

**SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**  
(Docket No. D-010615-074)

In The Matter Of:

**JEFFREY J. GARBE, R.Ph.**  
5280 Mahogany Ridge Drive  
Naples, Florida 34119  
(R.Ph. No. 03-1-17551)

This Settlement Agreement is entered into by and between Jeffrey J. Garbe, R.Ph. and the Ohio State Board of Pharmacy, a state agency charged with enforcing the Pharmacy Practice Act and Dangerous Drug Distribution Act, Chapter 4729. of the Ohio Revised Code.

Jeffrey J. Garbe enters into this Agreement being fully informed of his rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudication hearing on the issues contained herein.

Jeffrey J. Garbe is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges that have been filed by the Board against him and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against Jeffrey J. Garbe's license to practice pharmacy in the State of Ohio, Jeffrey J. Garbe enters into this Agreement on the basis of the following stipulations, admissions, and understandings:

- (1) The Ohio State Board of Pharmacy is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card, or impose a monetary penalty on the license holder for violation of any of the enumerated grounds.
- (2) On or about June 15, 2001, pursuant to Chapter 119. of the Ohio Revised Code, Jeffrey J. Garbe was notified of the allegations or charges against him, his right to a hearing, his rights in such hearing, and his right to submit contentions in writing. Further, a hearing was requested and scheduled for December 4, 2001.
- (3) Records of the Board of Pharmacy indicate that Jeffrey J. Garbe was originally licensed in the State of Ohio on October 31, 1988, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (4) Jeffrey J. Garbe is addicted to the use of controlled substances, to wit: he has admitted to the Florida Board of Pharmacy, and to a Compliance Specialist with the Ohio State Board of Pharmacy, that he is addicted to controlled substances. He stated that he was using approximately twenty tablets of Lorcet and six tablets of Xanax per day for about one and one-half years. Such conduct indicates that Jeffrey J. Garbe falls within the ambit of Sections 3719.121(A), and 4729.16(A)(3) of the Ohio Revised Code.

- (5) On January 6, 2000, the Florida Board of Pharmacy issued its Final Order in Department of Health vs. Jeffrey J. Garbe, R.Ph., Case No. 97-18156. On September 17, 1998, Jeffrey J. Garbe has been charged in an Administrative Complaint with diverting drugs, including Percodan, from his employer, Publix Pharmacy, from 1996 through September, 1997.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Jeffrey J. Garbe knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (1) Jeffrey J. Garbe must abide by the conditions as set forth in the Final Order of the Florida Board of Pharmacy dated January 6, 2000.
- (2) Until such time as the Florida Board of Pharmacy removes all conditions from Jeffrey J. Garbe's license to practice pharmacy, Jeffrey J. Garbe's license to practice pharmacy in the State of Ohio will be placed on probation; during which time Jeffrey J. Garbe shall not serve as a Responsible Pharmacist or serve as a pharmacy preceptor in Ohio.
- (3) Jeffrey J. Garbe must inform the Ohio State Board of Pharmacy if he plans to return to Ohio during his probationary period in Florida to practice pharmacy in Ohio: whereupon, an administrative hearing will be held to determine Jeffrey J. Garbe's compliance with his Florida sanctioned recovery and his fitness to continue his practice of pharmacy.

If, in the judgment of the Board, Jeffrey J. Garbe appears to have violated or breached any terms or conditions of this Agreement, the Ohio State Board of Pharmacy reserves the right to, at any time, revoke probation, modify the conditions of probation, and reduce or extend the period of probation, and/or the Board may institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violation of the laws of Ohio occurring before the effective date of this Agreement.

Jeffrey J. Garbe acknowledges that he has had an opportunity to ask questions concerning the terms of this agreement and that all questions asked have been answered in a satisfactory manner. Any action initiated by the Board based on alleged violation of this Agreement shall comply with the Administrative Procedure Act, Chapter 119. of the Ohio Revised Code.

Jeffrey J. Garbe waives any and all claims or causes of action he may have against the State of Ohio or the Board, and members, officers, employees, and/or agents of either, arising out of matters which are the subject of this Agreement. Jeffrey J. Garbe waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code. This Settlement Agreement shall be considered a public record, as that term is used in Section 149.43 of the Ohio Revised Code, and shall become effective upon the date of the Board President's signature below.

**SIGNED AND EFFECTIVE OCTOBER 1, 2001**