



# OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-03-1-10793)

In The Matter Of:

**RAYMOND P. DENUIT, R.Ph.**

240 North Street

Oak Hill, Ohio 45656

(R.Ph. Number 03-1-10793)

### INTRODUCTION

The matter of Raymond P. Denuit came for hearing on April 8, 2009, before the following members of the Board: Elizabeth I. Gregg, R.Ph. (presiding); Gregory Braylock, R.Ph.; Donald M. Casar, R.Ph.; Barton G. Kaderly, Public Member; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

Nathan S. Lipsyc, R.Ph., Board President, absent

Heather L. Pasquale, R.Ph., Board Member, absent

Raymond P. Denuit was represented by Elizabeth Y. Collis. The State of Ohio was represented by Tracy Marie Greuel, Assistant Attorney General.

### SUMMARY OF EVIDENCE

#### State's Witnesses:

1. Kevin J. Kinneer, Ohio State Board of Pharmacy
2. Rachel Carver, CVS
3. Raymond Denuit, R.Ph., Respondent

#### Respondent's Witnesses:

None

#### State's Exhibits:

1. Copy of Notice of Opportunity For Hearing letter [02-04-09]  
1A-1D. Procedurals
2. Notarized Statement of Rachel L. Carver [02-26-08]
3. Statement of R. Denuit [not dated]
4. Notarized Statement of Ray Denuit [03-16-08]
5. Six Color Photographs [04-20-09]

Respondent's Exhibits:

- A. Letter from Stephen E. Palmer Esq., To Elizabeth Y. Collis, Esq. [04-07-09]
- B. Letter of Support [not dated]
- C. Letter from Eric Lambert, R.Ph. to Ohio State Board of Pharmacy [04-01-09]

FINDINGS OF FACT

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

- (1) Records of the State Board of Pharmacy indicate that Raymond P. Denuit was originally licensed in the State of Ohio on July 30, 1974, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Raymond P. Denuit did, on or about April 20, 2007, have sexual contact with another, not his spouse, knowing that the sexual contact was offensive or being reckless in that regard, to wit: Raymond P. Denuit fondled the breast of a pharmacy store-front employee when the conduct was not invited and was offensive. Such conduct is in violation of Section 2907.06(A)(1) of the Ohio Revised Code.
- (3) Raymond P. Denuit did, on or about March 11, 2008, knowingly make a false statement with purpose to mislead a public official in performing the public official's official function, to wit: Raymond P. Denuit lied to Board agents who were investigating his actions involving a pharmacy store-front employee. When confronted with verbal accounts of his actions, physical evidence documenting the same, and his own statement previously made, Raymond P. Denuit lied to the Board agents so as to exonerate himself and end their investigation. Such conduct is in violation of Section 2921.13(A)(3) of the Ohio Revised Code.
- (4) Raymond P. Denuit did, on or about March 11, 2008, fail to cooperate with a Board investigation and Raymond P. Denuit failed to divulge all relevant information when requested by Board agents. Specifically, Raymond P. Denuit tried to mislead the agents and he lied to them about the underlying facts in their investigation, thereby Raymond P. Denuit failed to cooperate in the investigation. Such conduct is in violation of Section 4729.19 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute being guilty of 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 (2) through (4) of the Findings of Fact constitute being guilty of 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 paragraph (4) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to

violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby adjudicates the matter of Raymond P. Denuit as follows:

(A) On the basis, of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of six thousand five hundred dollars (\$6,500.00) on Raymond P. Denuit and payment of the monetary penalty is due and owing within thirty days of the mailing of this Order. The remittance should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

(B) Further, Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-1-10793, held by Raymond P. Denuit and such suspension is effective as of the date of the mailing of this Order.

(1) Raymond P. Denuit, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.

(2) Raymond P. Denuit, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Further, after two years from the effective date of this Order, the Board will consider any petition filed by Raymond P. Denuit for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

(A) Raymond P. Denuit must have submitted to the Board within 90 days from this date of this Order a sexual offender-specific evaluation and follow all recommendations thereof.

(B) Raymond P. Denuit must obtain sexual harassment in the workplace sensitivity training and provide documentation to the Board of program completion.

(C) Upon reappearance Raymond P. Denuit, must affirmatively show compliance with his Board Order and overall fitness to practice pharmacy.

**Raymond P. Denuit, R.Ph.**

Page 4

Order of the Board

(D) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;

(E) If reinstatement is not accomplished within three years of the effective date of this Order, Raymond P. Denuit must also show successful completion of the North American Pharmacist Licensure Examination (NAPLEX) examination.

(F) Upon such time as the Board may consider reinstatement, Raymond P. Denuit will be afforded a Chapter 119. hearing. At such time, the Board may consider reinstatement with or without restrictions and/or conditions as the Board deems appropriate under the circumstances.

Donald Casar moved for Findings of Fact; Deborah Lange seconded the motion. Motion passed (Aye-6/Nay-0).

Gregory Braylock moved for Conclusions of Law; Jerome Wiesenhahn seconded the motion. Motion passed (Aye-6/Nay-0).

Gregory Braylock moved for Action of the Board; Jerome Wiesenhahn seconded the motion. Motion passed (Aye-6/Nay-0).

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 Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of Franklin County, Ohio.

**Raymond P. Denuit, R.Ph.**

Page 5

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 the ORIGINAL Notice of Appeal with the State Board of Pharmacy and a copy with the appropriate court within fifteen (15) days after the mailing of this Order 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 & EFFECTIVE: \_\_\_\_\_

By: \_\_\_\_\_  
William T. Winsley, M.S., R.Ph., Executive Director

WTW/lp

CERTIFIED MAIL/Return Receipt  
7004 2510 0001 7344

c: Tracy Marie Greuel, Assistant Attorney General  
Elizabeth Y. Collis, Attorney for Respondent; Collis, Smiles + Collis, LLC; 1650 Lake Shore Drive, suite 225; Columbus, Ohio 43204

# MONETARY PENALTY PAYMENT TRANSMITTAL FORM

IN THE MATTER OF:

**RAYMOND P. DENUIT, R.Ph.**  
(Pharmacist I.D. No. 03-1-10793)

PURSUANT TO SECTION 4729.16 OF THE OHIO REVISED CODE, THE ENCLOSED ORDER OF THE STATE BOARD OF PHARMACY IMPOSES A MONETARY PENALTY OF \$6,500.00. PAYMENT IS DUE, IN FULL, PRIOR TO THIRTY DAYS FROM THE EFFECTIVE DATE OF THIS ORDER.

TO ENSURE PROPER CREDIT, RETURN THIS FORM WITH YOUR PAYMENT TO THE STATE BOARD OF PHARMACY; 77 S. HIGH STREET, ROOM 1702; COLUMBUS, OHIO 43215-6126. PAYMENT IS TO BE MADE PAYABLE TO THE "TREASURER, STATE OF OHIO".

PAYMENT NOT RECEIVED BY THE DESIGNATED DATE MAY RESULT IN FURTHER ACTION BY THE BOARD THROUGH THE OFFICES OF THE STATE AUDITOR AND ATTORNEY GENERAL.

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- FOR BOARD USE ONLY BELOW THIS LINE -

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Docket No.	<u>D-090204-085</u>	Penalty Type	<u>Board Order</u>
Amount Assessed	<u>\$6,500.00</u>	Control No.	<u></u>
Amount Suspended	<u>--0--</u>	Date Received	<u></u>
Amount Due	<u>\$6,500.00</u>	Amount Received	<u></u>



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## AMENDED ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-03-1-10793)

In The Matter Of:

**RAYMOND P. DENUIT, R.Ph.**

240 North Street

Oak Hill, Ohio 45656

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### INTRODUCTION

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Nathan S. Lipsyc, R.Ph., Board President, absent

Heather L. Pasquale, R.Ph., Board Member, absent

Raymond P. Denuit was represented by Elizabeth Y. Collis. The State of Ohio was represented by Tracy Marie Greuel, Assistant Attorney General.

### SUMMARY OF EVIDENCE

#### State's Witnesses:

1. Kevin J. Kinneer, Ohio State Board of Pharmacy
2. Rachel Carver, CVS
3. Raymond Denuit, R.Ph., Respondent

#### Respondent's Witnesses:

None

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FINDINGS OF FACT

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

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- (3) Raymond P. Denuit did, on or about March 11, 2008, knowingly make a false statement with purpose to mislead a public official in performing the public official's official function, to wit: Raymond P. Denuit lied to Board agents who were investigating his actions involving a pharmacy store-front employee. When confronted with verbal accounts of his actions, physical evidence documenting the same, and his own statement previously made, Raymond P. Denuit lied to the Board agents so as to exonerate himself and end their investigation. Such conduct is in violation of Section 2921.13(A)(3) of the Ohio Revised Code.
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CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute being guilty of gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
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violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby adjudicates the matter of Raymond P. Denuit as follows:

(A) On the basis, of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of two thousand five hundred dollars (\$2,500.00) on Raymond P. Denuit and payment of the monetary penalty is due and owing within thirty days of the mailing of this Order. The remittance should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

(B) Further, Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-1-10793, held by Raymond P. Denuit and such suspension is effective as of the date of the mailing of this Order.

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Further, after two years from the effective date of this Order, the Board will consider any petition filed by Raymond P. Denuit for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

(A) Raymond P. Denuit must have submitted to the Board within 90 days from this date of this Order a sexual offender-specific evaluation and follow all recommendations thereof.

(B) Raymond P. Denuit must obtain sexual harassment in the workplace sensitivity training and provide documentation to the Board of program completion.

(C) Upon reappearance Raymond P. Denuit, must affirmatively show compliance with his Board Order and overall fitness to practice pharmacy.

**Raymond P. Denuit, R.Ph.**

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Order of the Board

(D) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;

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Donald Casar moved for Findings of Fact; Deborah Lange seconded the motion. Motion passed (Aye-6/Nay-0).

Gregory Braylock moved for Conclusions of Law; Jerome Wiesenhahn seconded the motion. Motion passed (Aye-6/Nay-0).

Gregory Braylock moved for Action of the Board; Jerome Wiesenhahn seconded the motion. Motion passed (Aye-6/Nay-0).

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 Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of Franklin County, Ohio.

**Raymond P. Denuit, R.Ph.**

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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 the ORIGINAL Notice of Appeal with the State Board of Pharmacy and a copy with the appropriate court within fifteen (15) days after the mailing of this Order 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 & EFFECTIVE: May 15, 2009

By: \_\_\_\_\_  
William T. Winsley, M.S., R.Ph., Executive Director

WTW/lp

CERTIFIED MAIL/Return Receipt  
7004 2510 0001 7344

c: Tracy Marie Greuel, Assistant Attorney General  
Elizabeth Y. Collis, Attorney for Respondent; Collis, Smiles + Collis, LLC; 1650 Lake Shore Drive, suite 225; Columbus, Ohio 43204

# MONETARY PENALTY PAYMENT TRANSMITTAL FORM

IN THE MATTER OF:

**RAYMOND P. DENUIT, R.Ph.**  
(Pharmacist I.D. No. 03-1-10793)

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TO ENSURE PROPER CREDIT, RETURN THIS FORM WITH YOUR PAYMENT TO THE STATE BOARD OF PHARMACY; 77 S. HIGH STREET, ROOM 1702; COLUMBUS, OHIO 43215-6126. PAYMENT IS TO BE MADE PAYABLE TO THE "TREASURER, STATE OF OHIO".

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Docket No.	<u>D-090204-085</u>	Penalty Type	<u>Board Order</u>
Amount Assessed	<u>\$2,500.00</u>	Control No.	<u></u>
Amount Suspended	<u>--0--</u>	Date Received	<u></u>
Amount Due	<u>\$2,500.00</u>	Amount Received	<u></u>



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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-090204-085)

In the Matter of:

**RAYMOND P. DENUIT, R.Ph.**

240 North Street

Oak Hill, Ohio 45656

(R.Ph. Number 03-1-10793)

### INTRODUCTION

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Nathan S. Lipsyc, R.Ph., Board President; and Heather L. Pasquale, R.Ph., Board Member; were absent.

Raymond P. Denuit was represented by Elizabeth Y. Collis. The State of Ohio was represented by Tracy Marie Greuel, Assistant Attorney General.

The Board issued its decision and Order. An Amended Order, nunc pro tunc, was subsequently issued inasmuch as the Board recognized an error in its Order. Respondent Denuit, by and through counsel, appealed the matter (twice, claiming the second appeal was necessitated by the Board's Amended Order). The matter is back before the Board pursuant to remand by the Jackson County Common Pleas Court.

The Court opined that there was sufficient reliable, probative, and substantial evidence that a violation of Section 2907.06(A)(1) did in fact occur, but that there was insufficient evidence to sustain violations of Sections 2921.13 and 4729.19 of the Ohio Revised Code. The Court stated that there was insufficient information for the Court to determine if the sole violation remaining, i.e. a violation of Section 2907.06(A)(1), in and of itself constituted gross immorality and/or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

The Court remanded for reconsideration by the Board of its adjudication of penalties.

### BOARD'S DECISION AND ORDER

The matter was reviewed by the Board and fully reconsidered in its entirety as directed by the Court. The Board considered its previous decision in light of the direction offered by the Court.

First, the Board found Respondent did indeed fondle the breast of a store-front employee and the conduct was not invited and was offensive. The Board, having fully considered the testimony and having previously observed and evaluated the testimony and demeanor of the witnesses, determined previously and now affirms its determination that the aforesaid sexual conduct was uninvited, offensive, and Respondent knew it was offensive and was reckless in that regard.

Second, the Board determined previously and now affirms its determination that this conduct constitutes gross immorality and unprofessional conduct. As to gross immorality, the act of fondling an employee's breast when uninvited and offensive is clearly violative of not only law but of social sensibilities as well. The Board is incensed that any pharmacist would even ponder the idea of sexually groping a subordinate employee. To behave in such a manner is not only immoral but is grossly immoral. The Board believes that Respondent used his position to exercise physical control over a pharmacy employee in this sexually offensive manner, and such is untenable. As to unprofessional conduct in the practice of pharmacy, the Board is of the same opinion. To force one's self on another in such a sexual manner in the confines of a Board-licensed facility, during hours of work or shortly thereafter while closing for the day, is exceptionally unprofessional. This is so, especially considering that Respondent was a superior of the subordinate employee. This Board expects pharmacists to act professionally, and Respondent's act in that regard was clearly unprofessional.

In full consideration of the Court's remand and the reasoning therefor, the Board notes that of the three allegations that were appealed, the gravamen of the previous Board Order has survived remand. The remaining finding, i.e. the violation and the Board's determination that the violation clearly constitutes gross immorality and unprofessional conduct in the Practice of Pharmacy, warrants the Board's previous determination as to penalty. The Board is of the opinion that this sanction was, and remains, necessary as a remedial sanction to correct and prevent such conduct in the future.

Accordingly, the Board hereby ORDERS the following:

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby adjudicates the matter of Raymond P. Denuit as follows:

(A) On the basis of the Findings of Fact and Conclusions of Law set forth previously, the State Board of Pharmacy hereby imposes a monetary penalty of five hundred dollars (\$500.00) on Raymond P. Denuit and payment of the monetary penalty is due and owing within thirty days of the mailing of this Order. The remittance should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

(B) Further, pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-1-10793, held by Raymond P. Denuit and such suspension is effective as of the date of the mailing of this Order.

**Raymond P. Denuit, R.Ph.**

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Order of the Board

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(A) Raymond P. Denuit must have submitted to the Board within 90 days from the date of this Order a sexual offender-specific evaluation and must have followed all recommendations thereof.

(B) Raymond P. Denuit must obtain sensitivity training on sexual harassment in the workplace and provide documentation to the Board of program completion.

(C) Upon reappearance Raymond P. Denuit, must affirmatively show compliance with his Board Order and overall fitness to practice pharmacy.

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Edward Cain moved for Action of the Board; Deborah Lange seconded the motion. Motion passed (Aye-7/Nay-0).

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 Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or

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**BY ORDER OF THE STATE BOARD OF PHARMACY**

ORDER MAILED & EFFECTIVE: APRIL 16, 2010

By: \_\_\_\_\_  
William T. Winsley, M.S., R.Ph., Executive Director

WTW/lp

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7004 1160 0000 5912 5252

c: Tracy M. Greuel, Assistant Attorney General  
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**RAYMOND P. DENUIT, R.Ph.**  
(Pharmacist I.D. No. 03-1-10793)

PURSUANT TO SECTION 4729.16 OF THE OHIO REVISED CODE, THE ENCLOSED ORDER OF THE STATE BOARD OF PHARMACY IMPOSES A MONETARY PENALTY OF \$500.00. PAYMENT IS DUE, IN FULL, PRIOR TO THIRTY DAYS FROM THE EFFECTIVE DATE OF THIS ORDER.

TO ENSURE PROPER CREDIT, **RETURN THIS FORM WITH YOUR PAYMENT** TO THE STATE BOARD OF PHARMACY; 77 S. HIGH STREET, ROOM 1702; COLUMBUS, OHIO 43215-6126. PAYMENT IS TO BE MADE PAYABLE TO THE "TREASURER, STATE OF OHIO".

PAYMENT NOT RECEIVED BY THE DESIGNATED DATE MAY RESULT IN FURTHER ACTION BY THE BOARD THROUGH THE OFFICES OF THE STATE AUDITOR AND ATTORNEY GENERAL.

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- FOR BOARD USE ONLY BELOW THIS LINE -

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Docket No.	<u>D-090204-085</u>	Penalty Type	<u>Board Order</u>
Amount Assessed	<u>\$500.00</u>	Control No.	<u></u>
Amount Suspended	<u>--0--</u>	Date Received	<u></u>
Amount Due	<u>\$500.00</u>	Amount Received	<u></u>