

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-021127-041)

In The Matter Of:

TODD R. JAROS, R.Ph.
2011 Savannah Parkway
Westlake, Ohio 44145
(R.Ph. No. 03-1-18980)

INTRODUCTION

THE MATTER OF TODD R. JAROS CAME FOR HEARING ON JANUARY 7, 2003, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: DIANE C. ADELMAN, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

TODD R. JAROS WAS REPRESENTED BY JOHN R. IRWIN, M.D. AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Elizabeth M. Hartranft, R.Ph.
2. Todd R. Jaros, R.Ph., Respondent

Respondent's Witnesses

None

State's Exhibits

- 1J. Copy of Notice of Opportunity For Hearing letter [11-27-02]
- 1JA-1JD. Procedurals
2. Excerpt of Transcript of Proceedings in re Elizabeth M. Hartranft, R.Ph. [10-15-02]
3. Support Group Attendance Record re Betsy Hartranft [12-08-00 to 02-05-01]
4. Calendar page for December 2000
5. Support Group Attendance Record re Betsy Hartranft [05-26-01 to 07-14-01]
6. Calendar pages for May 2001 and June 2001
7. Support Group Attendance Record re Betsy Hartranft [08-28-01 to 10-15-01]
8. Calendar page for September 2001
9. Support Group Attendance Record re Betsy Hartranft [10-16-01 to 12-12-01]
10. Calendar page for November 2001
11. Lake County Crime Laboratory Report [11-08-02], Forensic Document Examiner Qualifications of Andrew T. Szymanski [01-03-03]
12. Copy of Notarized Statement of Todd Jaros [11-18-02]
13. Copy of Notarized Statement of Elizabeth Hartranft [11-19-02]

14. Transcription of Interview with Todd Jaros, R.Ph. [11-14-02]
15. Transcription of Interview with Todd Jaros, R.Ph. [11-18-02]
16. Transcription of Interview with Elizabeth M. Hartranft, R.Ph. [11-19-02]
17. Copy of State Board of Pharmacy Order in re Elizabeth M. Hartranft, R.Ph. [09-11-00]
18. Copy of State Board of Pharmacy Order in re Elizabeth M. Hartranft, R.Ph. [11-12-02]
19. Copy of State Board of Pharmacy Settlement Agreement in re Todd R. Jaros, R.Ph. [09-07-99]
20. Copy of State Board of Pharmacy Order in re Todd R. Jaros, R.Ph. [09-11-00]
21. Support Group Attendance Records re Todd Jaros [11-27-00 to 01-02-02]
22. Support Group Attendance Record re Todd Jaros [05-20-99 to 06-02-99]

Respondent's Exhibits

None

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds the following to be fact:

(1) Records of the State Board of Pharmacy indicate that Todd R. Jaros was originally licensed by the State of Ohio as a pharmacist on July 29, 1991, pursuant to examination, and is currently licensed to practice pharmacy in Ohio. Records further reflect that the Board previously suspended Todd R. Jaros' license on September 7, 1999, and the Board approved reinstatement on September 11, 2000. Todd R. Jaros is currently on probation until October 5, 2005.

(2) Todd R. Jaros did, on or about October 15, 2002, with purpose to defraud, and/or knowing that he was facilitating a fraud, forge a writing, to wit: in preparation for Elizabeth Hartranft's reinstatement petition hearing, Todd R. Jaros prepared a document for Elizabeth Hartranft to present, use, and display to the Board regarding her recovery meeting attendance sheets, which Todd R. Jaros spuriously altered to make them purport to authenticate Elizabeth Hartranft's attendance in a fashion which was not genuine. On or about an unknown date in September, 2002, Todd R. Jaros had originally forged the document. Further, Todd R. Jaros encouraged Elizabeth Hartranft to use the documents. Such conduct is in violation of Sections 2913.31 and 2923.03 of the Ohio Revised Code.

(3) Todd R. Jaros did, on or about an unknown date in September, 2002, and again on October 15, 2002, knowing that an official proceeding was in progress or was about to be instituted, make, present, and/or use a document, knowing it to be false and with purpose to mislead a public official and/or with purpose to corrupt the outcome of the proceeding, to wit: Todd R. Jaros took Elizabeth Hartranft's recovery meeting attendance sheets, intended for use as evidence at her upcoming reinstatement petition hearing, and altered them so as to mislead the Board to obtain reinstatement of her pharmacist license. Such conduct is in violation of Section 2921.12 of the Ohio Revised Code.

(4) Todd R. Jaros did, on or about October 15, 2002, commit fraud, misrepresentation, and/or deception in applying for or securing a license under Chapter 4729. of the Ohio Revised Code, to wit: in preparation for and during Elizabeth Hartranft's reinstatement petition hearing, Todd R. Jaros helped Elizabeth Hartranft prepare to deceive the Board about her meeting attendance verification sheets, and Todd R. Jaros prepared the false documents for Elizabeth Hartranft to present to the Board.

(5) Todd R. Jaros did, on or about October 15, 2002, in an official proceeding, knowingly make a material, false statement under oath, to wit: in Elizabeth Hartranft's reinstatement petition hearing, while under oath to tell the truth, Todd R. Jaros lied about Elizabeth Hartranft's meeting attendance signature logs. Such conduct is in violation of Section 2921.11 of the Ohio Revised Code.

(6) Todd R. Jaros did, on or about November 14, 2002, with purpose to hinder the discovery or prosecution of another for a crime, or to assist another to benefit from the commission of a crime, communicate false information to a Board agent, to wit: after forging documents and aiding and abetting Elizabeth Hartranft to commit the crimes of forgery, perjury, and tampering with evidence, Todd R. Jaros lied to Board agents who were investigating the matter. Such conduct is in violation of Section 2921.32 of the Ohio Revised Code.

(7) Todd R. Jaros did, on or about November 14, 2002, knowingly make a false statement with purpose to mislead a public official in performing his official function, to wit: Todd R. Jaros lied to Board agents, who were investigating a matter, with purpose to divert their attention away from both himself and Elizabeth Hartranft. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (2) through (7) 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.

(2) The State Board of Pharmacy concludes that paragraphs (2) through (7) 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.

(3) The State Board of Pharmacy concludes that paragraphs (2) through (7) of the Findings of Fact constitute being guilty of committing fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the Board under Chapter 4729. of the Revised Code as provided in Division (A)(10) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy takes the following actions in the matter of Todd R. Jaros:

(A) On the basis of the Findings of Fact and paragraphs (1) and (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-1-18980, held by Todd R. Jaros effective as of the date of the mailing of this Order.

(1) Todd R. Jaros, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.

(2) Todd R. Jaros, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

(B) 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 imposes a monetary penalty of nineteen thousand five hundred dollars (\$19,500.00) on Todd R. Jaros and payment of the monetary penalty is due and owing within thirty days of the mailing of this Order. The remittance should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

(C) Further, after three years from the effective date of this Order, the Board will consider any petition filed by Todd R. Jaros for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

(1) Todd R. Jaros must provide documentation of payment in full of the monetary penalty imposed by the Board in paragraph (B) above.

(2) Todd R. Jaros must complete the Ethics and Professionalism CME Program at Case Western Reserve University.

(3) Todd R. Jaros may not hold any position (officer or sponsor) in Pharmacists Rehabilitation Organization (PRO) or any other treatment program.

(4) Todd R. Jaros must continue with his treatment plan as governed by his Board Order dated September 11, 2000, for recovery.

- (5) Todd R. Jaros is fit, in the opinion of the Board, to practice pharmacy.
- (6) Todd R. Jaros must comply with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement.
- (7) Todd R. Jaros must comply with the terms of this Order.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-5/Nay-3).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE FEBRUARY 6, 2003

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-000322-050)

In The Matter Of:

TODD R. JAROS, R.Ph.
2011 Savannah Parkway
Westlake, Ohio 44145
(R.Ph. No. 03-1-18980)

INTRODUCTION

THE MATTER OF TODD R. JAROS CAME FOR HEARING ON AUGUST 9, 2000, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

TODD R. JAROS WAS REPRESENTED BY JOHN R. IRWIN, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) None

Respondent's Witnesses:

- (1) Todd R. Jaros, Respondent
- (2) Robert J. Garrity, Pharmacists Rehabilitation Organization, Inc.
- (3) Charles Broussard, Pharmacists Rehabilitation Organization, Inc.
- (4) Nick Kallis, Pharmacists Rehabilitation Organization, Inc.

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of four-page Settlement Agreement with the State Board of Pharmacy, Docket No. D-990810-013, in the matter of Todd R. Jaros, effective September 7, 1999.
- (2) Exhibit 1A--Hearing Request letter dated March 20, 2000.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated March 22, 2000.

Respondent's Exhibits:

- (1) Exhibit 1--Copy of four-page Settlement Agreement with the State Board of Pharmacy, Docket No. D-990810-013, in the matter of Todd R. Jaros, effective September 7, 1999.

- (2) Exhibit 2--Copy of Treatment Contract of Todd Jaros dated June 9, 1999.
- (3) Exhibit 3--Copies of recommendation letters from the following: Joseph W. Janesz and Gregory B. Collins, M.D., Peter A. Freeman, Emil Dontenville, David N. Gragg, Rev. Donald E. Snyder, Matt J. Michalek, Robert J. Dougherty, J. Steven Ratcliff, Robert Frank Tschinkel, Raleigh L. Smith, Joseph P. O'Connor, Paul Gerenghen, Pat Mancuso, David F. Merk, Dudley A. Gang, Frederick R. Pliske, and Robert A. Perrier.
- (4) Exhibit 4--Copies of four pages of court docket Information regarding Todd Jaros dated from July 29, 1999, through January 20, 2000; copy of letter from James M. Jeffers, not dated; copy of Gereld E. Fuerst, Clerk of Courts, Statement of Court Costs of Todd Jaros dated February 25, 2000; copy of Bank One Official Check No. 231296898 dated April 26, 2000, copy of Bank One Money Order No. 302799749 dated April 26, 2000, and copy of Money Order Receipt No. 45647268532 dated February 26, 2000.
- (5) Exhibit 5--Statement of Chuck B. Howard dated August 9, 1999.
- (6) Exhibit 6--Copies of twenty-nine pages of AA/NA meeting attendance verification sheets of Todd Jaros dated from May 7, 1999, through July 31, 2000.
- (7) Exhibit 7--Copies of forty-two pages of urine screen test results and related information dated from July 22, 1999, through July 11, 2000.
- (8) Exhibit 8--Copy of Certificate from the University of Utah School on Alcoholism and Other Drug Dependencies of Todd Jaros dated June 23, 2000; copy of Ohio Pharmacists Foundation A. C. P. E. Official Transcript of Todd R. Jaros dated December 2, 1999; copy of Certificate of Participation in the P.R.O. Annual Conference-2000 of Todd Jaros dated May 21, 2000; and two-page copy of Certificate of Appreciation as Guest Speaker issued to Todd Jaros dated May 27, 2000.
- (9) Exhibit 9--Copy of two-page Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Todd R. Jaros dated August 1, 1999.

FINDING OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds that Todd R. Jaros has complied with the terms set forth in his Settlement Agreement with the State Board of Pharmacy, Docket No. D-990810-013, effective September 7, 1999.

ACTION OF THE BOARD

On the basis of the Finding of Fact set forth above, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-1-18980, held by Todd R. Jaros to practice pharmacy in the state of Ohio and places him on probation for five years from the date the identification card is issued, with the following conditions:

- (A) Todd R. Jaros must enter into a new contract, signed after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and submit a copy of the signed contract to the Board office with the renewal application. The contract must provide that:

- (1) Random, observed urine drug screens shall be conducted at least once every three months.
 - (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (b) Hydrocodone and benzodiazepines must be added to the standard urine drug screen.
 - (c) Results of drug screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract and probation.
 - (2) The intervener/sponsor shall provide copies of all drug screen reports to the Board in a timely fashion.
 - (3) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - (4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) Todd R. Jaros must submit quarterly progress reports to the Board (due on January 10, April 10, July 10, and October 10 of each year of probation) that include:
- (1) The written report and documentation provided by the treatment program pursuant to the contract, and
 - (2) A written description of Todd R. Jaros' progress towards recovery and what he has been doing during the previous three months.
- (C) Other terms of probation are as follows:
- (1) The State Board of Pharmacy hereby declares that Todd R. Jaros' pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.
 - (2) Todd R. Jaros may not serve as a responsible pharmacist.
 - (3) Todd R. Jaros may not destroy, assist in, or witness the destruction of controlled substances.
 - (4) Todd R. Jaros must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.

- (5) Todd R. Jaros must not violate the drug laws of the state of Ohio, any other state, or the federal government.
- (6) Todd R. Jaros must abide by the rules of the Ohio State Board of Pharmacy.
- (7) Todd R. Jaros must comply with the terms of this Order.

Todd R. Jaros is hereby advised that the Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/Nay-0).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE SEPTEMBER 11, 2000

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY
(Docket No. D-990810-013)

In The Matter Of:

TODD R. JAROS, R.Ph.
2011 Savannah Parkway
Westlake, Ohio 44145
(R.Ph. No. 03-1-18980)

This Settlement Agreement is entered into by and between Todd R. Jaros 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.

Todd R. Jaros 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.

Todd R. Jaros 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 his license to practice pharmacy in the state of Ohio, this Agreement is entered into on the basis of the following stipulations, admissions, and understandings:

- (A) 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.
- (B) Todd R. Jaros neither admits nor denies the allegations stated in the attached Notice; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same:
 - (1) Records of the Board of Pharmacy indicate that Todd R. Jaros was originally licensed in the state of Ohio on July 21, 1991, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio.
 - (2) Todd R. Jaros is addicted to liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Todd R. Jaros voluntarily entered into a drug treatment program at the Cleveland Clinic; numerous hydrocodone products were missing from the pharmacy in which Todd R. Jaros was employed; Todd R. Jaros admitted to taking these drugs as well as Diazepam, Alprazolam and Ambien; and Todd R. Jaros admitted to the responsible pharmacist where he was employed, Rite Aid #4771, that he is addicted to hydrocodone.

- (3) Todd R. Jaros did, from on or about July 27, 1997, through May 15, 1999, procure the dispensing of dangerous drugs, to wit: Todd R. Jaros obtained by deception the following hydrocodone products from his employer:

| <u>Drug</u> | <u>Quantity</u> |
|-------------------------------|-----------------|
| Vicoprofen | 600 tablets |
| Vicodin HP | 80 tablets |
| Hycodan | 60 tablets |
| Hydrocodone 10mg/APAP 650mg | 900 tablets |
| Hydrocodone 10mg/APAP 660mg | 180 tablets |
| Hydrocodone Bitartrate Syrup | 7 pints |
| Hydrocodone/Guaifenesin Syrup | 9 pints |
| Hydrocodone 7.5mg/APAP 500mg | 120 tablets |
| Hydrocodone CP Syrup | 270 ml |
| Hydrocodone PA Syrup | 320 ml |

Such conduct is in violation of Section 2925.22 of the Ohio Revised Code.

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

- (A) The indefinite suspension of his pharmacist identification card, No. 03-1-18980.
- (1) Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Todd R. Jaros may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
 - (2) Division (B) of Section 4729.16 of the Revised Code provides that: "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 the notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.
- (B) July, 2000, or thereafter, the Board will consider any petition filed by Todd R. Jaros for a hearing, pursuant to Revised Code Chapter 119. of the Ohio Revised Code, upon the question of the reinstatement of his license to practice pharmacy in Ohio. The Board will consider the reinstatement of the license only if the following conditions have been met:
- (1) Todd R. Jaros must enter into a new contract with a limited treatment provider acceptable to the Board for a period of not less than five years from the effective date of this Agreement and, upon signing, submit a copy of the contract to the Board office. The contract must provide:

- (a) Random, **observed** urine drug screens shall be conducted at least every three months.
 - (i) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (ii) Hydrocodone must be added to the standard urine drug screen.
 - (iii) Results of urine screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract and probation.
- (b) The intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion.
- (c) Regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required.
- (d) The program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.

If, in the judgment of the Board, Todd R. Jaros 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.

Todd R. Jaros 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.

Todd R. Jaros 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. Todd R. Jaros waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

In the event the Board, in its discretion, does not adopt this Agreement as its Adjudication, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. Todd R. Jaros agrees that should the Board reject this Agreement and if this case proceeds to hearing, he will assert no claim that the Board was prejudiced by its review and discussion of this Agreement or of any information relating thereto.

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 SEPTEMBER 7, 1999