



OHIO STATE BOARD OF PHARMACY

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

THE STATE BOARD OF PHARMACY
(Docket No. D-890117-086)

In The Matter Of:

DONALD E. RUPNOW, R.Ph.
85 Lakeside Trail
Kinnelon, New Jersey 07405
(Identification No. 03-1-08130)

THE MATTER OF DONALD E. RUPNOW CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON FRIDAY, JUNE 30, 1989 AS A RESULT OF THE REPORT AND RECOMMENDATION SUBMITTED TO THE BOARD BY HEARING OFFICER AND BOARD MEMBER BETTY NICHOL. FOLLOWING CONSIDERATION OF THE REPORT AND RECOMMENDATION, THE TRANSCRIPT OF THE HEARING, AND EVIDENCE ADDUCED AT THE HEARING, MOTIONS WERE MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

ORDER

State's Exhibits

- (1) Exhibit A - Notice of Opportunity letter dated January 17, 1989.
- (2) Exhibit 1 - Copy of Pharmacist Renewal Application for Donald E. Rupnow, dated October 30, 1988.
- (3) Exhibit 2 - Letter from Donald E. Rupnow dated October 30, 1988.
- (4) Exhibit 3 - Notification of Incomplete Application for Renewal form mailed to Donald E. Rupnow dated November 7, 1988.

Findings Of Fact

The State Board of Pharmacy hereby agrees with and adopts the Findings Of Fact set forth in the Report and Recommendation of Hearing Officer and Board Member Betty Nichol, as follows:

- (1) The State Board of Pharmacy finds that on January 17, 1989, Donald E. Rupnow, R.Ph. was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.
- (2) The State Board of Pharmacy finds that as demonstrated by return receipt of January 20, 1988, Donald E. Rupnow received the letter of January 17, 1989, informing him of the Board's proposal to deny his renewal application.

DONALD E. RUPNOW, R.Ph.
Page Two
Order of the Board

- (3) The State Board of Pharmacy finds that Donald E. Rupnow has not responded in any manner to the letter of January 17, 1989 and has not requested a hearing in this matter.
- (4) The State Board of Pharmacy finds that Donald E. Rupnow has not continued his pharmacy education in accordance with Ohio Revised Code Section 4729.12 and Ohio Administrative Code Rules 4729-7-01 to 4729-7-07.

Conclusion Of Law

The State Board of Pharmacy hereby agrees with and adopts the Conclusion Of Law set forth in the Report and Recommendation of Hearing Officer and Board Member Betty Nichol, as follows:

- (1) The State Board of Pharmacy concludes that the conduct set forth in paragraph (4) of the Findings Of Fact constitutes failure to meet the requirements for a renewal identification card as set forth in Section 4729.12 of the Ohio Revised Code.

Action Of The Board

The State Board of Pharmacy hereby agrees with and adopts the recommendation for action set forth in the Report and Recommendation of Hearing Officer and Board Member Betty Nichol. Therefore, pursuant to Section 4729.12 of the Ohio Revised Code, the State Board of Pharmacy hereby denies the renewal application for an identification card submitted by Donald E. Rupnow.

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

MOTION CARRIED.

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

Section 119.12 of the Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

DONALD E. RUPNOW, R.Ph.
Page Three
Order of the Board

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt
#P 417 664 886

ORDER MAILED: AUGUST 23, 1989

FZW/pw

By 
Franklin Z. Wickham, Executive Director

cc: Steve Dlott, Assistant Attorney General