



OHIO STATE BOARD OF PHARMACY

77 S. High St., 17th Floor; Columbus, Ohio 43266-0320

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-911118-077)

In The Matter Of:

EDWIN ERION SANDERS, JR., R.Ph.

101 Sands Drive

Hebron, Ohio 43205

(R.Ph. No. 03-1-08359)

INTRODUCTION

THE MATTER OF EDWIN ERION SANDERS CAME ON FOR CONSIDERATION ON MARCH 9, 1994, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH R. SABINO, R.Ph. (presiding); PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; WAYNE C. MILLER, R.Ph.; TIMOTHY D. MOORE, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE., PUBLIC MEMBER.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) David Avery, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Summary Suspension Order dated November 18, 1991.
- (2) Exhibit 1A - Pharmacist File Front sheet of Edwin Erion Sanders, Jr. showing original date of registration as August 16, 1965.
- (3) Exhibit 1B - Letter from Edwin E. Sanders dated December 23, 1991.
- (4) Exhibit 1C - Renewal Application for a license to practice pharmacy in Ohio from September 15, 1989, to September 15, 1990, of Edwin Erion Sanders signed and dated September 12, 1989.

- (5) Exhibit 2 - Letter from Jeffrey M. Welbaum, Prosecuting Attorney, Miami County, Ohio dated November 8, 1991; Ohio State Board of Pharmacy form PHA-0004 regarding Edwin E. Sanders, Jr.; four-page certified Journal Entry in the Common Pleas Court of Miami County, Ohio, General Division of Edwin E. Sanders, Jr., Case No. 91CR125, dated November 6, 1991; and two-page certified Journal Entry in the Common Pleas Court of Miami County, Ohio, General Division of Edwin E. Sanders, Jr., Case No. 91CR125 dated September 24, 1991.
- (6) Exhibit 3 - Copy of two Warrants on Complaint in the Miami County Municipal Court, Case Numbers 91-CR-A-000272-S-TIPP.01 and 91-CR-A-000240-S-TIPP.01, in the matter of Edwin E. Sanders, Jr. dated January 23, 1991; copies of seven Complaints by Individual in the Municipal Court of Miami County, Ohio, Cases Numbered: 91-CR-A-274-S-TIPP; 91-CR-A-275-S-TIPP; 91-CR-A-276-S-TIPP; 91-CR-A-277-S-TIPP; 91-CR-A-278-S-TIPP; 91-CR-A-271-S-TIPP; and 91-CR-A-272-S-TIPP dated January 24, 1991; copy of one Complaint by Individual in the Municipal Court of Miami County, Ohio, Case No. 91-CR-A-240-S-TIPP, dated January 22, 1991; and eight certified Journal Entries in the Municipal Court of Miami County, Ohio, Cases Numbered: 91-CR-A-274-S-TIPP; 91-CR-A-272-S-TIPP; 91-CR-A-271-S-TIPP; 91-CR-A-275-S-TIPP; 91-CR-A-240-S-TIPP; 91-CR-A-278-S-TIPP; 91-CR-A-277-S-TIPP, and 91-CR-A-276-S-TIPP dated January 29, 1991.
- (7) Exhibit 4 - Order of the State Board of Pharmacy, Docket No. D-890601-125, in the matter of Edwin Sanders, R.Ph. dated January 29, 1990.
- (8) Exhibit 5 - Three-page copy of Indictment, Case No. 82-CR-015, in the Commonwealth of Kentucky, Trimble Circuit Court, Criminal Division of Edward (sic Edwin) Sanders dated October 19, 1982; three-page copy of Arraignment - Entry of Plea of Not Guilty, in the Trimble Circuit Court, Commonwealth of Kentucky, Case No. 82-CR-015, of Edward (sic Edwin) Sanders dated October 25, 1982; and copy of Final Judgment and Sentence, Conditional Discharge, in the Trimble Circuit Court, Commonwealth of Kentucky, of Case No. 82-CR-015, of Edward (sic Edwin) Sanders dated February 19, 1983.
- (9) Exhibit 6 - Handwritten statement of Kim Long signed and notarized on December 11, 1990.
- (10) Exhibit 7 - Handwritten statement of Lori Harger signed and notarized on December 7, 1990.
- (11) Exhibit 8 - Handwritten statement of Dr. Nicholas P. Christoff, M.D. signed and notarized on December 7, 1990.
- (12) Exhibit 9 - Handwritten statement of Dr. Chris Christoff, D.O. signed and notarized on December 11, 1990.
- (13) Exhibit 10 - Letter from Jeffrey S. Christoff, D.O. signed and notarized on December 12, 1990.
- (14) Exhibit 11 - Four prescriptions numbered as follows: 299977, 299978, 305602, and 324013.
- (15) Exhibit 12 - Two-page copy of patient profile of Edwin E. Sanders, Jr. dated from November, 1985, through January, 1989.
- (16) Exhibit 13 - Copy of Patient Profile Report of K-Mart #7199, for patient Edwin E. Sanders, Jr. dated from January 1, 1989, to December 5, 1990; ten prescriptions numbered as follows: 319029, 319042, 319043, 321209, 325713, 331526, 332253, 345267, 345268, and 347382; and eight prescription labels numbered as follows: 319043, 325712, 325713, 331526, 333993, 333992, 336385, and 351163.

- (17) Exhibit 14 - Copy of Patient Profile Report of K-Mart #7199, for patient Mary Jane Boyle dated from January 1, 1989, to December 5, 1990; prescription number 332253, prescription number 340441; and three prescription labels numbered: 340438, 340439, and 340440.
- (18) Exhibit 15 - Handwritten statement of Dr. Carrol H. Estep, M.D. signed and notarized on December 11, 1990.
- (19) Exhibit 16 - Copy of Patient Profile Report of K-Mart #7199, for patient Kathy Jamison dated from January 1, 1989, to December 5, 1990; five prescriptions numbered: 317141, 317150, 317152, 321208, and 343390; and four prescription labels numbered: 334496, 344538, 346512, and 351747.

Respondent's Exhibits:

- (1) None

FINDINGS OF FACT

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

- (1) On November 18, 1991, Edwin E. Sanders, Jr. 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) As demonstrated by return receipt of November 25, 1991, Edwin E. Sanders, Jr. received the letter of November 18, 1991, informing him of the allegations against him and his rights.
- (3) Edwin E. Sanders, Jr. has not responded in any manner to the letter of November 18, 1991, and has not requested a hearing in this matter.
- (4) Edwin E. Sanders, Jr. is registered by the Board to practice pharmacy in the state of Ohio and on November 18, 1991, his identification card was summarily suspended.
- (5) Edwin E. Sanders, Jr. did, on or about September 12, 1989, knowingly make a false statement when the statement was made with the purpose to secure the issuance by the Board of Pharmacy of a license, to wit: on his application for license renewal, Edwin E. Sanders, Jr. indicated that he had not been found guilty by any state or federal government agency, or convicted of a felony drug abuse offense when in fact on or about February 19, 1983, Mr. Sanders had been found guilty in the Trimble Circuit Court, Commonwealth of Kentucky, of Possession for Own Use and Attempted Possession for Own Use. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.
- (6) Edwin E. Sanders, Jr. did, between September 16, 1980, through December 20, 1982, while practicing pharmacy, compound, dispense, or sell dangerous drugs while not being a registered pharmacist or a pharmacy intern, to wit: after allowing his license to lapse and prior to its renewal, Edwin E. Sanders, Jr. dispensed dangerous drugs pursuant to prescriptions. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

- (7) Edwin E. Sanders, Jr. was, on or about November 4, 1991, in the Common Pleas Court of Miami County, Ohio, General Division, convicted of six counts of Illegal Processing of Drug Documents, felonies of the fourth degree, in violation of Section 2925.23(A) of the Ohio Revised Code.
- (8) Edwin E. Sanders, Jr. did, on or about January 29, 1991, in the Miami County Municipal Court, Troy, Ohio, plead guilty to eight counts of Attempted Deception to Obtain Dangerous Drugs, misdemeanors of the first degree, in violation of Section 2925.23 (sic) of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraph (7) of the Findings of Fact constitutes being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (5) through (8) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) The State Board of Pharmacy concludes that paragraphs (5) and (8) of the Findings of Fact constitutes having been convicted of a misdemeanor related to, or committed in, the practice of pharmacy as provided in Division (A)(4) of Section 4729.16 of the Ohio Revised Code.
- (4) The State Board of Pharmacy concludes that paragraphs (6) through (8) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of Chapters 2925. and 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ACTION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the summary suspension issued November 18, 1991.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Edwin Erion Sanders, Jr.:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Edwin Erion Sanders, Jr., No. 03-1-08359, effective as of the date of the mailing of this Order.
- (B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Edwin Erion Sanders, Jr., No. 03-1-08359, effective as of the date of the mailing of this Order.

(C) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Edwin Erion Sanders, Jr., No. 03-1-08359, effective as of the date of the mailing of this Order.

(D) On the basis of the Findings of Fact and paragraph (4) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Edwin Erion Sanders, Jr., No. 03-1-08359, effective as of the date of the mailing of this Order.

(E) On the basis of the Findings of Fact and paragraphs (1), (2), (3), and (4) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of \$15,000.00 due and owing within 30 days from the effective date of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320.

Division (B) of Section 4729.16 of the Revised Code provides that: "Any individual whose identification card is revoked, suspended, or refused, 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 (Aye-7/Nay-0).

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.

EDWIN ERION SANDERS, JR., R.Ph.
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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 Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED
AND EFFECTIVE: APRIL 15, 1994

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

CERTIFIED MAIL
Return Receipt
#P 075 741 472

FZW/so

xc: Gregg Thornton, Assistant Attorney General



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-890601-125)

In The Matter Of:

EDWIN SANDERS, R.Ph.
19 Wroe Avenue
Dayton, Ohio 45406
(R.Ph. No. 03-1-08359)

THE MATTER OF EDWIN SANDERS CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON DECEMBER 14, 1989 AS A RESULT OF THE REPORT AND RECOMMENDATION SUBMITTED TO THE BOARD BY HEARING OFFICER AND BOARD MEMBER NORMAN LEIBOW. 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 June 1, 1989.
- (2) Exhibit B - Returned Certified Mail envelope sent to Edwin Sanders returned "Unclaimed".
- (3) Exhibit C - Certified Mail Return Receipt signed and dated on July 13, 1989.
- (4) Exhibit D - Request for Hearing letter received on August 11, 1989.
- (5) Exhibit E - Hearing Schedule letter dated August 18, 1989.
- (6) Exhibit 1 - Pharmacist Renewal Application for Edwin Erion Sanders for 1976, 1986, and 1988; Pharmacist Front Sheet for Edwin Erion Sanders, Jr. from Board of Pharmacy records.
- (7) Exhibit 2 - Five prescriptions filled by Edwin Sanders Jr.

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 Norman Leibow, as follows:

- (1) The State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Edwin Sanders was initially registered as a pharmacist in Ohio pursuant to examination on August 16, 1965,

EDWIN SANDERS, R.Ph.

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license to lapse and prior to its renewal, Edwin Sanders dispensed 30 tablets of Percocet, a schedule II controlled substance. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

Conclusions Of Law

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

- (1) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (6) of the Findings Of Fact constitutes unprofessional conduct in the practice of pharmacy as provided in division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (6) of the Findings Of Fact constitutes willfully violating Section 4729.28 of the Ohio Revised Code as provided in division (A)(5) of Section 4729.16 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 Norman Leibow. Therefore, pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby imposes a monetary penalty of five hundred dollars (\$500.00), due and owing within thirty (30) days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 S. High Street, 17th Floor, 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.

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

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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-417-664-248

ORDER MAILED: JANUARY 29, 1990

FZW/pw

By 
Franklin Z. Wickham, Executive Director

cc: Steve Dlott, Assistant Attorney General