ETH&C made to James Bates, 13310 Kinsman, on the following dates: 01/10/80, 01/11/80, 03/09/80, and 03/10/80.
- (5) Illegal sales of Tricodene made to Charles Conway, 9208 Marshall, on 12/02/77 and 12/03/77.

Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.

- (f) Roosevelt Striggles did, between April 30, 1985, and January 7, 1986, dispense generic equivalent drugs pursuant to prescriptions written for generic equivalents without recording on the record of dispensing the brand name or drug name and name of the manufacturer or distributor of the drug or the national drug code (NDC) number of the drug dispensed, to wit: Roosevelt Striggles dispensed the following drugs on the following dates without keeping proper records:

| <u>Rx No.</u> | <u>Date</u> | <u>Drug</u> | <u>Qty.</u> |
|---------------|-------------|-----------------|-------------|
| 356577 | 04/30/85 | Prednisone 20mg | 30 |
| 365950 | 11/21/85 | Prednisone 5mg | 100 |
| 366359 | 12/03/85 | Prednisone 10mg | 100 |
| 367723 | 01/02/86 | Prednisone 5mg | 40 |
| 367757 | 01/02/86 | Prednisone 5mg | 200 |
| 367922 | 01/07/86 | Prednisone 5mg | 100 |

Such conduct is not in accordance with Rule 4729-5-17(B) of the Ohio Administrative Code. Roosevelt Striggles, as responsible pharmacist pursuant to Section 4729.27 of the Revised Code, was in violation of Section 4729.57(A)(2) of the Ohio Revised Code.

- (g) Roosevelt Striggles did, on or about October 23, 1985, sell or deliver at retail or to the consumer without a prescription from a physician, veterinarian, or dentist a drug which under federal or Ohio law can be sold only on prescription, to wit: using prescription number 363809, Roosevelt Striggles dispensed 100 units of PBZ when the prescription was written for 60 units. Such conduct is in violation of Section 3715.52(L) of the Ohio Revised Code.
- (h) Roosevelt Striggles did, between April 2, 1982, and January 19, 1986, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding the bulk amount but in an amount less than three times that amount when the conduct was not in accordance with Chapter 4729. of the Revised Code, to wit:

Roosevelt Striggles sold the following drugs in the following amounts:

- (1) On April 2, 1982, 30 units of Fastin, a schedule IV controlled substance, was sold as recorded on prescription number 318798, when the physician had prescribed 30 tablets of Prelu-2.
- (2) On June 21, 1985, 60 tablets of Percocet, a schedule II controlled substance, was sold as recorded on prescription number 358878, when the physician had prescribed 60 units of Tylox.
- (3) On September 1, 1985, 60 units of Percocet, a schedule II controlled substance, was sold as recorded on prescription number 362143, when the physician had prescribed 60 units of Percodan.
- (4) On December 23, 1985, 60 units of Tylox, a schedule II controlled substance, as recorded on prescription number 367367, when the physician had prescribed 75 units of Percodan.
- (5) On December 31, 1985, 75 units of Percodan, a schedule II controlled substance, was sold as recorded on prescription number 367678, when the physician had prescribed 75 units of Percocet.
- (6) On January 19, 1986, 60 units of Percodan, a schedule II controlled substance, was sold as recorded on prescription number 368493, when the physician had prescribed 60 units of Percocet.

Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.

- (i) Roosevelt Striggles did, between April 30, 1984, and January 13, 1986, a 623-day time period, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding three times the bulk amount when the conduct was not in accordance with Chapter 4729. of the Revised Code, to wit: the following diet drugs and pain medications were dispensed beyond a time period where they were for a legitimate medical use to patient Felicia Orr, 10506 Shaker Blvd.:

| <u>Rx No.</u> | <u>Date</u> | <u>Drug</u> | <u>Qty.</u> |
|---------------|-------------|---------------|-------------|
| 341600 | 04/30/84 | Preludin 75mg | 35 |
| 343018 | 06/04/84 | Demerol 100mg | 35 |
| 343017 | 06/04/84 | Preludin 75mg | 35 |
| 344628 | 07/11/84 | Preludin 75mg | 35 |
| 345979 | 08/13/84 | Demerol 100mg | 35 |
| 347260 | 09/17/84 | Demerol 100mg | 35 |
| 348914 | 10/22/84 | Preludin 75mg | 35 |
| 349885 | 11/26/84 | Preludin 75mg | 28 |
| 349883 | 11/26/84 | Demerol 100mg | 35 |

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| <u>Rx No.</u> | <u>Date</u> | <u>Drug</u> | <u>Qty.</u> |
|---------------|-------------|---------------|-------------|
| 350897 | 12/21/84 | Demerol 100mg | 35 |
| 350898 | 12/21/84 | Preludin 75mg | 35 |
| 352323 | 01/25/85 | Preludin 75mg | 35 |
| 352322 | 01/25/85 | Demerol 100mg | 35 |
| 353908 | 03/01/85 | Demerol 100mg | 35 |
| 353909 | 03/01/85 | Preludin 75mg | 35 |
| 355671 | 04/11/85 | Preludin 75mg | 35 |
| 358530 | 06/14/85 | Preludin 75mg | 35 |
| 360089 | 07/19/85 | Demerol 100mg | 50 |
| 360090 | 07/19/85 | Preludin 75mg | 35 |
| 361658 | 08/25/85 | Demerol 100mg | 50 |
| 361657 | 08/25/85 | Preludin 75mg | 35 |
| 363299 | 09/27/85 | Preludin 75mg | 35 |
| 364963 | 11/01/85 | Preludin 75mg | 35 |
| 364964 | 11/01/85 | Demerol 100mg | 50 |
| 366677 | 12/09/85 | Preludin 75mg | 35 |
| 366678 | 12/09/85 | Demerol 100mg | 50 |
| 368620 | 01/13/86 | Preludin 75mg | 35 |

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (j) Roosevelt Striggles did, between June 1, 1984, and May 24, 1985, a 357-day time period, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding three times the bulk amount when the conduct was not in accordance with Chapter 4729. of the Revised Code, to wit: the following diet drugs and pain medications were dispensed beyond a time period where they were for a legitimate medical use to patient James Lesniak, 11605 McCracken:

| <u>Rx No.</u> | <u>Date</u> | <u>Drug</u> | <u>Qty.</u> |
|---------------|-------------|------------------|-------------|
| 342905 | 06/01/84 | Biphetamine 20mg | 35 |
| 344153 | 06/29/84 | Biphetamine 20mg | 30 |
| 345268 | 07/27/84 | Biphetamine 20mg | 35 |
| 347641 | 09/27/84 | Biphetamine 20mg | 30 |
| 350904 | 12/21/85 | Percocet | 35 |
| 352173 | 01/22/85 | Biphetamine 20mg | 50 |
| 352174 | 01/22/85 | Biphetamine 20mg | 35 |
| 353210 | 02/15/85 | Biphetamine 20mg | 35 |
| 355612 | 04/10/85 | Biphetamine 20mg | 35 |
| 356669 | 05/02/85 | Biphetamine 20mg | 35 |
| 357593 | 05/24/85 | Preludin 75mg | 35 |

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (k) Roosevelt Striggles did, between January 8, 1985, and November 1, 1985, a 312-day time period, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding three times the bulk amount when the conduct was not in accordance with

Chapter 4729. of the Revised Code, to wit: the following diet drugs were dispensed beyond a time period where they were for a legitimate medical use to patient Audrey McCune, 3012 Victor Avenue:

| <u>Rx No.</u> | <u>Date</u> | <u>Drug</u> | <u>Qty.</u> |
|---------------|-------------|---------------|-------------|
| 351547 | 01/08/85 | Preludin 75mg | 30 |
| 352987 | 02/08/85 | Preludin 75mg | 30 |
| 354064 | 03/05/85 | Preludin 75mg | 30 |
| 355341 | 04/04/85 | Preludin 75mg | 30 |
| 356557 | 04/30/85 | Preludin 75mg | 30 |
| 357030 | 05/11/85 | Preludin 75mg | 30 |
| 359060 | 06/25/85 | Preludin 75mg | 30 |
| 360353 | 07/25/85 | Preludin 75mg | 30 |
| 361512 | 08/20/85 | Preludin 75mg | 30 |
| 362454 | 09/04/85 | Preludin 75mg | 30 |
| 364139 | 10/15/85 | Preludin 75mg | 30 |
| 365557 | 11/15/85 | Preludin 75mg | 30 |

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (l) Roosevelt Striggles did, between June 1, 1985, and December 5, 1985, a 186-day time period, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding three times the bulk amount when the conduct was not in accordance with Chapter 4729. of the Revised Code, to wit: the following diet drugs were dispensed beyond a time period where they were for a legitimate medical use to patient Karen McCune, 3010 Victor Avenue:

| <u>Rx No.</u> | <u>Date</u> | <u>Drug</u> | <u>Qty.</u> |
|---------------|-------------|---------------|-------------|
| 357943 | 06/01/85 | Preludin 75mg | 30 |
| 359637 | 07/09/85 | Preludin 75mg | 30 |
| 360999 | 08/08/85 | Preludin 75mg | 30 |
| 362500 | 09/10/85 | Preludin 75mg | 30 |
| 363925 | 10/10/85 | Preludin 75mg | 30 |
| 365123 | 11/05/85 | Preludin 75mg | 30 |
| 366463 | 12/05/85 | Preludin 75mg | 30 |

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (m) Roosevelt Striggles did, on or about February 2, 1986, possess drugs that were adulterated as defined in Section 3715.63(B) of the Ohio Revised Code, to wit: Roosevelt Striggles possessed and held the following drugs labeled in part "...keep in a cold place..." that had been kept in a non-refrigerated drug stock storage area subject to normal and above normal room temperatures:

| <u>Drug</u> | <u>Size</u> | <u>Qty.</u> |
|---------------|-------------|-------------|
| Novolin N | 10cc | 32 |
| Nph Iletin | 10cc | 16 |
| Nph Iletin II | 10cc | 7 |

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| <u>Drug</u> | <u>Size</u> | <u>Qty.</u> |
|---------------------|-------------|-------------|
| Pork Iletin R | 10cc | 1 |
| Nph Insulin | 10cc | 39 |
| Humulin N | 10cc | 13 |
| Humulin R | 10cc | 3 |
| Novolin R | 10cc | 11 |
| Regular Insulin | 10cc | 10 |
| Ultralente I | 10cc | 1 |
| Lente Insulin | 10cc | 1 |
| Novolin L | 10cc | 4 |
| Purified Pork Lente | 10cc | 3 |

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

- (n) Roosevelt Striggles did, between November 22, 1985, and January 11, 1986, knowingly sell controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapter 4729. of the Ohio Revised Code, to wit: Roosevelt Striggles sold the following drugs to patient Sandy Krispinsky, Walden Avenue, on the prescription form of Samuel M. Robbins, D.D.S., when Mr. Striggles knew or should have known, that a dentist, as a limited practitioner, does not have the authority to prescribe a schedule II controlled substance stimulant:

| <u>Rx No.</u> | <u>Date</u> | <u>Drug</u> | <u>Qty.</u> |
|---------------|-------------|----------------|-------------|
| 365904 | 11/29/85 | Dexedrine 10mg | 20 |
| 366693 | 12/10/85 | Dexedrine 10mg | 50 |
| 368220 | 01/11/86 | Dexedrine 10mg | 30 |

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

- (o) Roosevelt Striggles did, on February 3, 1986, knowingly possess false or forged prescriptions, to wit: Roosevelt Striggles possessed prescriptions written on the prescription form of Samuel M. Robbins, D.D.S. for the drug Dexedrine 10mg when he knew or should have known, that a dentist, as a limited practitioner, does not have the authority to prescribe a schedule II stimulant controlled substance. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (p) Roosevelt Striggles did, between June 18, 1984, and August 6, 1984, a 49-day time period, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding three times the bulk amount when the conduct was not in accordance with Chapter 4729. of the Revised Code, to wit: the following diet drugs were dispensed beyond a time period where they were for a legitimate medical use to patient Mrs. Theresa Williams, the last three prescriptions were written with directions for use of 1 BID when he knew or should have known that drug to be a sustained release drug to be taken only once a day:

| <u>Rx No.</u> | <u>Date</u> | <u>Drug</u> | <u>Qty.</u> |
|---------------|-------------|---------------|-------------|
| 343681 | 06/18/84 | Preludin 75mg | 60 |
| 344368 | 07/05/84 | Preludin 75mg | 60 |
| 345176 | 07/25/84 | Preludin 75mg | 60 |
| 345677 | 08/06/84 | Preludin 75mg | 60 |

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (q) Roosevelt Striggles did, between May 3, 1985, and February 2, 1987, as owner and responsible pharmacist of Gardelle Drugs, fail to keep records of all controlled substances received or dispensed by the pharmacy in accordance with Section 3719.07(G) of the Ohio Revised Code, to wit: records were not kept to account for overages of Seconal 100mg and Tylox.
- (r) Roosevelt Striggles was, on or about July 14, 1987, in the Common Pleas Court of Cuyahoga County, Ohio, convicted of Trafficking in Drugs, felonies of the fourth degree, in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (s) Roosevelt Striggles did, between March 19, 1985, and October 30, 1987, a 225-day time period, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding three times the bulk amount when the conduct was not in accordance with Chapter 4729. of the Revised Code, to wit: the following diet drugs were dispensed beyond a time period where they were for a legitimate medical use to patient Theresa Williams:

| <u>Rx No.</u> | <u>Date</u> | <u>Drug</u> | <u>Qty.</u> |
|---------------|-------------|---------------|-------------|
| 354661 | 03/19/85 | Preludin 75mg | 50 |
| 355279 | 04/03/85 | Preludin 75mg | 50 |
| 355819 | 04/12/85 | Preludin 75mg | 60 |
| 356441 | 04/27/85 | Preludin 75mg | 60 |
| 356888 | 05/07/85 | Preludin 75mg | 60 |
| 357413 | 05/20/85 | Preludin 75mg | 60 |
| 358164 | 06/06/85 | Preludin 75mg | 60 |
| 358707 | 06/17/85 | Preludin 75mg | 60 |
| 359203 | 06/27/85 | Preludin 75mg | 54 |
| 359938 | 07/15/85 | Preludin 75mg | 60 |
| 360379 | 07/26/85 | Preludin 75mg | 60 |
| 361007 | 08/08/85 | Preludin 75mg | 60 |
| 361455 | 08/18/85 | Preludin 75mg | 60 |
| 361896 | 08/27/85 | Preludin 75mg | 60 |
| 362882 | 09/08/85 | Preludin 75mg | 60 |
| 363301 | 09/27/85 | Preludin 75mg | 60 |
| 363842 | 10/08/85 | Preludin 75mg | 60 |
| 364302 | 10/18/85 | Preludin 75mg | 60 |
| 364833 | 10/30/85 | Preludin 75mg | 60 |
| 365447 | 11/12/85 | Preludin 75mg | 60 |

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

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- (t) Roosevelt Striggles did, on February 3, 1986, knowingly possess false prescriptions, to wit: Roosevelt Striggles possessed prescriptions written on the form of Yalcin Dincman, M.D., for the drug Preludin 75mg, a schedule II anorectic controlled substance, to wit:

| <u>Rx No.</u> | <u>Date</u> | <u>Drug</u> | <u>Qty.</u> |
|---------------|-------------|---------------|-------------|
| 354661 | 03/19/85 | Preludin 75mg | 50 |
| 355279 | 04/03/85 | Preludin 75mg | 50 |
| 355819 | 04/12/85 | Preludin 75mg | 60 |
| 358164 | 06/06/85 | Preludin 75mg | 60 |
| 358707 | 06/17/85 | Preludin 75mg | 60 |
| 359203 | 06/27/85 | Preludin 75mg | 54 |
| 359938 | 07/15/85 | Preludin 75mg | 60 |
| 360379 | 07/26/85 | Preludin 75mg | 60 |

Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

- (u) Roosevelt Striggles did, on February 3, 1986, knowingly possess forged prescriptions, to wit: Roosevelt Striggles possessed prescriptions written on the prescription form of Yalcin Dincman, M.D., for the Drug Preludin 75mg, a schedule II anorectic controlled substance, to wit:

| <u>Rx No.</u> | <u>Date</u> | <u>Drug</u> | <u>Qty.</u> |
|---------------|-------------|---------------|-------------|
| 356441 | 04/27/85 | Preludin 75mg | 60 |
| 356888 | 05/07/85 | Preludin 75mg | 60 |
| 357413 | 05/20/85 | Preludin 75mg | 60 |
| 361007 | 08/08/85 | Preludin 75mg | 60 |
| 361455 | 08/18/85 | Preludin 75mg | 60 |
| 361896 | 08/27/85 | Preludin 75mg | 60 |
| 362882 | 09/08/85 | Preludin 75mg | 60 |
| 363301 | 09/27/85 | Preludin 75mg | 60 |
| 363842 | 10/08/85 | Preludin 75mg | 60 |
| 364302 | 10/18/85 | Preludin 75mg | 60 |
| 364833 | 10/30/85 | Preludin 75mg | 60 |
| 365447 | 11/12/85 | Preludin 75mg | 60 |

Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

- (v) Roosevelt Striggles did, between March 8, 1985, and November 8, 1985, a 245-day time period, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding three times the bulk amount when the conduct was not in accordance with Chapter 4729. of the Revised Code, to wit: the following diet drugs were dispensed beyond a time period where they were for a legitimate medical use to patient Delane Williams:

| <u>Rx No.</u> | <u>Date</u> | <u>Drug</u> | <u>Qty.</u> |
|---------------|-------------|---------------|-------------|
| 354217 | 03/08/85 | Preludin 75mg | 50 |
| 354776 | 03/21/85 | Preludin 75mg | 50 |
| 355420 | 04/05/85 | Preludin 75mg | 50 |
| 356281 | 04/24/85 | Preludin 75mg | 60 |

| <u>Rx No.</u> | <u>Date</u> | <u>Drug</u> | <u>Qty.</u> |
|---------------|-------------|---------------|-------------|
| 356985 | 05/10/85 | Preludin 75mg | 60 |
| 357629 | 05/24/85 | Preludin 75mg | 60 |
| 358239 | 06/08/85 | Preludin 75mg | 60 |
| 358805 | 06/19/85 | Preludin 75mg | 60 |
| 359507 | 07/05/85 | Preludin 75mg | 60 |
| 360011 | 07/16/85 | Preludin 75mg | 60 |
| 360591 | 07/30/85 | Preludin 75mg | 60 |
| 361057 | 08/09/85 | Preludin 75mg | 60 |
| 361534 | 08/20/85 | Preludin 75mg | 60 |
| 362193 | 09/08/85 | Preludin 75mg | 60 |
| 362883 | 09/18/85 | Preludin 75mg | 60 |
| 363502 | 10/01/85 | Preludin 75mg | 60 |
| 364018 | 10/11/85 | Preludin 75mg | 60 |
| 364810 | 10/29/85 | Preludin 75mg | 60 |
| 365239 | 11/08/85 | Preludin 75mg | 60 |

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (w) Roosevelt Striggles did, on February 3, 1986, knowingly possess forged prescriptions, to wit: Roosevelt Striggles possessed prescriptions written on the prescription form of Yalcin Dincman, M.D., for the drug Preludin 75mg, a schedule II anorectic controlled substance, to wit:

| <u>Rx No.</u> | <u>Date</u> | <u>Drug</u> | <u>Qty.</u> |
|---------------|-------------|---------------|-------------|
| 354217 | 03/08/85 | Preludin 75mg | 50 |
| 354776 | 03/21/85 | Preludin 75mg | 50 |
| 355420 | 04/05/85 | Preludin 75mg | 50 |
| 356281 | 04/24/85 | Preludin 75mg | 60 |
| 356985 | 05/10/85 | Preludin 75mg | 60 |
| 357629 | 05/24/85 | Preludin 75mg | 60 |
| 358239 | 06/08/85 | Preludin 75mg | 60 |
| 358805 | 06/19/85 | Preludin 75mg | 60 |
| 359507 | 07/05/85 | Preludin 75mg | 60 |
| 360011 | 07/16/85 | Preludin 75mg | 60 |
| 360591 | 07/30/85 | Preludin 75mg | 60 |
| 361057 | 08/09/85 | Preludin 75mg | 60 |
| 361534 | 08/20/85 | Preludin 75mg | 60 |
| 362193 | 09/08/85 | Preludin 75mg | 60 |
| 362883 | 09/18/85 | Preludin 75mg | 60 |
| 363502 | 10/01/85 | Preludin 75mg | 60 |
| 364018 | 10/11/85 | Preludin 75mg | 60 |
| 364810 | 10/29/85 | Preludin 75mg | 60 |
| 365239 | 11/08/85 | Preludin 75mg | 60 |

Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

- (x) Roosevelt Striggles did, between July 19, 1985, and October 26, 1985, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding three times the bulk amount when

the conduct was not in accordance with Chapter 4729. of the Revised Code, to wit: the following schedule II controlled substance narcotics were sold pursuant to forged prescriptions:

| <u>Rx No.</u> | <u>Date</u> | <u>Drug</u> | <u>Qty.</u> |
|---------------|-------------|---------------|-------------|
| 360123 | 07/19/85 | Demerol 100mg | 60 |
| 362129 | 08/31/85 | Demerol 100mg | 30 |
| 364679 | 10/26/85 | Demerol 100mg | 60 |
| 364680 | 10/26/85 | Demerol 100mg | 60 |

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (y) Roosevelt Striggles did, on February 3, 1986, knowingly possess forged prescriptions, to wit: Roosevelt Striggles possessed prescriptions written on the prescription form of Song-Lim Yuh, M.D., and Tillman Bauknight, D.D.S., for the drug Demerol 100mg, a schedule II narcotic controlled substance, to wit:

| <u>Rx No.</u> | <u>Date</u> | <u>Drug</u> | <u>Qty.</u> |
|---------------|-------------|---------------|-------------|
| 360123 | 07/19/85 | Demerol 100mg | 60 |
| 362129 | 08/31/85 | Demerol 100mg | 30 |
| 364679 | 10/26/85 | Demerol 100mg | 60 |
| 364680 | 10/26/85 | Demerol 100mg | 60 |

Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

- (z) Roosevelt Striggles did, on or about August 28, 1985, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding the bulk amount but in an amount less than three times that amount when the conduct was not in accordance with Chapter 4729. of the Revised Code, to wit: the following schedule II controlled substance was sold pursuant to forged prescriptions:

| <u>Rx No.</u> | <u>Date</u> | <u>Drug</u> | <u>Qty.</u> |
|---------------|-------------|-------------|-------------|
| 362103 | 08/26/85 | Percodan | 30 |
| 362131 | 08/26/85 | Percodan | 30 |
| 362132 | 08/26/85 | Percodan | 30 |

Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.

- (aa) Roosevelt Striggles did, on February 3, 1986, knowingly possess forged prescriptions, to wit: you possessed prescriptions written on the prescription form of Tillman Bauknight, D.D.S., for the drug Percodan, a schedule II controlled substance, to wit:

| <u>Rx No.</u> | <u>Date</u> | <u>Drug</u> | <u>Qty.</u> |
|---------------|-------------|-------------|-------------|
| 362103 | 08/26/85 | Percodan | 30 |
| 362131 | 08/26/85 | Percodan | 30 |
| 362132 | 08/26/85 | Percodan | 30 |

Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

- (bb) Roosevelt Striggles did, on or about July 20, 1985, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding the bulk amount but in an amount less than three times that amount when the conduct was not in accordance with Chapter 4729. of the Revised Code, to wit: the following Schedule II controlled substance anorectic drug was sold pursuant to a forged prescription as follows:

| <u>Rx No.</u> | <u>Date</u> | <u>Drug</u> | <u>Qty.</u> |
|---------------|-------------|---------------|-------------|
| 360606 | 07/25/85 | Preludin 75mg | 60 |

Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.

- (cc) Roosevelt Striggles did, on February 3, 1986, knowingly possess forged prescriptions, to wit: Roosevelt Striggles possessed a prescription written on the prescription form of Song-Lim Yuh, M.D., for the drug Preludin 75mg, a schedule II anorectic controlled substance, to wit:

| <u>Rx No.</u> | <u>Date</u> | <u>Drug</u> | <u>Qty.</u> |
|---------------|-------------|---------------|-------------|
| 360606 | 07/25/85 | Preludin 75mg | 60 |

Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

- (dd) Roosevelt Striggles did, between July 19, 1985, and October 11, 1985, knowingly sell or deliver at retail to the consumer without a prescription from a physician, veterinarian, or dentist, a prescription and dangerous drug when his conduct was not in accordance with Chapter 4729. of the Revised Code, to wit: the following dangerous drug was sold pursuant to forged prescriptions as follows:

| <u>Rx No.</u> | <u>Date</u> | <u>Drug</u> | <u>Qty.</u> |
|---------------|-------------|-------------|-------------|
| 360124 | 07/19/85 | PBZ 50mg | 100 |
| 360212 | 07/19/85 | PBZ 50mg | 100 |
| 363997 | 09/20/85 | PBZ 50mg | 100 |
| 363998 | 09/20/85 | PBZ 50mg | 100 |

Such conduct is in violation of Section 3719.52(L) of the Ohio Revised Code.

- (ee) Roosevelt Striggles did, on February 3, 1986, knowingly possess forged prescriptions, to wit: Roosevelt Striggles possessed prescriptions written on the prescription form of Song-Lim Yuh, M.D., for the drug PBZ 50mg, a dangerous drug, to wit:

| <u>Rx No.</u> | <u>Date</u> | <u>Drug</u> | <u>Qty.</u> |
|---------------|-------------|-------------|-------------|
| 360124 | 07/19/85 | PBZ 50mg | 100 |
| 360212 | 07/19/85 | PBZ 50mg | 100 |
| 363997 | 09/20/85 | PBZ 50mg | 100 |
| 363998 | 09/20/85 | PBZ 50mg | 100 |

Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

- (4) On or about March 8, 1989, the Ohio State Board of Pharmacy concluded that Roosevelt Striggles was guilty of a felony and gross immorality; guilty of dishonesty and unprofessional conduct in the practice of pharmacy; and guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of the provisions of Chapters 2925., 3715., 3719., and 4729. of the Revised Code. As a result of this conduct, Roosevelt Striggles' license to practice pharmacy in the state of Ohio was revoked.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (3)(r) of the Findings of Fact constitutes having been convicted of a felony as provided in paragraph (A) of Rule 4729-5-04 of the Ohio Administrative Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (3)(r) of the Findings of Fact constitutes having been convicted of violating any state or federal pharmacy or drug law as provided in paragraph (B) of Rule 4729-5-04 of the Ohio Administrative Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3)(b) through (3)(ee) of the Findings of Fact constitute not being of good moral character and habits as provided in paragraph (C) of Rule 4729-5-04 of the Ohio Administrative Code.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (4) of the Findings of Fact constitutes having been disciplined by the Ohio State Board of Pharmacy pursuant to Section 4729.16 of the Revised Code as provided in paragraph (E) of Rule 4729-5-04 of the Ohio Administrative Code.

ACTION OF THE BOARD

Pursuant to Section 4729.08 of the Ohio Revised Code, the State Board of Pharmacy hereby refuses the issuance of a certificate of registration or an identification card, and therefore denies the Application for Examination as a Pharmacist submitted by Roosevelt Striggles.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-6/Nay-0).

MOTION CARRIED.

SO ORDERED.

ROOSEVELT STRIGGLES
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Order of the Board

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

ORDER MAILED
AND EFFECTIVE: August 13, 1993

CERTIFIED MAIL
Return Receipt
#P 373 708 404

FZW/so

By 
Franklin Z. Wickham, R.Ph., M.S.
Executive Director

cc: Cindy Martin, Assistant Attorney General



OHIO STATE BOARD OF PHARMACY

✓ DR

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

THE STATE BOARD OF PHARMACY
(Docket No. D-881201-031)

In The Matter Of:

ROOSEVELT A. STRIGGLES, R.Ph.
3266 E. 146th Street
Cleveland, Ohio 44120

INTRODUCTION

THE MATTER OF ROOSEVELT A. STRIGGLES CAME TO HEARING ON JANUARY 23, 1989 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JEROME WIESENHAIN, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

ROOSEVELT A. STRIGGLES WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY CHRISTOPHER COSTANTINI, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Detective Anita Eppinger - Cleveland Police Department
- (2) Mr. Thomas Avery
- (3) Robert Cole - State Board of Pharmacy
- (4) Robert Amiet - State Board of Pharmacy
- (5) Roosevelt Striggles - Respondent

Respondent's Witnesses:

(None)

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated December 1, 1988.
- (2) Exhibit B - Request for Hearing letter received December 8, 1988.
- (3) Exhibit C - Hearing Schedule letter dated December 9, 1988.
- (4) Exhibit 1a - Registered Pharmacist Renewal Applications from 1968 through 1986 for Roosevelt Striggles.

ROOSEVELT A. STRIGGLES, R.Ph.

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Order of the Board

- (5) Exhibit 1b - Terminal Distributor Renewal Applications from 1966 through 1987 for Gardelle Drugs, 17606 Harvard Avenue, Cleveland, OH 44125.
- (6) Exhibit 2 - Accountability Statement showing a shortage of 4,496 Percodan.
- (7) Exhibit 3 - Accountability Statement showing a shortage of 1,085 Demerol 100mg.
- (8) Exhibit 4 - Accountability Statement showing a shortage of 715 Percocet 5.
- (9) Exhibit 5 - Accountability Statement showing a shortage of 697 Demerol 50mg.
- (10) Exhibit 6 - Accountability Statement showing a shortage of 2,614 Fastin.
- (11) Exhibit 7 - Accountability Statement showing a shortage of 2,214 Talwin NX-50mg.
- (12) Exhibit 8 - Accountability Statement showing a shortage of 1,980ml Tussionex Susp.
- (13) Exhibit 9 - Accountability Statement showing a shortage of 1,639 Ionamin 30mg.
- (14) Exhibit 10 - Accountability Statement showing a shortage of 850 Doriden .5gm.
- (15) Exhibit 11 - Accountability Statement showing a shortage of 627 Adipex-P.
- (16) Exhibit 12 - Accountability Statement showing a shortage of 26,760ml Eth & C.
- (17) Exhibit 13 - Accountability Statement showing a shortage of 22,500ml Ambenyl.
- (18) Exhibit 14 - Accountability Statement showing a shortage of 135 Dexedrine 10mg.
- (19) Exhibit 15 - Accountability Statement showing a shortage of 50 Dexedrine 15mg.
- (20) Exhibit 16 - Accountability Statement showing a shortage of 35 Biphetamine 20mg.
- (21) Exhibit 17 - Accountability Statement showing a shortage of 17 Preludin 75mg.
- (22) Exhibit 18 - Exempt Narcotic Register showing illegal sales of ETH & C made to Paul Favors, 3386 Spangler, on 05-18-79 and 01-11-80.
- (23) Exhibit 19 - Exempt Narcotic Register showing illegal sales of ETH & C made to Ollie Batey Jr., 3436 E. 131, on 10-12-79, 10-15-79, 10-18-79, 10-19-79, 10-22-79, 10-27-79, 11-06-79, 11-23-79, 11-24-79, 11-27-79, 12-02-79, 12-05-79, 12-18-79, 12-22-79, 12-27-79, 01-06-80, 01-11-80, 01-24-80, 01-24-80, 01-25-80, 01-26-80, 02-01-80, 02-04-80, 02-05-80, 02-14-80, 02-15-80, 02-22-80, 02-28-80, 03-08-80, 03-11-80, 03-12-80, 03-15-80, 03-18-80, 03-22-80, 03-23-80, 03-24-80, 03-30-80, 03-31-80, 04-03-80, 04-04-80, 04-07-80, and 04-12-80.
- (24) Exhibit 20 - Exempt Narcotic Register showing illegal sale of Tricodene made to Ollie Batey Jr., 3436 E. 131, on 11-12-79.
- (25) Exhibit 21 - Exempt Narcotic Register showing illegal sales of ETH & C made to James Bates, 13310 Kinsman, on 01-10-80, 01-11-80, 03-09-80, and 03-10-80.

- (26) Exhibit 22 - Exempt Narcotic Register showing illegal sales of ETH & C made to Charles Conway, 9208 Marshall, on 12-02-77, and 12-03-77.
- (27) Exhibit 23 - Prescriptions #356577, #365950, #366359, #367723, #367757, and #367922.
- (28) Exhibit 24 - Prescription #363809.
- (29) Exhibit 25 - Prescription #318798.
- (30) Exhibit 26 - Prescription #358878.
- (31) Exhibit 27 - Prescription #362143.
- (32) Exhibit 28 - Prescription #367367.
- (33) Exhibit 29 - Prescription #367678.
- (34) Exhibit 30 - Prescription #368493.
- (35) Exhibit 31 - Prescriptions #360064, #361381, #362898, #362896, #364310, and #364311 for patient Anthony Moses.
- (36) Exhibit 32 - Prescriptions #341600, #343018, #343017, #344628, #345979, #347260, #348914, #349885, #349883, #350897, #350898, #352323, #352322, #353908, #353909, #355671, #358530, #360089, #360090, #361658, #361657, #363299, #364963, #364964, #366677, #366678, and #368620 for patient Felicia Orr.
- (37) Exhibit 33 - Prescriptions #342905, #344153, #345268, #347641, #350904, #352173, #352174, #353210, #355612, #356669, and #357593 for patient James Lesniak.
- (38) Exhibit 34 - Prescriptions #352777, #352778, #353359, #354974, #355876, and #357980 for patient James Lesco.
- (39) Exhibit 35 - Prescriptions #351547, #352987, #354064, #355341, #356557, #357030, #359060, #360353, #361512, #362454, #364139, and #365557 for patient Audrey McCune.
- (40) Exhibit 36 - Prescriptions #357943, #359637, #360999, #362500, #363925, #365123, and #366463 for patient Karen McCune.
- (41) Exhibit 37 - Drugs seized were 32 Novolin N 10cc, 16 NPH Iletin I 10cc, 7 NPH Iletin II 10cc, 1 Pork Iletin R 10cc, 39 NPH Insulin 10cc, 13 Humulin N 10cc, 3 Humulin R 10cc, 11 Novolin R 10cc, 10 Regular Insulin 10cc, 1 Ultralente I 10cc, 1 Lente Insulin 10cc, 4 Novolin L 10cc, and 3 Purified Pork Lente 10cc.
- (42) Exhibit 38 - Prescriptions #365904, #366683, and #368220 for patient Sandy Krispinsky.
- (43) Exhibit 39 - Prescriptions #343681, #344368, #345176, and #345677 for patient Theresa Williams.
- (44) Exhibit 40 - Prescriptions #343738, #344758, and #346740 for patient Denise Young.
- (45) Exhibit 41 - Accountability Statement showing an overage of 179 capsules of Seconal 100mg.
- (46) Exhibit 42 - Accountability Statement showing an overage of 98 capsules of Tylox.
- (47) Exhibit 43 - Journal Entry from Cuyahoga County Common Pleas Court.
- (48) Exhibit 44a - Prescription #354661 for Theresa Williams.
- (49) Exhibit 44b - Prescription #355279 for Theresa Williams.
- (50) Exhibit 44c - Prescription #355819 for Theresa Williams.
- (51) Exhibit 44d - Prescription #356441 for Theresa Williams.
- (52) Exhibit 44e - Statement by Dr. Dincman in reference to prescription #356441.
- (53) Exhibit 44f - Prescription #356888 for Theresa Williams.

ROOSEVELT A. STRIGGLES, R.Ph.

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- (54) Exhibit 44g - Statement by Dr. Dincman in reference to prescription #356888.
- (55) Exhibit 44h - Prescription #357413 for Theresa Williams.
- (56) Exhibit 44i - Statement by Dr. Dincman in reference to prescription #357413.
- (57) Exhibit 44j - Prescription #358164 for Theresa Williams.
- (58) Exhibit 44k - Prescription #358707 for Theresa Williams.
- (59) Exhibit 44l - Prescription #359203 for Theresa Williams.
- (60) Exhibit 44m - Prescription #359938 for Theresa Williams.
- (61) Exhibit 44n - Prescription #360379 for Theresa Williams.
- (62) Exhibit 44o - Prescription #361007 for Theresa Williams.
- (63) Exhibit 44p - Statement by Dr. Dincman in reference to prescription #361007.
- (64) Exhibit 44q - Prescription #361455 for Theresa Williams.
- (65) Exhibit 44r - Statement by Dr. Dincman in reference to prescription #361455.
- (66) Exhibit 44s - Prescription #361896 for Theresa Williams.
- (67) Exhibit 44t - Statement by Dr. Dincman in reference to prescription #361896.
- (68) Exhibit 44u - Prescription #362882 for Theresa Williams.
- (69) Exhibit 44v - Statement by Dr. Dincman in reference to prescription #362882.
- (70) Exhibit 44w - Prescription #363301 for Theresa Williams.
- (71) Exhibit 44x - Statement by Dr. Dincman in reference to prescription #363301.
- (72) Exhibit 44y - Prescription #363842 for Theresa Williams.
- (73) Exhibit 44z - Statement by Dr. Dincman in reference to prescription #363842.
- (74) Exhibit 44aa - Prescription #364302 for Theresa Williams.
- (75) Exhibit 44bb - Statement by Dr. Dincman in reference to prescription #364302.
- (76) Exhibit 44cc - Prescription #364833 for Theresa Williams.
- (77) Exhibit 44dd - Statement by Dr. Dincman in reference to prescription #364833.
- (78) Exhibit 44ee - Prescription #365447 for Theresa Williams.
- (79) Exhibit 44ff - Statement by Dr. Dincman in reference to prescription #365447.
- (80) Exhibit 45a - Prescription #354661 for Theresa Williams.
- (81) Exhibit 45b - Prescription #355279 for Theresa Williams.
- (82) Exhibit 45c - Prescription #355819 for Theresa Williams.
- (83) Exhibit 45d - Prescription #358164 for Theresa Williams.
- (84) Exhibit 45e - Prescription #358707 for Theresa Williams.
- (85) Exhibit 45f - Prescription #359203 for Theresa Williams.
- (86) Exhibit 45g - Prescription #359938 for Theresa Williams.
- (87) Exhibit 45h - Prescription #360379 for Theresa Williams.
- (88) Exhibit 46a - Prescription #356441 for Theresa Williams.
- (89) Exhibit 46b - Statement by Dr. Dincman in reference to prescription #356441.
- (90) Exhibit 46c - Prescription #356888 for Theresa Williams.
- (91) Exhibit 46d - Statement by Dr. Dincman in reference to prescription #356888.
- (92) Exhibit 46e - Prescription #357413 for Theresa Williams.
- (93) Exhibit 46f - Statement by Dr. Dincman in reference to prescription #357413.

ROOSEVELT A. STRIGGLES, R.Ph.
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- (94) Exhibit 46g - Prescription #361007 for Theresa Williams.
- (95) Exhibit 46h - Statement by Dr. Dincman in reference to prescription #361007.
- (96) Exhibit 46i - Prescription #361455 for Theresa Williams.
- (97) Exhibit 46j - Statement by Dr. Dincman in reference to prescription #361455.
- (98) Exhibit 46k - Prescription #361896 for Theresa Williams.
- (99) Exhibit 46l - Statement by Dr. Dincman in reference to prescription #361896.
- (100) Exhibit 46m - Prescription #362882 for Theresa Williams.
- (101) Exhibit 46n - Statement by Dr. Dincman in reference to prescription #362882.
- (102) Exhibit 46o - Prescription #363301 for Theresa Williams.
- (103) Exhibit 46p - Statement by Dr. Dincman in reference to prescription #363301.
- (104) Exhibit 46q - Prescription #363842 for Theresa Williams.
- (105) Exhibit 46r - Statement by Dr. Dincman in reference to prescription #363842.
- (106) Exhibit 46s - Prescription #364302 for Theresa Williams.
- (107) Exhibit 46t - Statement by Dr. Dincman in reference to prescription #364302.
- (108) Exhibit 46u - Prescription #364833 for Theresa Williams.
- (109) Exhibit 46v - Statement by Dr. Dincman in reference to prescription #364833.
- (110) Exhibit 46w - Prescription #365447 for Theresa Williams.
- (111) Exhibit 46x - Statement by Dr. Dincman in reference to prescription #365447.
- (112) Exhibit 47 - Prescriptions #354217, #354776, #355420, #356281, #356985, and statement by Dr. Dincman in reference to prescription #356985. Prescription #357629 and statement by Dr. Dincman in reference to prescription #357629. Prescriptions #358239, #358805, #359507, #360011, #360591, #361057 and statement by Dr. Dincman in reference to prescription #361057. Prescription #361534 and statement by Dr. Dincman in reference to prescription #361534. Prescription #362193 and statement by Dr. Dincman in reference to prescription #362193. Prescription #362883 and statement by Dr. Dincman in reference to prescription #362883. Prescription #363502 and statement by Dr. Dincman in reference to prescription #363502. Prescription #364018 and statement by Dr. Dincman in reference to prescription #364018. Prescription #364810 and statement by Dr. Dincman in reference to prescription #364810. Prescription #365239 and statement by Dr. Dincman in reference to prescription #365239 for patient Delane Williams.
- (113) Exhibit 48a - Prescription #360123 for patient Collins.
- (114) Exhibit 48b - Statement by Dr. Yuh in reference to prescription #360123.
- (115) Exhibit 49a - Prescription #362129 for patient Barbara Phillips.
- (116) Exhibit 49b - Statement by Dr. Bauknight in reference to prescription #362129.
- (117) Exhibit 50a - Prescription #364679 for patient Larry Walker.
- (118) Exhibit 50b - Statement by Dr. Yuh in reference to prescription #364679.
- (119) Exhibit 51a - Prescription #364680 for patient Dennis Jackson.

ROOSEVELT A. STRIGGLES, R.Ph.
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- (120) Exhibit 51b - Statement by Dr. Yuh in reference to prescription #364680.
- (121) Exhibit 52a - Prescription #362103 for patient Rebecca Adams.
- (122) Exhibit 52b - Statement by Dr. Bauknight in reference to prescription #362103.
- (123) Exhibit 53a - Prescription #362131 for patient Mary Norris.
- (124) Exhibit 53b - Statement by Dr. Bauknight in reference to prescription #362131.
- (125) Exhibit 54a - Prescription #362132 for patient Susan Nelson.
- (126) Exhibit 54b - Statement By Dr. Bauknight in reference to prescription #362132.
- (127) Exhibit 56a - Prescription #360124 for patient Collins.
- (128) Exhibit 56b - Statement from Dr. Yuh in reference to prescription #360124.
- (129) Exhibit 57a - Prescription #360212 for patient Larry Walker.
- (130) Exhibit 57b - Statement from Dr. Yuh in reference to prescription #360212.
- (131) Exhibit 58a - Prescription #363997 for patient Theresa Everson.
- (132) Exhibit 58b - Statement from Dr. Yuh in reference to prescription #363997.
- (133) Exhibit 59a - Prescription #363998 for patient Erma Jacobs.
- (134) Exhibit 59b - Statement from Dr. Yuh in reference to prescription #363998.

Respondent's Exhibits:

- (1) Exhibit 1 - Letter sent to Board of Pharmacy from Roosevelt Striggles; a letter from Beverly A. Nauman verifying Mr. Roosevelt Striggles' Continuing Education credit from March 27, 1985 through May 18, 1988; a Continuing Education Certificate to Roosevelt Striggles from Knoll Pharmaceuticals dated July 26, 1988; and letter from Joseph T. Isom, Probation Officer.
- (2) Exhibit 2 - Letter from Rev. Isaiah Scipio, Jr., from the Lane Metropolitan Church dated January 20, 1989.
- (3) Exhibit 3 - Letter from Billy J. Tanton dated January 8, 1989.
- (4) Exhibit 4 - Letter from Rubie J. McCullough, L.S.W. from Harvard Community Services Center dated January 13, 1989.
- (5) Exhibit 5 - Letter from Rev. V. J. Weathersby from New Light Baptist Church dated January 12, 1989.
- (6) Exhibit 6 - Letter from Rev. W. W. Holmes, Sr. from Christian Faith Baptist Church dated January 16, 1989.
- (7) Exhibit 7 - Letter from Elder Roy L. Barclay from Greater Faith Tabernacle Church of God in Christ dated January 14, 1989.
- (8) Exhibit 8 - Letter from Mr. & Mrs. Clyde Hudgins dated January 17, 1989.
- (9) Exhibit 9 - Letter from Melanie Irwin, Drug Utilization Review Coordinator from the Ohio Department of Human Services dated December 30, 1988.
- (10) Exhibit 10 - Special Handling Pharmacy Invoice from the Cuyahoga County Department of Human Services for Gardelle Drug.
- (11) Exhibit 11 - Several Bureau of Workers Compensation Payment Verification Cards.

- (12) Exhibit 12 - Prescriptions #364265, #362339, #358774, #360315, #389798, #358667, #366734, #366735, #366736, #366737, #366738, #366739, #359735, #359736, #359737, #365522, #365523, #365524, #360805, #359167, and #359168.
- (13) Exhibit 13 - Prescription #377065 for Sandra Krispinsky.
- (14) Exhibit 14 - One Bureau of Workers Compensation Claim form for Walter W. Holmes.
- (15) Exhibit 15 - Miscellaneous checks (18).
- (16) Exhibit 16 - Miscellaneous checks (6).

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles was the owner and responsible pharmacist of Gardelle Drug, 17606 Harvard Avenue, Cleveland, Ohio 44128, Terminal Distributor license number 02-120150, from February 28, 1966 to May 15, 1987.
- (2) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, between May 3, 1985 and February 2, 1986, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding three times the bulk amount when his conduct was not in accordance with Chapter 4729. of the Ohio Revised Code, to wit: Roosevelt Striggles did sell the following drugs in the following amounts:

| <u>Substance</u> | <u>Amount</u> |
|--------------------------|----------------|
| SCHEDULE II DRUGS: | |
| Percodan | 4,496 tablets |
| Demerol 100mg | 1,085 tablets |
| Percocet 5 | 715 tablets |
| Demerol 50mg | 697 tablets |
| SCHEDULE III & IV DRUGS: | |
| Fastin | 2,614 capsules |
| Talwin NX-50mg | 2,214 tablets |
| Tussionex Susp. | 1,980 ml |
| Ionamin 30mg | 1,639 capsules |
| Doriden .5gm | 850 tablets |
| Adipex-P | 627 tablets |
| SCHEDULE V DRUG: | |
| ETH & C | 26,760 ml |
| Ambenyl | 22,500 ml |

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (3) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, between June 3, 1985 and February 2, 1986, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding the bulk amount but less than three times that amount when his conduct was not in accordance with Chapter 4729. of the Ohio Revised Code, to wit: Roosevelt Striggles did sell the following drugs in the following amounts:

| <u>Substance</u> | <u>Amount</u> |
|------------------|---------------|
| Dexedrine 10mg | 135 tablets |
| Dexedrine 15mg | 50 tablets |
| Biphedamine 20mg | 35 capsules |

Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.

- (4) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, between May 9, 1985 and February 2, 1986, knowingly sell or offer to sell a controlled substance in an amount less than the minimum bulk amount when his conduct was not in accordance with Chapter 4729. of the Ohio Revised Code, to wit: Roosevelt Striggles did sell the following drugs in the following amounts:

| <u>Substance</u> | <u>Amount</u> |
|------------------|---------------|
| Preludin 75mg | 17 tablets |

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

- (5) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, between December 2, 1979 and April 12, 1980, sell or dispense to any one person within a forty-eight consecutive hour period more than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Roosevelt Striggles sold to the following individuals on the following dates exempt narcotics:

(a) Dates of illegal sales of ETH&C made to Paul Favors, 3386 Spangler: 05-18-79 01-11-80

(b) Dates of illegal sales of ETH&C made to Ollie Batey Jr., 3436 E. 131:

| | | | | | |
|----------|----------|----------|----------|----------|----------|
| 10-12-79 | 10-15-79 | 10-18-79 | 10-19-79 | 10-22-79 | 10-27-79 |
| 11-06-79 | 11-23-79 | 11-24-79 | 11-27-79 | 12-02-79 | 12-05-79 |
| 12-18-79 | 12-22-79 | 12-27-79 | 01-06-80 | 01-11-80 | 01-24-80 |
| 01-25-80 | 01-26-80 | 02-01-80 | 02-04-80 | 02-05-80 | 02-14-80 |
| 02-15-80 | 02-22-80 | 02-28-80 | 03-08-80 | 03-11-80 | 03-12-80 |
| 03-15-80 | 03-18-80 | 03-22-80 | 03-23-80 | 03-24-80 | 03-30-80 |
| 03-31-80 | 04-03-80 | 04-04-80 | 04-07-80 | 04-12-80 | |

- (c) Dates of illegal sale of Tricodene to Ollie Batey Jr., 3436 E. 131: 11-12-79
- (d) Dates of illegal sales of ETH&C made to James Bates, 13310 Kinsman: 01-10-80 01-11-80 03-09-80 03-10-80
- (e) Dates of illegal sales of Tricodene made to Charles Conway, 9208 Marshall: 12-02-77 12-03-77

Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.

- (6) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, between April 30, 1985 and January 7, 1986, dispense generic equivalent drugs pursuant to prescriptions written for generic equivalents without recording on the record of dispensing the brand name or drug name and name of the manufacturer or distributor of the drug or the national drug code (NDC) number of the drug dispensed, to wit: Roosevelt Striggles dispensed the following drugs on the following dates without keeping proper records:

| <u>Rx No.</u> | <u>Date Disp</u> | <u>Drug</u> | <u>Quantity</u> |
|---------------|------------------|-----------------|-----------------|
| 356577 | 04-30-85 | Prednisone 20mg | 30 |
| 365950 | 11-21-85 | Prednisone 5mg | 100 |
| 366359 | 12-03-85 | Prednisone 10mg | 100 |
| 367723 | 01-02-86 | Prednisone 5mg | 40 |
| 367757 | 01-02-86 | Prednisone 5mg | 200 |
| 367922 | 01-07-86 | Prednisone 5mg | 100 |

Such conduct is not in accordance with Rule 4729-5-17(B) of the Ohio Administrative Code. Roosevelt Striggles, as Responsible Pharmacist pursuant to Section 4729.27 of the Ohio Revised Code, is thus in violation of Section 4729.57(A)(2) of the Ohio Revised Code.

- (7) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, on or about October 23, 1985, sell or deliver at retail or to the consumer without a prescription from a physician, veterinarian, or dentist a drug which under federal or Ohio law can be sold only on prescription, to wit: using prescription #363809, Mr. Striggles dispensed 100 tablets of PBZ when the prescription was written for 60 tablets. Such conduct is in violation of Section 3715.52(L) of the Ohio Revised Code.
- (8) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, between April 2, 1982 and January 19, 1986, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding the bulk amount but in an amount less than three times that amount when his conduct was not in accordance with Chapter 4729. of the Revised Code, to wit: Roosevelt Striggles did sell the following drugs in the following amounts:

- (a) On April 2, 1982, 30 capsules of Fastin, C-IV, were sold as recorded on prescription #318798 when the physician had prescribed 30 tablets of Prelu-2.
- (b) On June 21, 1985, 60 tablets of Percocet, C-II, were sold as recorded on prescription #358878 when the physician had prescribed 60 capsules of Tylox.
- (c) On September 1, 1985, 60 tablets of Percocet, C-II, were sold as recorded on prescription #362143 when the physician had prescribed 60 tablets of Percodan.
- (d) On December 23, 1985, 60 capsules of Tylox, C-II, were sold as recorded on prescription #367367 when the physician had prescribed 60 tablets of Percodan.
- (e) On December 31, 1985, 75 tablets of Percodan, C-II, were sold as recorded on prescription #367678 when the physician had prescribed 75 tablets of Percocet.
- (f) On January 19, 1986, 60 tablets of Percodan, C-II, were sold as recorded on prescription #368493 when the physician had prescribed 60 tablets of Percocet.

Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.

- (9) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, between April 30, 1984 and January 13, 1986, a 623-day time period, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding three times the bulk amount when his conduct was not in accordance with Chapter 4729. of the Revised Code, to wit: the following diet drugs and pain medications were dispensed beyond a time period where they were for a legitimate medical use to patient Felicia Orr, 10506 Shaker Blvd.:

| <u>Date Disp</u> | <u>Drug Dispensed</u> | <u>Qty Disp</u> | <u>Rx No.</u> | <u>Practitioner</u> |
|------------------|-----------------------|-----------------|---------------|---------------------|
| 04-30-84 | Preludin 75mg | 35 | 341600 | Jobe |
| 06-04-84 | Demerol 100mg | 35 | 343018 | Jobe |
| 06-04-84 | Preludin 75mg | 35 | 343017 | Jobe |
| 07-11-84 | Preludin 75mg | 35 | 344628 | Jobe |
| 08-13-84 | Demerol 100mg | 35 | 345979 | Jobe |
| 09-17-84 | Demerol 100mg | 35 | 347260 | Jobe |
| 10-22-84 | Preludin 75mg | 35 | 348914 | Jobe |
| 11-26-84 | Preludin 75mg | 28 | 349885 | Jobe |
| 11-26-84 | Demerol 100mg | 35 | 349883 | Jobe |
| 12-21-84 | Demerol 100mg | 35 | 350897 | Jobe |
| 12-21-84 | Preludin 75mg | 35 | 350898 | Jobe |
| 01-25-85 | Preludin 75mg | 35 | 352323 | Jobe |
| 01-25-85 | Demerol 100mg | 35 | 352322 | Jobe |
| 03-01-85 | Demerol 100mg | 35 | 353908 | Jobe |

| <u>Date Disp</u> | <u>Drug Dispensed</u> | <u>Qty Disp</u> | <u>Rx No.</u> | <u>Practitioner</u> |
|------------------|-----------------------|-----------------|---------------|---------------------|
| 03-01-85 | Preludin 75mg | 35 | 353909 | Jobe |
| 04-11-85 | Preludin 75mg | 35 | 355671 | Jobe |
| 06-14-85 | Preludin 75mg | 35 | 358530 | Jobe |
| 07-19-85 | Demerol 100mg | 50 | 360089 | Jobe |
| 07-19-85 | Preludin 75mg | 35 | 360090 | Jobe |
| 08-25-85 | Demerol 100mg | 50 | 361658 | Jobe |
| 08-25-85 | Preludin 75mg | 35 | 361657 | Jobe |
| 09-27-85 | Preludin 75mg | 35 | 363299 | Jobe |
| 11-01-85 | Preludin 75mg | 35 | 364963 | Jobe |
| 11-01-85 | Demerol 100mg | 50 | 364964 | Jobe |
| 12-09-85 | Preludin 75mg | 35 | 366677 | Jobe |
| 12-09-85 | Demerol 100mg | 50 | 366678 | Jobe |
| 01-13-86 | Preludin 75mg | 35 | 368620 | Jobe |

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (10) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, between June 1, 1984 and May 24, 1985, a 357-day time period, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding three times the bulk amount when his conduct was not in accordance with Chapter 4729. of the Revised Code, to wit: the following diet drugs and pain medications were dispensed beyond a time period where they were for a legitimate medical use to patient James Lesniak, 11605 McCracken:

| <u>Date Disp</u> | <u>Drug Dispensed</u> | <u>Qty Disp</u> | <u>Rx No.</u> | <u>Practitioner</u> |
|------------------|-----------------------|-----------------|---------------|---------------------|
| 06-01-84 | Biphetamine 20mg | 35 | 342905 | Coan |
| 06-29-84 | Biphetamine 20mg | 30 | 344153 | Coan |
| 07-27-84 | Biphetamine 20mg | 35 | 345268 | Coan |
| 09-27-84 | Biphetamine 20mg | 30 | 347641 | Coan |
| 12-21-84 | Biphetamine 20mg | 35 | 350904 | Coan |
| 01-22-85 | Percocet | 50 | 352173 | Coan |
| 01-22-85 | Biphetamine 20mg | 35 | 352174 | Coan |
| 02-15-85 | Biphetamine 20mg | 35 | 353210 | Coan |
| 04-10-85 | Biphetamine 20mg | 35 | 355612 | Coan |
| 05-02-85 | Biphetamine 20mg | 35 | 356669 | Coan |
| 05-24-85 | Preludin 75mg | 35 | 357593 | Coan |

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (11) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, between January 8, 1985 and November 11, 1985, a 312-day time period, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding three times the bulk amount when his conduct was not in accordance with Chapter 4729. of the Revised Code, to wit: the following diet drugs were dispensed beyond a time period where they were for a legitimate medical use to patient Audrey McCune, 3012 Victor Avenue:

| <u>Date Disp</u> | <u>Drug Dispensed</u> | <u>Qty Disp</u> | <u>Rx No.</u> | <u>Practitioner</u> |
|------------------|-----------------------|-----------------|---------------|---------------------|
| 01-08-85 | Preludin 75mg | 30 | 351547 | Adams |
| 02-08-85 | Preludin 75mg | 30 | 352987 | Adams |
| 03-05-85 | Preludin 75mg | 30 | 354064 | Adams |
| 04-04-85 | Preludin 75mg | 30 | 355341 | Adams |
| 04-30-85 | Preludin 75mg | 30 | 356557 | Adams |
| 05-11-85 | Preludin 75mg | 30 | 357030 | Adams |
| 06-25-85 | Preludin 75mg | 30 | 359060 | Adams |
| 07-25-85 | Preludin 75mg | 30 | 360353 | Adams |
| 08-20-85 | Preludin 75mg | 30 | 361512 | Adams |
| 09-04-85 | Preludin 75mg | 30 | 362454 | Adams |
| 10-15-85 | Preludin 75mg | 30 | 364139 | Adams |
| 11-15-85 | Preludin 75mg | 30 | 365557 | Adams |

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (12) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, between June 1, 1985 and December 5, 1985, a 186-day time period, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding three times the bulk amount when his conduct was not in accordance with Chapter 4729. of the Revised Code, to wit: the following diet drugs were dispensed beyond a time period where they were for a legitimate medical use to patient Karen McCune, 3010 Victor Avenue:

| <u>Date Disp</u> | <u>Drug Dispensed</u> | <u>Qty Disp</u> | <u>Rx No.</u> | <u>Practitioner</u> |
|------------------|-----------------------|-----------------|---------------|---------------------|
| 06-01-85 | Preludin 75mg | 30 | 357943 | Adams |
| 07-09-85 | Preludin 75mg | 30 | 359637 | Adams |
| 08-08-85 | Preludin 75mg | 30 | 360999 | Adams |
| 09-10-85 | Preludin 75mg | 30 | 362500 | Adams |
| 10-10-85 | Preludin 75mg | 30 | 363925 | Adams |
| 11-05-85 | Preludin 75mg | 30 | 365123 | Adams |
| 12-05-85 | Preludin 75mg | 30 | 366463 | Adams |

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (13) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, on or about February 2, 1986, possess drugs that were adulterated as defined in Section 3715.63(B) of the Ohio Revised Code, to wit: Roosevelt Striggles did possess and hold the following drugs labeled in part "...keep in a cold place..." that had been kept in a non-refrigerated drug stock storage area subject to normal and above normal room temperatures:

| <u>Drug</u> | <u>Size</u> | <u>Quantity</u> |
|---------------|-------------|-----------------|
| Novolin N | 10cc | 32 |
| Nph Iletin I | 10cc | 16 |
| Nph Iletin II | 10cc | 7 |

| <u>Drug</u> | <u>Size</u> | <u>Quantity</u> |
|---------------------|-------------|-----------------|
| Pork Iletin R | 10cc | 1 |
| Nph Insulin | 10cc | 39 |
| Humulin N | 10cc | 13 |
| Humulin R | 10cc | 3 |
| Novolin R | 10cc | 11 |
| Regular Insulin | 10cc | 10 |
| Ultralente I | 10cc | 1 |
| Lente Insulin | 10cc | 1 |
| Novolin L | 10cc | 4 |
| Purified Pork Lente | 10cc | 3 |

Such conduct is in violation of Section 3715.52 of the Ohio Revised Code.

- (14) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, between November 22, 1985 and January 11, 1986, knowingly sell a controlled substance in an amount less than the bulk amount when his conduct was not in accordance with Chapter 4729. of the Ohio Revised Code, to wit: Roosevelt Striggles did sell the following drugs to patient Sandy Krispinsky, Walden Avenue on the prescription form of Samuel M. Robbins, DDS when he knew or should have known, that a dentist, as a limited practitioner, does not have the authority to prescribe a Schedule II controlled substance stimulant:

| <u>Date</u> | <u>Prescription Number</u> | <u>Drug Sold</u> | <u>Quantity Sold</u> |
|-------------|----------------------------|------------------|----------------------|
| 11-19-85 | 365904 | Dexedrine 10mg | 20 Spansules |
| 12-10-85 | 366693 | Dexedrine 10mg | 50 Spansules |
| 01-11-86 | 368220 | Dexedrine 10mg | 30 Spansules |

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

- (15) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, on February 3, 1986, knowingly possess false or forged prescriptions, to wit: Roosevelt Striggles possessed prescriptions written on the prescription form of Samuel M. Robbins, DDS for the drug Dexedrine 10mg when he knew or should have known, that a dentist, as a limited practitioner, does not have the authority to prescribe a Schedule II stimulant controlled substance.

Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

- (16) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, between June 18, 1984 and August 6, 1984, a 49-day time period, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding three times the bulk amount when his conduct was not in accordance with

Chapter 4729. of the Revised Code, to wit: the following diet drugs were dispensed beyond a time period where they were for a legitimate medical use to patient Mrs. Theresa Williams, the last three prescriptions were written with directions for use of 1 BID when he knew or should have known that drug to be a sustained release drug to be taken only once a day:

| <u>Date Disp</u> | <u>Drug Dispensed</u> | <u>Qty Disp</u> | <u>Rx No.</u> | <u>Practitioner</u> |
|------------------|-----------------------|-----------------|---------------|---------------------|
| 06-18-84 | Preludin 75mg | 60 | 343681 | Smith |
| 07-05-84 | Preludin 75mg | 60 | 344368 | Smith |
| 07-25-84 | Preludin 75mg | 60 | 345176 | Smith |
| 08-06-84 | Preludin 75mg | 60 | 345677 | Smith |

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio revised Code.

- (17) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, between May 3, 1985 and February 2, 1987, as owner and responsible pharmacist of Gardelle Drugs, fail to keep records of all controlled substances received or dispensed by the pharmacy in accordance with Section 3719.07(G) of the Ohio Revised Code, to wit: records were not kept to account for over-ages of Seconal 100mg and Tylox.
- (18) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles, on or about July 14, 1987, in the Common Pleas Court of Cuyahoga County, Ohio, was convicted of Trafficking in Drugs, felonies of the fourth degree, in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (19) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, between March 19, 1985 and October 30, 1987, a 225-day time period, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding three times the bulk amount when his conduct was not in accordance with Chapter 4729. of the Revised Code, to wit: the following diet drugs were dispensed beyond a time period where they were for a legitimate medical use to patient Theresa Williams:

| <u>Date Disp</u> | <u>Drug Dispensed</u> | <u>Qty Disp</u> | <u>Rx No.</u> | <u>Practitioner</u> |
|------------------|-----------------------|-----------------|---------------|---------------------|
| 03-19-85 | Preludin 75mg | 50 | 354661 | Dincman |
| 04-03-85 | Preludin 75mg | 50 | 355279 | Dincman |
| 04-12-85 | Preludin 75mg | 60 | 355819 | Dincman |
| 04-27-85 | Preludin 75mg | 60 | 356441 | Dincman |
| 05-07-85 | Preludin 75mg | 60 | 356888 | Dincman |
| 05-20-85 | Preludin 75mg | 60 | 357413 | Dincman |
| 06-06-85 | Preludin 75mg | 60 | 358164 | Dincman |
| 06-17-85 | Preludin 75mg | 60 | 358707 | Dincman |
| 06-27-85 | Preludin 75mg | 54 | 359203 | Dincman |
| 07-15-85 | Preludin 75mg | 60 | 359938 | Dincman |
| 07-26-85 | Preludin 75mg | 60 | 360379 | Dincman |

| <u>Date Disp</u> | <u>Drug Dispensed</u> | <u>Qty Disp</u> | <u>Rx No.</u> | <u>Practitioner</u> |
|------------------|-----------------------|-----------------|---------------|---------------------|
| 08-08-85 | Preludin 75mg | 60 | 361007 | Dincman |
| 08-18-85 | Preludin 75mg | 60 | 361455 | Dincman |
| 08-27-85 | Preludin 75mg | 60 | 361896 | Dincman |
| 09-08-85 | Preludin 75mg | 60 | 362882 | Dincman |
| 09-27-85 | Preludin 75mg | 60 | 363301 | Dincman |
| 10-08-85 | Preludin 75mg | 60 | 363842 | Dincman |
| 10-18-85 | Preludin 75mg | 60 | 364302 | Dincman |
| 10-30-85 | Preludin 75mg | 60 | 364833 | Dincman |
| 11-12-85 | Preludin 75mg | 60 | 365447 | Dincman |

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (20) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, on February 3, 1986, knowingly possess false prescriptions, to wit: Roosevelt Striggles possessed prescriptions written on the prescription form of Yalcin Dincman, MD, for the drug Preludin 75mg, a Schedule II anorectic controlled substance, to wit:

| <u>Date Disp</u> | <u>Drug Dispensed</u> | <u>Qty Disp</u> | <u>Rx No.</u> | <u>Practitioner</u> |
|------------------|-----------------------|-----------------|---------------|---------------------|
| 03-19-85 | Preludin 75mg | 50 | 354661 | Dincman |
| 04-03-85 | Preludin 75mg | 50 | 355279 | Dincman |
| 04-12-85 | Preludin 75mg | 60 | 355819 | Dincman |
| 06-06-85 | Preludin 75mg | 60 | 358164 | Dincman |
| 06-17-85 | Preludin 75mg | 60 | 358707 | Dincman |
| 06-27-85 | Preludin 75mg | 54 | 359203 | Dincman |
| 07-15-85 | Preludin 75mg | 60 | 359938 | Dincman |
| 07-26-85 | Preludin 75mg | 60 | 360379 | Dincman |

Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

- (21) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, on February 3, 1986, knowingly possess forged prescriptions, to wit: Roosevelt Striggles possessed forged prescriptions written on the prescription form of Yalcin Dincman, MD, for the drug Preludin 75mg, a Schedule II anorectic controlled substance, to wit:

| <u>Date Disp</u> | <u>Drug Dispensed</u> | <u>Qty Disp</u> | <u>Rx No.</u> | <u>Practitioner</u> |
|------------------|-----------------------|-----------------|---------------|---------------------|
| 04-27-85 | Preludin 75mg | 60 | 356441 | Dincman |
| 05-07-85 | Preludin 75mg | 60 | 356888 | Dincman |
| 05-20-85 | Preludin 75mg | 60 | 357413 | Dincman |
| 08-08-85 | Preludin 75mg | 60 | 361007 | Dincman |
| 08-18-85 | Preludin 75mg | 60 | 361455 | Dincman |
| 08-27-85 | Preludin 75mg | 60 | 361896 | Dincman |
| 09-08-85 | Preludin 75mg | 60 | 362882 | Dincman |
| 09-27-85 | Preludin 75mg | 60 | 363301 | Dincman |

| <u>Date Disp</u> | <u>Drug Dispensed</u> | <u>Qty Disp</u> | <u>Rx No.</u> | <u>Practitioner</u> |
|------------------|-----------------------|-----------------|---------------|---------------------|
| 10-08-85 | Preludin 75mg | 60 | 363842 | Dincman |
| 10-18-85 | Preludin 75mg | 60 | 364302 | Dincman |
| 10-30-85 | Preludin 75mg | 60 | 364833 | Dincman |
| 11-12-85 | Preludin 75mg | 60 | 365447 | Dincman |

Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

- (22) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, between March 8, 1985 and November 8, 1985, a 245-day time period, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding three times the bulk amount when his conduct was not in accordance with Chapter 4729. of the Revised Code, to wit: the following diet drugs were dispensed beyond a time period where they were for a legitimate medical use to patient Delane Williams:

| <u>Date Disp</u> | <u>Drug Dispensed</u> | <u>Qty Disp</u> | <u>Rx No.</u> | <u>Practitioner</u> |
|------------------|-----------------------|-----------------|---------------|---------------------|
| 03-08-85 | Preludin 75mg | 50 | 354217 | Dincman |
| 03-21-85 | Preludin 75mg | 50 | 354776 | Dincman |
| 04-05-85 | Preludin 75mg | 50 | 355420 | Dincman |
| 04-24-85 | Preludin 75mg | 60 | 356281 | Dincman |
| 05-10-85 | Preludin 75mg | 60 | 356985 | Dincman |
| 05-24-85 | Preludin 75mg | 60 | 357629 | Dincman |
| 06-08-85 | Preludin 75mg | 60 | 358239 | Dincman |
| 06-19-85 | Preludin 75mg | 60 | 358805 | Dincman |
| 07-05-85 | Preludin 75mg | 60 | 359507 | Dincman |
| 07-16-85 | Preludin 75mg | 60 | 360011 | Dincman |
| 07-30-85 | Preludin 75mg | 60 | 360591 | Dincman |
| 08-09-85 | Preludin 75mg | 60 | 361057 | Dincman |
| 08-20-85 | Preludin 75mg | 60 | 361534 | Dincman |
| 09-08-85 | Preludin 75mg | 60 | 362193 | Dincman |
| 09-18-85 | Preludin 75mg | 60 | 362883 | Dincman |
| 10-01-85 | Preludin 75mg | 60 | 363502 | Dincman |
| 10-11-85 | Preludin 75mg | 60 | 364018 | Dincman |
| 10-29-85 | Preludin 75mg | 60 | 364810 | Dincman |
| 11-08-85 | Preludin 75mg | 60 | 365239 | Dincman |

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (23) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, on February 3, 1986, knowingly possess forged prescriptions, to wit: Roosevelt Striggles possessed prescriptions written on the prescription form of Yalcin Dincman, MD, for the drug Preludin 75mg, a Schedule II anorectic controlled substance, to wit:

| <u>Date Disp</u> | <u>Drug Dispensed</u> | <u>Qty Disp</u> | <u>Rx No.</u> | <u>Practitioner</u> |
|------------------|-----------------------|-----------------|---------------|---------------------|
| 03-08-85 | Preludin 75mg | 50 | 354217 | Dincman |
| 03-21-85 | Preludin 75mg | 50 | 354776 | Dincman |
| 04-05-85 | Preludin 75mg | 50 | 355420 | Dincman |
| 04-24-85 | Preludin 75mg | 60 | 356281 | Dincman |
| 05-10-85 | Preludin 75mg | 60 | 356985 | Dincman |
| 05-24-85 | Preludin 75mg | 60 | 357629 | Dincman |
| 06-08-85 | Preludin 75mg | 60 | 358239 | Dincman |
| 06-19-85 | Preludin 75mg | 60 | 358805 | Dincman |
| 07-05-85 | Preludin 75mg | 60 | 359507 | Dincman |
| 07-16-85 | Preludin 75mg | 60 | 360011 | Dincman |
| 07-30-85 | Preludin 75mg | 60 | 360591 | Dincman |
| 08-09-85 | Preludin 75mg | 60 | 361057 | Dincman |
| 08-20-85 | Preludin 75mg | 60 | 361534 | Dincman |
| 09-08-85 | Preludin 75mg | 60 | 362193 | Dincman |
| 09-18-85 | Preludin 75mg | 60 | 362883 | Dincman |
| 10-01-85 | Preludin 75mg | 60 | 363502 | Dincman |
| 10-11-85 | Preludin 75mg | 60 | 364018 | Dincman |
| 10-29-85 | Preludin 75mg | 60 | 364810 | Dincman |
| 11-08-85 | Preludin 75mg | 60 | 365239 | Dincman |

Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

- (24) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, between July 19, 1985 and October 26, 1985, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding three times the bulk amount when his conduct was not in accordance with Chapter 4729. of the Revised Code, to wit: the following Schedule II controlled substance narcotics were sold pursuant to forged prescriptions:

| <u>Date Disp</u> | <u>Drug Dispensed</u> | <u>Qty Disp</u> | <u>Rx No.</u> | <u>Practitioner</u> |
|------------------|-----------------------|-----------------|---------------|---------------------|
| 07-19-85 | Demerol 100mg | 60 | 360123 | Yuh |
| 08-31-85 | Demerol 100mg | 30 | 362129 | Bauknight |
| 10-26-85 | Demerol 100mg | 60 | 364679 | Yuh |
| 10-26-85 | Demerol 100mg | 60 | 364680 | Yuh |

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (25) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, on February 3, 1986, knowingly possess forged prescriptions, to wit: Roosevelt Striggles possessed prescriptions written on the prescription form of Song-Lim Yuh, MD, and Tillman Bauknight, DDS, for the drug Demerol 100mg, a Schedule II narcotic controlled substance, to wit:

| <u>Date Disp</u> | <u>Drug Dispensed</u> | <u>Qty Disp</u> | <u>Rx No.</u> | <u>Practitioner</u> |
|------------------|-----------------------|-----------------|---------------|---------------------|
| 07-19-85 | Demerol 100mg | 60 | 360123 | Yuh |
| 08-31-85 | Demerol 100mg | 30 | 362129 | Bauknight |
| 10-26-85 | Demerol 100mg | 60 | 364679 | Yuh |
| 10-26-85 | Demerol 100mg | 60 | 364680 | Yuh |

Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

- (26) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, on or about August 28, 1985, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding the bulk amount but in an amount less than three times that amount when his conduct was not in accordance with Chapter 4729. of the Revised Code, to wit: the following Schedule II controlled substance was sold pursuant to forged prescriptions:

| <u>Date Disp</u> | <u>Drug Dispensed</u> | <u>Qty Disp</u> | <u>Rx No.</u> | <u>Practitioner</u> |
|------------------|-----------------------|-----------------|---------------|---------------------|
| 08-26-85 | Percodan | 30 | 362103 | Bauknight |
| 08-26-85 | Percodan | 30 | 362131 | Bauknight |
| 08-26-85 | Percodan | 30 | 362132 | Bauknight |

Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.

- (27) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, on February 3, 1986, knowingly possess forged prescriptions, to wit: Roosevelt Striggles possessed prescriptions written on the prescription form of Tillman Bauknight, DDS, for the drug Percodan, a Schedule II controlled substance, to wit:

| <u>Date Disp</u> | <u>Drug Dispensed</u> | <u>Qty Disp</u> | <u>Rx No.</u> | <u>Practitioner</u> |
|------------------|-----------------------|-----------------|---------------|---------------------|
| 08-26-85 | Percodan | 30 | 362103 | Bauknight |
| 08-26-85 | Percodan | 30 | 362131 | Bauknight |
| 08-26-85 | Percodan | 30 | 362132 | Bauknight |

Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

- (28) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, on or about July 20, 1985, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding the bulk amount but in an amount less than three times that amount when his conduct was not in accordance with Chapter 4729. of the Revised Code, to wit: the following Schedule II controlled substance anorectic drug was sold pursuant to a forged prescription as follows:

| <u>Date Disp</u> | <u>Drug Dispensed</u> | <u>Qty Disp</u> | <u>Rx No.</u> | <u>Practitioner</u> |
|------------------|-----------------------|-----------------|---------------|---------------------|
| 07-20-85 | Preludin 75mg | 60 | 360606 | Yuh |

Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.

- (29) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, on February 3, 1986, knowingly possess forged prescriptions, to wit: Roosevelt Striggles possessed a prescription written on the prescription form of Song-Lim Yuh, MD, for the drug Preludin 75mg, a Schedule II anorectic controlled substance, to wit:

| <u>Date Disp</u> | <u>Drug Dispensed</u> | <u>Qty Disp</u> | <u>Rx No.</u> | <u>Practitioner</u> |
|------------------|-----------------------|-----------------|---------------|---------------------|
| 07-20-85 | Preludin 75mg | 60 | 360606 | Yuh |

Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

- (30) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, between July 19, 1985 and October 11, 1985, knowingly sell or deliver at retail to the consumer without a prescription from a physician, veterinarian, or dentist, a prescription and dangerous drug when his conduct was not in accordance with Chapter 4729. of the Revised Code, to wit: the following dangerous drug was sold pursuant to forged prescriptions as follows:

| <u>Date Disp</u> | <u>Drug Dispensed</u> | <u>Qty Disp</u> | <u>Rx No.</u> | <u>Practitioner</u> |
|------------------|-----------------------|-----------------|---------------|---------------------|
| 07-19-85 | PBZ 50mg | 100 | 360124 | Yuh |
| 07-19-85 | PBZ 50mg | 100 | 360212 | Yuh |
| 09-20-85 | PBZ 50mg | 100 | 363997 | Yuh |
| 09-20-85 | PBZ 50mg | 100 | 363998 | Yuh |

Such conduct is in violation of Section 3719.52(L) of the Ohio Revised Code.

- (31) From the evidence presented, the State Board of Pharmacy finds that Roosevelt Striggles did, on February 3, 1986, knowingly possess forged prescriptions, to wit: Roosevelt Striggles possessed prescriptions written on the prescription form of Song-Lim Yuh, MD, for the drug PBZ 50mg, a dangerous drug, to wit:

| <u>Date Disp</u> | <u>Drug Dispensed</u> | <u>Qty Disp</u> | <u>Rx No.</u> | <u>Practitioner</u> |
|------------------|-----------------------|-----------------|---------------|---------------------|
| 07-19-85 | PBZ 50mg | 100 | 360124 | Yuh |
| 07-19-85 | PBZ 50mg | 100 | 360212 | Yuh |
| 09-20-85 | PBZ 50mg | 100 | 363997 | Yuh |
| 09-20-85 | PBZ 50mg | 100 | 363998 | Yuh |

Such conduct is in violation of Section 2925.23 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 (2) through (5), (8) through (12), (14) through (16), (18) through (29), and (31) of the Findings Of Fact constitutes being guilty of a felony and gross immorality.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (31) of the Findings Of Fact constitutes dishonesty and unprofessional conduct in the practice of pharmacy.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (31) of the Findings Of Fact constitutes willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of the provisions of Chapters 2925., 3715., 3719., and 4729. of the Revised Code.

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-1-07170, held by Roosevelt A. Striggles:

(A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Roosevelt A. Striggles.

(B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Roosevelt A. Striggles.

(C) On the basis of paragraph (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Roosevelt A. Striggles.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, ..., shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

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

MOTION CARRIED.

SO ORDERED.

ROOSEVELT A. STRIGGLES, R.Ph.
Page Twenty-One
Order of the Board

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-596-092-739

ORDER MAILED: MARCH 8, 1989

FZW/pw

By

Franklin Z. Wickham
Franklin Z. Wickham, Executive Director

cc: Christopher Costantini, Assistant Attorney General