



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-900911-019)

In The Matter Of:

DEAN P. BRILL, R.Ph.
6562 Northland Road
Worthington, Ohio 43085
(R.Ph. No. 03-1-11038)

THE MATTER OF DEAN P. BRILL CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON JANUARY 23, 1991 AS A RESULT OF THE REPORT AND RECOMMENDATION SUBMITTED TO THE BOARD BY HEARING OFFICER AND BOARD MEMBER ROBERT W. VALENTINE. FOLLOWING CONSIDERATION OF THE REPORT AND RECOMMENDATION, THE TRANSCRIPT OF THE HEARING HELD NOVEMBER 28, 1990, AND EVIDENCE ADDUCED AT THE HEARING, MOTIONS WERE MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

ORDER

State's Witnesses

(1) Dean P. Brill, R.Ph., Respondent

Respondent's Witnesses

(1) John A. Tarpey, Ph.D.
(2) Hal D. Gattis
(3) Dale Lucas

State's Exhibits

(1) Exhibit A - Notice of Opportunity letter dated September 11, 1990.
(2) Exhibit B - Hearing Request letter dated October 4, 1990.
(3) Exhibit C - Hearing Schedule letter dated October 9, 1990.
(4) Exhibit D - Request for Continuance letter dated October 22, 1990.
(5) Exhibit E - Hearing Schedule letter dated October 31, 1990.
(6) Exhibit 1 - Pharmacist File Front Sheet for Dean P. Brill.

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- (7) Exhibit 2 - Pharmacist Renewal Application for Dean P. Brill dated June 27, 1989.
- (8) Exhibit 3 - Copy of R.Ph. Dean P. Brill's written statement given to Revco dated April 27, 1990.

Respondent's Exhibits

- (1) Exhibit A - Five-page Psychological Evaluation of Dean P. Brill from John A. Tarpey, Ph.D. dated November 12, 1990.

Finding Of Fact

The State Board of Pharmacy hereby agrees with and adopts the Finding Of Fact set forth in the Report and Recommendation of Hearing Officer and Board Member Robert W. Valentine, as follows:

- (1) The State Board of Pharmacy finds that Dean P. Brill did, on or about March 16, 1990, and during a continuing course of conduct since 1982, while practicing pharmacy at Revco Discount Drug, 926 N. High St., Columbus, Ohio 43085, with purpose to deprive, knowingly obtain or exert control over the property of another without their consent, to wit: Dean P. Brill stole Revco store merchandise in an amount exceeding four thousand eight hundred sixty dollars (\$4,860.00). Such conduct is in violation of Section 2913.02 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 Robert W. Valentine, as follows:

- (1) The State Board of Pharmacy concludes that the conduct set forth in the Finding 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 the conduct set forth in the Finding Of Fact constitutes dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) 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 Robert W. Valentine. Therefore, pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Dean P. Brill for one year.

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Further, the Board will suspend the one-year suspension on the condition that Mr. Brill continues with recommended treatment that would include further medical evaluation by a psychiatrist; and that during this period Mr. Brill must submit quarterly written reports to the Board of his progress; and quarterly written reports from those providing the medical treatment.

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 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 497 578 886

ORDER MAILED: March 12, 1991

FZW/sl

By Franklin Z. Wickham
Franklin Z. Wickham, Executive Director

cc: Jeanny Eaton, Assistant Attorney General
Carol A. Wright; Attorney for Respondent; 7100 N. High Street; Suite
209; Worthington, Ohio 43085