

**OHIO STATE BOARD OF PHARMACY**

65 S. FRONT STREET, ROOM 504  
COLUMBUS, OHIO 43215  
TELEPHONE: 614/466-4143

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THE STATE BOARD OF PHARMACY

VS

ROBERT THOMAS CALABRESE, R.Ph.

THE MATTER OF ROBERT THOMAS CALABRESE, DOCKET NO. 6-155-3, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE ON TUESDAY, APRIL 22, 1986. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTIONS WERE MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that Robert T. Calabrese, as the responsible pharmacist pursuant to Section 4729.55 of the Revised Code and the pharmacist in full and actual charge of Southbriar Drug, Inc. pursuant to Section 4729.27 of the Revised Code, is responsible for compliance with all state and federal laws regulating the distribution of drugs and the practice of pharmacy.
- (2) From the evidence presented, the State Board of Pharmacy finds that Robert Thomas Calabrese did, on or about April 10, 1984 at Southbriar Drug, Inc., receive in commerce misbranded drugs, hold and offer for sale, and sell misbranded drugs, to wit: misbranded drugs were purchased from Wesco Pharmaceutical, 29115 Greenfield Road, Southfield, Michigan, dba Linwood West, 29115 Greenfield Road, Southfield, Michigan, in plastic bags and were dispensed to patients pursuant to written or oral prescriptions. Such conduct is in violation of Ohio Revised Code Section 3715.64(A), and is prohibited by Section 3715.52 of the Ohio Revised Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that Robert Thomas Calabrese, and/or other pharmacists employed by the corporation, on or about April 10, 1984 at Southbriar Drug, Inc., did sell in commerce misbranded drugs, to wit: misbranded drugs were sold to Erie Drugs, 4502 Lewis, Toledo, Ohio. Such conduct is in violation of Ohio Revised Code Section 3715.64(A), and is prohibited by Section 3715.52 of the Ohio Revised Code.

- (4) From the evidence presented, the State Board of Pharmacy finds that Robert Thomas Calabrese, on or about April 10, 1984, did willfully violate Division (A) of Section 4729.51 of the Revised Code, to wit: Mr. Calabrese did sell approximately 300 doses of Feldene-20mg and approximately 300 doses of Norgesic Forte at wholesale to Erie Drugs, 4502 Lewis, Toledo, Ohio, a terminal distributor of dangerous drugs, without a wholesale distributor of dangerous drugs license. Such sale was not an occasional sale of dangerous drugs at wholesale, as defined in Rule 4729-9-10 of the Administrative Code.
- (5) From the evidence presented, the State Board of Pharmacy finds that Robert Thomas Calabrese, and/or other pharmacists employed by the corporation, on or about April 10, 1984 at Southbriar Drug, Inc., did sell in commerce misbranded drugs, to wit: misbranded drugs were sold to Point Place Drugs, 6226 N. Summit Street, Toledo, Ohio. Such conduct is in violation of Section 3715.64(A) of the Ohio Revised Code, and is prohibited by Section 3715.52 of the Ohio Revised Code.
- (6) From the evidence presented, the State Board of Pharmacy finds that Robert Thomas Calabrese, on or about April 10, 1984, did willfully violate Division (A) of Section 4729.51 of the Revised Code, to wit: Mr. Calabrese did sell approximately 300 doses of Feldene-20mg and approximately 300 doses of Norgesic Forte at wholesale to Point Place Drugs, 6226 N. Summit Street, Toledo, Ohio, a terminal distributor of dangerous drugs, without a wholesale distributor of dangerous drugs license. Such sale was not an occasional sale of dangerous drugs at wholesale, as defined in Rule 4729-9-10 of the Ohio Administrative Code.
- (7) From the evidence presented, the State Board of Pharmacy finds that Robert T. Calabrese did, on or about July 1, 1985, willfully violate Ohio Revised Code Section 3715.64(A)(13)(b), to wit: approximately 89 tablets of Belladonna Alkaloids with Phenobarbital manufactured by Purepac were dispensed without a prescription in a plastic prescription vial bearing an incomplete label to Mrs. Robert Henry, Apartment 349, 2618 Westmar, Sylvania, Ohio.

#### 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 (2) through (7) of the Findings Of Fact constitutes dishonesty in the practice of pharmacy.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (7) constitutes violations of the provisions of Chapters 3715. and 4729. of the Revised Code.

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Order of the Board

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusions Of Law, 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. Said 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: June 9, 1986

FZW/sb

By

Franklin Z. Wickham  
Franklin Z. Wickham, Executive Director

cc: John E. Breen, Assistant Attorney General  
Richard R. Malone, Attorney; 1600 Toledo Trust Bldg.;  
245 N. Summit Street; Toledo, Ohio 43604