



OHIO STATE BOARD OF PHARMACY

77 South High Street, 17th Floor; Columbus, Ohio 43266-0320

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ORDER OF THE STATE BOARD OF PHARMACY
(Docket Nos. D-950530-061 and D-951103-024)

In The Matter Of:

DAVID J. BRALICH, R.Ph.
210 Hamilton Boulevard
Struthers, Ohio 44471
(R.Ph. No. 03-1-12180)

INTRODUCTION

THE MATTER OF DAVID J. BRALICH CAME TO HEARING ON APRIL 23, 1996, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: PAUL F. LAMPING, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; WAYNE C. MILLER, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

DAVID J. BRALICH WAS NOT PRESENT, NOR WAS HE REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Timothy J. Benedict, R.Ph., Ohio State Board of Pharmacy
- (2) Nicholas J. Kavoklis, D.O.
- (3) Detective Thomas G. Malone, Youngstown Police Department, Special Investigations Unit, Pharmaceutical Diversion.
- (4) George Pavlich, Ohio State Board of Pharmacy
- (5) Kevin Joseph Kinneer, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Notice of Opportunity for Hearing letter dated May 30, 1995.
- (2) Exhibit 1A--Hearing Request letter dated June 20, 1995.

- (3) Exhibit 1B--Hearing Schedule letter dated June 23, 1995.
- (4) Exhibit 1C--Pharmacist File Front Sheet of David J. Bralich showing original date of registration as August 10, 1977.
- (5) Exhibit 1D--Renewal Application for Pharmacist License, No. 03-1-12180, of David J. Bralich for a license to practice pharmacy in Ohio from September 15, 1994, to September 15, 1995, dated July 12, 1994.
- (6) Exhibit 1E--Continuance Request letter dated September 11, 1995.
- (7) Exhibit 1F--Hearing Schedule letter dated September 19, 1995.
- (8) Exhibit 1G--Summary Suspension Order/Notice of Opportunity for Hearing letter dated November 3, 1995.
- (9) Exhibit 1H--Continuance Request letter dated December 19, 1995.
- (10) Exhibit 1I--Hearing Schedule letter dated December 22, 1995.
- (11) Exhibit 1J--Amendment Notice dated March 28, 1996.
- (12) Exhibit 1K--Notice to Withdraw as Counsel by John J. Dixon dated March 29, 1996.
- (13) Exhibit 1L--Continuance Request letter dated April 3, 1996.
- (14) Exhibit 1M--Letter from William T. Winsley dated April 9, 1996.
- (15) Exhibit 2--Certified copy of Judgment Entry from the Mahoning County Common Pleas Court, Case No. 93 CR 639, of David Bralich dated January 6, 1994; certified copy of Judgment Entry from the Mahoning County Common Pleas Court, Case No. 93 CR 639, of David Bralich dated November 8, 1993; certified copy of Judgment Entry from the Mahoning County Common Pleas Court, Case No. 93 CR 639, dismissing counts II and III of the Indictment of David Bralich dated November 8, 1993; three-page certified copy of Plea of Guilty from the Mahoning County Common Pleas Court, Case No. 93 CR 639, of David Bralich dated November 8, 1993; and two-page certified copy of Indictment from the Mahoning County Common Pleas Court, Case No. 93 CR 639, of David Bralich dated June 25, 1993.
- (16) Exhibit 3A--Copy of twenty-five-page report of Valley Drug Company, Item History by Customer, for Nikels Pharmacy dated from October 16, 1992, to November 6, 1992.
- (17) Exhibit 3B--Copy of seven-page report of Valley Drug Company, Item History by Customer, for Nikels Pharmacy dated from October 16, 1992, to November 6, 1992.
- (18) Exhibit 4--Sixty-seven-page Transcript of Interview of David Bralich with George Pavlich and Tom Malone on December 21, 1992.
- (19) Exhibit 5A--Copy of Youngstown Police Department Miranda Rights of David J. Bralich signed and dated December 21, 1992.
- (20) Exhibit 5B--Authorization for search of residence at 210 Hamilton, Struthers, Ohio of David J. Bralich dated December 21, 1992.
- (21) Exhibit 5C--Three-page Receipt/Inventory for property taken from 210 Hamilton, Struthers dated December 21, 1992; and copy of Return Receipt for property seized at 210 Hamilton, Struthers dated March 23, 1994.
- (22) Exhibit 5D--Two-page handwritten Voluntary Statement of David Bralich dated December 21, 1992; and Youngstown Police Department Miranda Rights of David J. Bralich signed and dated December 21, 1992.
- (23) Exhibit 6--Two-page handwritten statement of Sharon Ruth MacDonald signed and notarized on March 2, 1994.
- (24) Exhibit 7--Two-page handwritten statement of Thomas A. Barber signed and notarized on March 2, 1994.
- (25) Exhibit 8--Four-page statement of Dr. Nicholas J. Kavoklis signed and notarized on February 22, 1994.

- (26) Exhibit 9--Prescription No. 142466.
- (27) Exhibit 9A--Two-page patient profile of Gillam Roma dated from January 23, 1991, through November 1, 1991.
- (28) Exhibit 10--Prescription No. 146126.
- (29) Exhibit 10A--Patient profile of Katherine Artis dated from January 4, 1991, through December 23, (sic 1991).
- (30) Exhibit 11--Prescription No. 142427.
- (31) Exhibit 12--Prescription No. 142453.
- (32) Exhibit 13--Prescription No. 141917.
- (33) Exhibit 13A--Two-page patient profile of Pinkie Davis dated from December 19, 1989, through September 24, 1991.
- (34) Exhibit 14--Prescription No. 142465.
- (35) Exhibit 15--Prescription No. 143324.
- (36) Exhibit 15A--Two-page patient profile of Ana Harris and family dated from March 25, 1991, through February 19, 1992.
- (37) Exhibit 16--Prescription No. 143876.
- (38) Exhibit 16A--Three-page patient profile of Carole and Minor Smith dated from March 5, 1991, through October 13, 1992.
- (39) Exhibit 17--Prescription No. 143274.
- (40) Exhibit 17A--Three-page patient profile of Arthur Robinson dated from December 14, 1990, through February 19, 1992.
- (41) Exhibit 18--Prescription No. 142424.
- (42) Exhibit 19--Copy of handwritten statement of Kim Hignight signed and notarized on October 18, 1995.
- (43) Exhibit 20--Two-page copy of handwritten statement of Sally A. Sigler signed and notarized on October 18, 1995.
- (44) Exhibit 21A--Microcassette tape of Part One of Interview of David J. Bralich with K. Joe Kinneer, David Gallagher, and Paul Kover on October 31, 1995.
- (45) Exhibit 21B--Microcassette tape of Part Two of Interview of David J. Bralich with K. Joe Kinneer, David Gallagher, and Paul Kover on October 31, 1995.
- (46) Exhibit 23--Copy of handwritten statement of David J. Bralich signed and notarized on October 30, 1995.
- (47) Exhibit 24--Copy of Release Form of David J. Bralich signed October 31, 1995 (sic October 30, 1995) and notarized on October 30, 1995; and attached copy of twenty-six pages of medical records from Dunlap Memorial Hospital.
- (48) Exhibit 25--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Soma Compound dated January 12, 1995.
- (49) Exhibit 26--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Soma 350mg dated January 12, 1995.
- (50) Exhibit 26A--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Carisoprodol 350mg dated January 12, 1995.
- (51) Exhibit 27--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Darvocet N-100 dated January 12, 1995.
- (52) Exhibit 27A--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Propoxyphene Napsylate 100 dated January 12, 1995.
- (53) Exhibit 28--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Xanax 1mg dated January 12, 1995.
- (54) Exhibit 28A--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Alprazolam 1mg dated January 12, 1995.

- (55) Exhibit 29--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Xanax 0.5mg dated January 12, 1995.
- (56) Exhibit 29A--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Alprazolam 0.5mg dated January 12, 1995.
- (57) Exhibit 30--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Xanax .25mg dated January 12, 1995.
- (58) Exhibit 31--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Ionamin 30mg dated January 12, 1995.
- (59) Exhibit 31A--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Phentermine 30mg dated January 12, 1995.
- (60) Exhibit 32--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Phentermine 37.5mg dated January 12, 1995.
- (61) Exhibit 33--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Phendimetrazine 35mg dated January 12, 1995.
- (62) Exhibit 34--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Pondimin 20mg dated January 12, 1995.
- (63) Exhibit 35--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Vicodin 5/500 dated January 12, 1995.
- (64) Exhibit 35A--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Hydrocodone 5mg with APAP 500mg dated January 12, 1995.
- (65) Exhibit 36--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Vicodin ES 7.5/750 dated January 12, 1995.
- (66) Exhibit 36A--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Hydrocodone 7.5mg with APAP 750mg dated January 12, 1995.
- (67) Exhibit 37--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Lorcet 10/650 dated January 12, 1995.
- (68) Exhibit 38--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Soma Compound with Codeine dated January 12, 1995.
- (69) Exhibit 39--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Halcion .25mg dated January 12, 1995.
- (70) Exhibit 40--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Valium 2mg dated January 12, 1995.
- (71) Exhibit 40A--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Diazepam 2mg dated January 12, 1995.
- (72) Exhibit 41--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Valium 5mg dated January 12, 1995.
- (73) Exhibit 41A--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Diazepam 5mg dated January 12, 1995.
- (74) Exhibit 42--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Valium 10mg dated January 12, 1995.
- (75) Exhibit 42A--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Family Practice Center Pharmacy for Diazepam 10mg dated January 12, 1996.
- (76) Exhibit 43--Clear plastic bag with Orrville Police Department evidence sticker as follows: Case No. 285-95, Re: David Bralich, containing 4" x 2½" manila envelope containing 1 Phentermine 30mg capsule.
- (77) Exhibit 44--Accountability Statement of Penn-Ohio Drugs for Xanax .5mg and Alprazolam .5mg dated February 25, 1996.

- (78) Exhibit 45--Accountability Statement of Penn-Ohio Drugs for Vicodin ES 7.5mg and Hydrocodone Bitartrate 7.5mg dated February 25, 1996.
- (79) Exhibit 46--Accountability Statement of Penn-Ohio Drugs for Darvocet N-100 and Propoxyphene/Nap/APAP dated February 25, 1996.
- (80) Exhibit 47--Accountability Statement of Penn-Ohio Drugs for Ritalin 10mg and Methylphenidate 10mg dated February 25, 1996.
- (81) Exhibit 48--Accountability Statement of Penn-Ohio Drugs for Vicodin 5mg and Hydrocodone Bitartrate 5mg dated February 25, 1996.
- (82) Exhibit 49--Accountability Statement of Penn-Ohio Drugs for Xanax 0.25mg and Alprazolam 0.25mg dated February 25, 1996.
- (83) Exhibit 50--Accountability Statement of Penn-Ohio Drugs for Ritalin 20mg and Methylphenidate 20mg dated February 25, 1996.

Respondent's Exhibits:

- (1) Exhibit A--Two-page letter from David J. Bralich dated April 19, 1996.

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 May 30, 1995; November 3, 1995; and March 28, 1996; David J. Bralich 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 receipts of June 5, 1995; November 6, 1995; and March 29, 1996; David J. Bralich received the letters of May 30, 1995; November 3, 1995; and March 28, 1996; informing him of the allegations against him, and his rights.
- (3) David J. Bralich requested a hearing and a hearing was scheduled for April 23, 1996. On or about April 19, 1996, David J. Bralich submitted contentions in writing to the Board; however, David J. Bralich was not present for the hearing.
- (4) Records of the Board of Pharmacy indicate that David J. Bralich was originally licensed in the state of Ohio on August 10, 1977, pursuant to examination. During the relevant time periods alleged herein, David J. Bralich was the Responsible Pharmacist at Nikels Pharmacy in Youngstown, Ohio, pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code. Further, on November 3, 1995, David J. Bralich's license to practice pharmacy in the state of Ohio was summarily suspended in accordance with Divisions (A) and (B) of Section 3719.121 of the Ohio Revised Code.
- (5) David J. Bralich was, on or about January 6, 1994, convicted in the Common Pleas Court of Mahoning County, Ohio, of Theft in violation of Section 2913.02 of the Ohio Revised Code, a felony of the third degree, to wit: David J. Bralich was convicted for stealing from his pharmacy employer.

- (6) David J. Bralich did, from October 16, 1992, through November 6, 1992, and on other dates uncertain, with the purpose to deprive, knowingly obtain or exert control over the property of another, Nikels Pharmacy, beyond the express or implied consent of the owner, the property being valued at greater than \$5,000.00 and consisting of dangerous drugs, to wit: David J. Bralich stole merchandise and drugs from his employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (7) David J. Bralich did, on or about the following dates, intentionally make and/or knowingly possess false or forged prescriptions, to wit: David J. Bralich created and maintained on file the following unauthorized prescriptions:

<u>Rx No</u>	<u>Date</u>	<u>Quantity</u>	<u>Drug</u>	<u>Refills</u>
142466	11/01/91	60	Oxazepam 30mg	5
146126	12/23/91	14	Ionamin 30mg	0
142427	10/30/91	6oz	Promethazine VC w/Codeine	0
142453	11/01/91	6oz	Promethazine VC w/Codeine	0
141917	10/23/91	30	Valium 5mg	5
142465	11/01/91	30	Diazepam 5mg	5
143324	11/12/91	30	Tylenol #3 w/Codeine	0
143876	11/19/91	30	Valium 5mg	0
143274	11/12/91	30	Diazepam 5mg	5
142424	10/30/91	60	Tylenol #3 w/Codeine	5

Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

- (8) David J. Bralich did, on or about October 30, 1995, admit to agents of the Board that he "has a personal problem" and that he steals and abuses controlled substances. David J. Bralich has admitted that his preferred drug for theft and abuse was Darvocet but has now come to be Vicodin ES and Xanax; David J. Bralich has admitted that his thefts and addiction have been continuing for approximately six years.
- (9) David J. Bralich did, at various times over the past six years, knowingly obtain or exert control over dangerous drugs, the property of Nikels Pharmacy in Youngstown, Ohio, beyond the express or implied consent of the owner, to wit: David J. Bralich admittedly stole drugs for his own personal abuse.
- (10) David J. Bralich did, from June 8, 1993, through October 25, 1995, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Family Practice Center Pharmacy, 365 South Crownhill Road, Orrville, Ohio 44667, beyond the express or implied consent of the owner, to wit: David J. Bralich stole the following dangerous drugs from his employer:

<u>Drug</u>	<u>Quantity</u>
Soma 350mg (brand)	110
Carisoprodol 350mg (generic)	3,153
Darvocet N-100	520
Propoxyphene Napsylate/APAP (generic)	4,510
Xanax 1mg	922
Alprazolam 1mg	1,004

<u>Drug</u>	<u>Quantity</u>
Xanax 0.5mg	2,145
Alprazolam 0.5mg	5,095
Xanax 0.25mg	4,210
lonamin 30mg	134
Phentermine 30mg	4,298
Phentermine 37.5mg	520
Phendimetrazine 35mg	3,227
Pondimin 20mg	248
Vicodin 5mg/APAP 500mg	16
Hydrocodone 5mg/APAP 500mg	4,091
Vicodin ES 7.5mg/APAP 750mg	366
Hydrocodone 7.5mg/APAP 750mg	797
Lorcet 10mg/APAP 650mg	230
Soma Compound w/Codeine 16mg	173
Halcion .25mg	758
Valium 2mg	60
Diazepam 2mg	218
Valium 5mg	262
Diazepam 5mg	3,220
Valium 10mg	552
Diazepam 10mg	904
Fastin 30mg	1

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (11) David J. Bralich did, from June 8, 1995, through October 30, 1995, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property Penn-Ohio Drugs, 850 S. Irvine Avenue, Masury, Ohio 44438 beyond the express or implied consent of the owner, to wit: David J. Bralich stole the following dangerous drugs from his employer:

<u>Drug</u>	<u>Quantity</u>
Alprazolam .5mg	504
Hydrocodone Bitartrate 7.5mg	1,166
Propoxyphene Napsylate/APAP	6,888

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

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 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 paragraphs (5) through (11) 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.

- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (5) through (11) 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.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (8) and (9) of the Findings of Fact constitute being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (5) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (7) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of Chapter 2925. 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 Order issued November 3, 1995.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of David J. Bralich:

- (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, No. 03-1-12180, held by David J. Bralich 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, No. 03-1-12180, held by David J. Bralich 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, No. 03-1-12180, held by David J. Bralich 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, No. 03-1-12180, held by David J. Bralich effective as of the date of the mailing of this Order.

(E) On the basis of the Findings of Fact and paragraph (5) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-1-12180, held by David J. Bralich effective as of the date of the mailing of this Order.

Division (B) of Section 4729.16 of the Ohio Revised Code provides: "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.

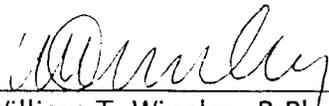
Section 119.12 of the Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident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

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: JULY 1, 1996

FRANKLIN Z. WICKHAM, EXECUTIVE DIRECTOR

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

CERTIFIED MAIL
Return Receipt
#Z 725 455 681

FZW/so

xc: Mary L. Hollern, Assistant Attorney General



OHIO STATE BOARD OF PHARMACY

65 S. Front Street, Room 504
Columbus, Ohio 43266-0320
Telephone: 614/466-4143

THE STATE BOARD OF PHARMACY
(Docket No. D-871023-073)

In The Matter Of:

DAVID J. BRALICH, R.Ph.
210 Hamilton Boulevard
Struthers, Ohio 44471

INTRODUCTION

THE MATTER OF DAVID J. BRALICH CAME TO HEARING ON APRIL 22, 1988 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: NORMAN LEIBOW, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; JEROME WIESENHAHN, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

DAVID J. BRALICH WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY CHRISTOPHER COSTANTINI, ASSISTANT ATTORNEY GENERAL.

FINDINGS OF FACT

- (1) On October 23, 1987, David J. Bralich 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 October 24, 1987, David J. Bralich received the letter of October 23, 1987 informing him of the allegations regarding the late renewal of his license, and his rights.
- (3) David J. Bralich has not responded in any manner to the letter of October 23, 1987, and has not requested a hearing in this matter.
- (4) The State Board of Pharmacy finds that David J. Bralich failed to renew his identification card on the fifteenth day of September 1987, as required by Section 4729.12 of the Ohio Revised Code, for 1988, when he did not renew until October 5, 1987.
- (5) The State Board of Pharmacy finds that David J. Bralich failed to renew his identification card on the fifteenth day of September 1982, as required by Section 4729.12 of the Ohio Revised Code, for 1983, when he did not renew until October 27, 1982.

- (6) The State Board of Pharmacy finds that David J. Bralich failed to renew his identification card on the fifteenth day of September 1981, as required by Section 4729.12 of the Ohio Revised Code, for 1982, when he did not renew until September 29, 1981.
- (7) The State Board of Pharmacy finds that David J. Bralich failed to renew his identification card on the fifteenth day of September 1980, as required by Section 4729.12 of the Ohio Revised Code, for 1981, when he did not renew until September 19, 1980.
- (8) The State Board of Pharmacy finds that David J. Bralich did dispense and sell dangerous drugs while not being a registered pharmacist during the lapsed dates of his pharmacist license, in violation of the provisions of Section 4729.28 of the Revised Code.

CONCLUSION OF LAW

- (1) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (4) through (8) of the Findings Of Fact constitutes willful violations of the provisions of Chapter 4729. of the Ohio Revised Code.

ORDER

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, 65 S. Front Street, Room 504, 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.

DAVID J. BRALICH, R.Ph.
Page Three
Order of the Board

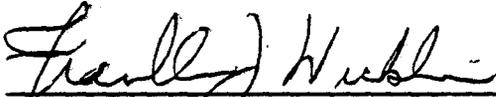
Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section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

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt

ORDER ISSUED: July 26, 1988

FZW/sb

By 
Franklin Z. Wickham, Executive Director

cc: Christopher Costantini, Assistant Attorney General