



THE STATE BOARD OF PHARMACY

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

03-1-12350

THE STATE BOARD OF PHARMACY  
(Docket No. D-871118-085)

In The Matter Of:

GARY RAY HAMILTON, R.Ph.  
2032 Kirk Road  
Youngstown, Ohio 44511

INTRODUCTION

THE MATTER OF GARY RAY HAMILTON CAME TO HEARING ON JANUARY 27, 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.

GARY RAY HAMILTON WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY CHRISTOPHER COSTANTINI, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Exhibits

- (1) Exhibit #A - Notice of Opportunity dated November 18, 1987.
- (2) Exhibit #B - Letter from Gary Ray Hamilton dated December 3, 1987.
- (3) Exhibit #C - Hearing Schedule Letter dated January 27, 1988.
- (4) Exhibit #D - Renewal Application for 1987.
- (5) Exhibit #E - Renewal Application for 1982.

Respondent's Exhibits

(None)

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that Gary Ray Hamilton failed to renew his identification card on the fifteenth day of September, as required by Section 4729.12 of the Ohio Revised Code, for 1988, when he did not renew until November 13, 1987.

- (2) From the evidence presented, the State Board of Pharmacy finds that Gary Ray Hamilton failed to renew his identification card on the fifteenth day of September, as required by Section 4729.12 of the Ohio Revised Code, for 1981 and 1982, when he did not renew until October 4, 1982.
- (3) From the evidence presented, the State Board of Pharmacy finds that Gary Ray Hamilton 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 Ohio Revised Code.

#### CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) and (2) of the Findings Of Fact constitutes willful violations of the provisions of Section 4729.12 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph (3) of the Findings Of Fact constitutes willful violations of the provisions of Section 4729.28 of the Ohio Revised Code.

#### ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-1-12350, held by Gary Ray Hamilton:

(A) On the basis of paragraphs (1) and (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of five hundred dollars (\$500.00).

(B) Further, the Board will suspend four hundred fifty dollars of the five hundred dollar monetary penalty imposed above provided that Gary Ray Hamilton:

- (1) does not violate the drug laws of the state of Ohio, any other state, or the federal government; and
- (2) abides by the rules of the State Board of Pharmacy.

The fifty dollar (\$50.00) monetary penalty that was not suspended in paragraph (B) above is 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.

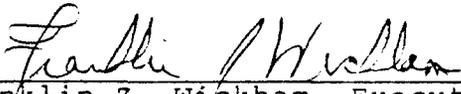
Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section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

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL  
Return Receipt

ORDER ISSUED: February 23, 1988

FZW/sb

By   
Franklin Z. Wickham, Executive Director

cc: Christopher Costantini, Assistant Attorney General