



# OHIO STATE BOARD OF PHARMACY

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-980217-045)

In The Matter Of:

### **LAURENCE ROBERT CAPPEL, R.Ph.**

11414 Stoneybrook Drive  
Grand Blanc, Michigan 48439  
(R.Ph. No. 03-1-09945)

### INTRODUCTION

THE MATTER OF LAURENCE ROBERT CAPPEL CAME ON FOR CONSIDERATION ON APRIL 7, 1998, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH J. MASLAK, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

LAURENCE ROBERT CAPPEL WAS NOT PRESENT NOR WAS HE REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Timothy J. Benedict, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of three-page Proposal to Deny/Notice of Opportunity for Hearing letter dated February 17, 1998.
- (2) Exhibit 1A--Certified copies of the following: seven-page Consent Order from the State of Michigan Department of Consumer and Industry Services, Bureau of Occupational and Professional Regulation, Board of Pharmacy

Disciplinary Subcommittee, Complaint No. 53-96-0711-00, In the Matter of Laurence R. Cappel, R.Ph. dated August 12, 1996; two-page First Amended Administrative Complaint from the State of Michigan Department of Consumer and Industry Services, Bureau of Occupational and Professional Regulation, Board of Pharmacy Disciplinary Subcommittee, Complaint No. 53-96-0711-00, In the Matter of Laurence R. Cappel, R.Ph. dated August 6, 1996; Order of Summary Suspension from the State of Michigan Department of Consumer and Industry Services, Bureau of Occupational and Professional Regulation, Board of Pharmacy Disciplinary Subcommittee, Complaint No. 53-96-0711-00, In the Matter of Laurence R. Cappel, R.Ph. dated July 10, 1996; eleven-page Administrative Complaint from the State of Michigan Department of Consumer and Industry Services, Bureau of Occupational and Professional Regulation, Board of Pharmacy Disciplinary Subcommittee, Complaint No. 53-96-0711-00, In the Matter of Laurence R. Cappel, R.Ph. dated July 8, 1996; Affidavit of Fabian Suarez from the State of Michigan Department of Consumer and Industry Services, Board of Pharmacy Disciplinary Subcommittee, Complaint No. 53-96-0711-00, In the Matter of Laurence R. Cappel, R.Ph. dated July 8, 1996; Affidavit of James Wolf from the State of Michigan Department of Consumer and Industry Services, Board of Pharmacy Disciplinary Subcommittee, Complaint No. 53-96-0711-00, In the Matter of Laurence R. Cappel, R.Ph. dated July 8, 1996; eight-page Search Warrant from the State of Michigan in the District Court for the County of Genesee 68th Judicial District, of Medicentre Pharmacy #3 and/or Laurence Robert Cappel issued on March 28, 1996; Inventory Of Items Seized Under -- Authority of A Warrant -- at 4250 N. Saginaw In The City of Flint (Michigan) dated March 28, 1996; Inventory Of Items Seized Under -- Authority of A Warrant -- at 11414 Stoneybrook Dr. In The City of Grand Blanc (Michigan) dated March 28, 1996; two copies of Complaint Felony, in State of Michigan, 38th Judicial District, 7th Judicial Circuit, Case No. 96-1316FY, the People of the State of Michigan v Laurence Cappel, 11414 Stoneybrook, Grand Blanc, MI 48439, dated June 21, 1996; and letter from Eddie L. Boyd, dated June 19, 1996.

- (3) Exhibit 1B--Copy of Pharmacist File Front Sheet of Laurence Robert Cappel showing original date of registration as July 26, 1971; copy of Renewal Application for Pharmacist License, No. 03-1-09945L96, for a license to practice pharmacy in Ohio from September 15, 1997, to September 15, 1998, of Laurence Robert Cappel dated February 2, 1998; and copy of letter from Larry Cappel dated February 3, 1998.

Respondent's Exhibits:

- (1) None

#### 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) On February 17, 1998, Laurence Robert Cappel 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 February 21, 1998, Laurence Robert Cappel received the letter of February 17, 1998, informing him of the allegations against him, and his rights.
- (3) Laurence Robert Cappel has not responded in any manner to the letter of February 17, 1998, and has not requested a hearing in this matter.
- (4) Records of the Board of Pharmacy indicate that Laurence Robert Cappel was originally licensed in the state of Ohio on July 26, 1971, pursuant to examination, and his license to practice pharmacy in the state of Ohio lapsed on September 15, 1996, however, Laurence Robert Cappel applied for renewal on or about February 5, 1998.
- (5) On or about September 11, 1996, the state of Michigan issued an Order against Laurence Robert Cappel's license to practice pharmacy. Attached to and incorporated herein as State's Exhibit 1A is the Consent Order and Stipulation, First Amended Administrative Complaint, Order of Summary Suspension, Administrative Complaint, and supporting affidavits and evidence from the State of Michigan Department of Consumer and Industry Services Bureau of Occupational and Professional Regulation, Board of Pharmacy Disciplinary Subcommittee, Complaint No. 53-96-0711-00. State of Michigan vs. Laurence Cappel, Case No. 96-1316 FY, Genesee County Circuit Court (68th Judicial District). As a result of his actions, Laurence Robert Cappel's license was revoked and he was assessed a fine in the amount of Ten Thousand Dollars (\$10,000).

#### CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (5) of the Findings of Fact constitutes being guilty of a felony as provided in Paragraph (A) of Rule 4729-5-04 of the Ohio Administrative Code and Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (5) the Findings of Fact constitutes 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) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (5) 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.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (5) of the Findings of Fact constitutes not being of good moral character and habits as provided in Paragraph (C) of Rule 4729-5-04 of the Ohio Administrative Code.
- (5) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (5) of the Findings of Fact constitutes having

been disciplined by any board of pharmacy as provided in Paragraph (F) of Rule 4729-5-04 of the Ohio Administrative Code.

#### ACTION OF THE BOARD

Pursuant to Sections 4729.12 and 4729.16 of the Ohio Revised Code, and the foregoing Findings of Fact and Conclusions of Law, the State Board of Pharmacy hereby refuses to renew the identification card held by Laurence Robert Cappel, No. 03-1-09945, and thereby denies the Renewal Application for Pharmacist License submitted by Laurence Robert Cappel.

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

MOTION CARRIED.

SO ORDERED.