



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143

E-MAIL: exec@bop.state.oh.us

FAX: 614/752-4836

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

URL: <http://www.pharmacy.ohio.gov>

SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

March 21, 2012

Harold E. Fletcher Register #69005-061

USP Lee

U.S. Penitentiary

P.O. Box 305

Jonesville, VA 24263

Re: Ohio Registered Pharmacist
License No. 03-1-19231

Dear Mr. Fletcher:

Records of the Board indicate that you are a pharmacist registered by this Board to practice pharmacy in the State of Ohio. Your license to practice as a pharmacist in the state of Ohio has lapsed.

In accordance with Section 2929.42 of the Ohio Revised Code, this Board has received information which indicates that on January 9, 2012, you were convicted of a felony drug abuse offense under 21 U.S.C. 84, to wit: you were indicted for, plead guilty and were committed to the United States Bureau of Prisons for a term of (24) months for the Distribution of Oxycodone in violation of 21 U.S.C. 84 in the United States District Court, Southern District of Ohio, United States v. Fletcher, Case No. CR-2-10-249.

YOU ARE HEREBY NOTIFIED that Section 3719.121 of the Ohio Revised Code states, in pertinent part:

(C) On receiving notification pursuant to Section 2929.24 or 3719.12 of the Revised Code, the Board under which a person has been issued a license, . . . immediately shall suspend the license, . . . of that person on a plea of guilty to, a finding by a jury or court of the person's guilt of, or conviction of a felony drug abuse offense . . .

WHEREFORE, PURSUANT TO SECTION 3719.121(C) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO ARE HEREBY SUSPENDED. FURTHER, PURSUANT TO RULE 4729-9-01(F) OF THE OHIO ADMINISTRATIVE CODE, DURING THIS TERM OF SUSPENSION YOU MAY NOT BE EMPLOYED BY OR WORK IN ANY FACILITY LICENSED BY THE BOARD OF PHARMACY TO POSSESS OR DISTRIBUTE DANGEROUS DRUGS. This suspension shall remain in effect until an adjudicatory hearing is held by the Board under Chapter 119. of the Revised Code, during which time you may not engage in the practice of pharmacy.

YOU ARE FURTHER NOTIFIED that Section 4729.16 of the Ohio Revised Code states in pertinent part:

(A) The State Board of Pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, limit, place on probation, or refuse to grant or renew an identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no more than five hundred dollars, if the Board finds a pharmacist or pharmacy intern:

- (1) Guilty of a felony or gross immorality;
- (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
- (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy;
- (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
- (5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 or Chapter 2925. or 3719. of the Revised Code;
- (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;
- (7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;
- (8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;
- (9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;
- (10) Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code.

IF YOU DESIRE A HEARING, such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. YOUR REQUEST MUST BE IN WRITING, AND MUST BE RECEIVED IN THE OFFICE OF THE OHIO STATE BOARD OF PHARMACY ON OR PRIOR TO THE THIRTIETH (30TH) DAY FOLLOWING THE MAILING DATE OF THIS NOTICE. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

YOU ARE FURTHER ADVISED that if there is no request for such a hearing received by the Board on or prior to the thirtieth (30th) day following the mailing of this notice, the Ohio State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part 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 notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

BY ORDER OF THE STATE BOARD OF PHARMACY

By: Kyle W. Parker, M.B.A., R.Ph.

Kyle W. Parker, M.B.A., R.Ph.
Executive Director

KWP/lp (D-120321-247)

Registered Mail / Return Receipt
RE 663 138 214 US

c: Tracy M. Nave, Assistant Attorney General



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-0/1112-035)

In The Matter Of:

HAROLD EUGENE FLETCHER, R.Ph.

228 Wilson Avenue
Columbus, Ohio 43205
(R.Ph. No. 03-1-19231)

INTRODUCTION

The matter of Harold Eugene Fletcher came for hearing on February 3, 2009, before the following members of the Board: Nathan S. Lipsyc, R.Ph. (presiding); Gregory Braylock, R.Ph.; Donald M. Casar, R.Ph.; Elizabeth I. Gregg, R.Ph.; Barton G. Kaderly, Public Member; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; Heather L. Pasquale, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

Harold Eugene Fletcher was represented by Brian K. Murphy. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness

1. Christopher K. Reed, Ohio State Board of Pharmacy

Respondent's Witness

1. Harold Eugene Fletcher, R.Ph., Respondent

State's Exhibits

- HF-1. Copy of Notice of Opportunity For Hearing Letter for Harold Eugene Fletcher, R.Ph. [11-17-08]
- EM-1. Copy of Notice of Opportunity For Hearing Letter for East Main Street Pharmacy [11-07-08]
- HF & EM - 1A. Procedural
- HF - 1B. Procedural
- EM - 1B. Procedural
- HF & EM- 1C. Procedural
2. Ohio State Board of Pharmacy Settlement Agreement In Re: Harold Eugene Fletcher [05-12-03]
3. Dangerous Drug Distributor Inspection Report for East Main Street Pharmacy [08-29-06]

4. Response to Dangerous Drug Distributor Inspection Report by H.E. Fletcher, R.Ph. [09-18-06]
5. CardinalHealth Invoice [10-30-07]
6. CardinalHealth Invoice [11-27-07]
7. Dangerous Drug Distributor Inspection Report for East Main Street Pharmacy [11-27-07]
8. Letter from Harold Eugene Fletcher, R.Ph./Owner to Ohio State Board of Pharmacy [12-17-07]

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 Harold Eugene Fletcher was originally licensed in the State of Ohio on February 28, 1992, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio. Records further reflect during the relevant time periods stated herein, Harold Eugene Fletcher was the owner and Responsible Pharmacist at East Main Street Pharmacy, 1336 East Main Street, Columbus, 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, records reflect that Harold Eugene Fletcher was previously disciplined by the Board on May 12, 2003.

(2) Harold Eugene Fletcher as the Responsible Pharmacist did, on or about August 29, 2006, fail to maintain supervision and control over the custody and possession of dangerous drugs acquired on behalf of the pharmacy. Specifically, at 10:40 a.m., a delivery of dangerous drugs, purchased from a wholesaler, was placed in a hallway closet in the medical building in which the pharmacy is located; the closet is located outside the confines of the pharmacy and there was not a pharmacist present. Such conduct is in violation of Section 4729.55(B) of the Ohio Revised Code and Rule 4729-9-11 of the Ohio Administrative Code.

(3) Harold Eugene Fletcher as the Responsible Pharmacist did, on or about October 30, 2007, fail to maintain supervision and control over the custody and possession of dangerous drugs acquired on behalf of the pharmacy. Specifically, at approximately 10:45 a.m., a delivery of dangerous drugs, purchased from a wholesaler, was placed in a pharmacy technician's automobile which was parked in the pharmacy's parking lot; there was not a pharmacist present and the pharmacy was closed at the time. Harold Eugene Fletcher had been previously warned against such conduct by a Board agent. Such conduct is in violation of Section 4729.55(B) of the Ohio Revised Code and Rule 4729-9-11 of the Ohio Administrative Code.

(4) Harold Eugene Fletcher as the Responsible Pharmacist did, on or about November 27, 2007, fail to maintain supervision and control over the custody and possession of dangerous drugs acquired on behalf of the pharmacy. Specifically, at approximately 11:00 a.m., a delivery of dangerous drugs, purchased from a wholesaler, was placed in a pharmacy technician's automobile which was parked in the pharmacy's parking lot; there was not a pharmacist present and the pharmacy was closed at the time. Harold Eugene Fletcher had been previously warned against such conduct by a Board agent.

Such conduct is in violation of Section 4729.55(B) of the Ohio Revised Code and Rule 4729-9-11 of the Ohio Administrative Code.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute being guilty of unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

(2) The State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of a rule of the Board as provided in Division (A)(5) 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 hereby adjudicates the matter of Harold Eugene Fletcher as follows:

(A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends for twelve (12) weeks the pharmacist identification card, No. 03-1-19231, held by Harold Eugene Fletcher and such suspension is effective as of the date of the mailing of this Order. Further, the Board stays ten (10) weeks of the suspension subject to a period of probation as set forth below.

(1) Harold Eugene Fletcher, 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) Harold Eugene Fletcher, 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 Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes on Harold Eugene Fletcher a monetary penalty of one thousand five hundred dollars (\$1,500.00) due and owing within thirty days of the issuance of this Order. The monetary penalty 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) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby places Harold Eugene Fletcher on probation for two years effective upon reinstatement of his identification card. The terms of probation are as follows:

(1) Harold Eugene Fletcher must obtain, within six months from the effective date of this Order, three hours of approved continuing pharmacy education (0.3 C.E.U.s) of Board approved continuing pharmacy education in Jurisprudence, which may not also be used for license renewal.

(2) The State Board of Pharmacy hereby declares that Harold Eugene Fletcher's 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.

(3) Harold Eugene Fletcher may serve as a responsible pharmacist.

(4) Harold Eugene Fletcher must not violate the drug laws of Ohio, any other state, or the federal government.

(5) Harold Eugene Fletcher must abide by the rules of the State Board of Pharmacy.

(6) Harold Eugene Fletcher must comply with the terms of this Order.

(7) Harold Eugene Fletcher's license is deemed to be not in good standing until successful completion of the probationary period.

Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Harold Eugene Fletcher 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.

Heather Pasquale moved for Findings of Fact; Richard Kolezynski seconded the motion. Motion passed (Aye-7/Nay-1).

Deborah Lange moved for Conclusions of Law; Donald Casar seconded the motion. Motion passed (Aye-7/Nay-1).

Gregory Braylock moved for Action of the Board; Jerome Wiesenhahn seconded the motion. Motion passed (Aye-6/Nay-2).

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 Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of 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 the ORIGINAL Notice of Appeal with the State Board of Pharmacy and a copy with the appropriate court within fifteen (15) days after the mailing of this Order 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 & EFFECTIVE: **MARCH 5, 2009**

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

WTW/lp

CERTIFIED MAIL/Return Receipt
7004 2510 0001 7344 9232

c: Sally Ann Steuk, Assistant Attorney General
Brian K. Murray; Attorney for Respondent; Murphy, Moul + Boul LLP; 1533 Lake Shore Drive;
Columbus, Ohio 43204



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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY (Docket No. D-020626-065)

In The Matter Of:

HAROLD EUGENE FLETCHER, R.Ph.
228 Wilson Avenue
Columbus, Ohio 43205
(R.Ph. No. 03-1-19231)

This Settlement Agreement is entered into by and between Harold Eugene Fletcher 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.

Harold Eugene Fletcher 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.

Harold Eugene Fletcher 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 Harold Eugene Fletcher's 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) Harold Eugene Fletcher neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated June 26, 2002; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same:

(1) Records of the Board of Pharmacy indicate that you were originally licensed in the State of Ohio on February 28, 1992, pursuant to examination. Records also indicate that your license to practice pharmacy expired on September 15, 2001. You filed your renewal application, in person, on or about September 18, 2001.

(2) You did, on or about September 17, 2001, while not a pharmacist as defined in Rule 4729-5-01(G) of the Ohio Administrative Code, or a pharmacy intern, sell dangerous drugs or otherwise engage in the practice of pharmacy, to wit: after your

license to practice pharmacy had lapsed, and prior to its renewal, you dispensed dangerous drugs, including the following:

| <u>Rx #</u> | <u>Drug</u> |
|-------------|-----------------------------|
| 366317 | hydrocodone w/ APAP 5/500 |
| 366318 | diazepam 10mg |
| 366319 | Adipex-P 37.5mg |
| 366320 | hydrocodone w/ APAP 7.5/750 |

Such conduct is in violation of Section 4729.28 of the Ohio Revised Code, and if proven constitutes being guilty of dishonesty or unprofessional conduct in the practice of pharmacy and/or guilty of willfully violating provisions of Chapter 4729. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(3) You did, on or about September 18, 2001, knowingly make a false statement when made with purpose to secure the issuance by a governmental agency a license, permit, or registration, to wit: when renewing your license to practice pharmacy, you indicated that you did not have any criminal charges pending against you. In fact, on September 3, 2001, you had been arrested for three (3) felony counts of Carrying a Concealed Weapon. State of Ohio vs. Eugene H. Fletcher, Case No. CRA-01-00552, Harrison County Court and seven (7) misdemeanor counts of Improper Handling of Firearms in a Motor Vehicle. State of Ohio vs. Eugene H. Fletcher, Case No. CRB-01-00553, Harrison County Court. Said charges were still pending on the date you submitted your license renewal application. On November 20, 2001, you pled guilty to four (4) counts of Improper Handling of Firearms in a Motor Vehicle, a misdemeanor of the first degree under Section 2923.16(B) of the Ohio Revised Code. State of Ohio vs. Eugene H. Fletcher, Case No. CRA-01-553, Harrison County Court. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code, and if proven constitutes being guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

(4) You, as the Responsible Pharmacist did, on or about May 5, 2000, fail to maintain the minimum standards for a pharmacy, to wit: East Main Street Pharmacy did not possess a copy of current federal and state laws, regulations, and rules governing the legal distribution of drugs in the state of Ohio. The pharmacy's lawbook had not been updated since August, 1997. You, as the Responsible Pharmacist at Hilltop Family Pharmacy, had been previously admonished for a similar violation on April 11, 1997. Such conduct is in violation of Rule 4729-9-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

(5) You, as the Responsible Pharmacist did, from January 21, 1999, through May 2, 2000, failed to keep records of all controlled substances received or sold, to wit: you failed to properly execute Schedule II Controlled Substances D.E.A. 222 order forms. Of forty-seven 222 forms examined by Board agents, thirty-nine lacked the required information as to the number of packages received or the date received. You, as the Responsible Pharmacist at Hilltop Family Pharmacy, had been previously admonished for the same violation on April 18, 1997. Such conduct is in violation of Section 3719.07 of the Ohio Revised Code and Section 1305.06 of Title 21 of the Code of Federal Regulations, and if proven constitutes being guilty of unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

(6) You did, on or about May 5, 2000, and dates preceding, fail to immediately sign the reverse side of your pharmacist identification card. You had been previously admonished for a similar violation on April 11, 1997. Such conduct is in violation of Rule 5729-5-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

(7) You, as the Responsible Pharmacist did, on or about May 5, 2000, and dates preceding, fail to sign, or have your dispensing pharmacists sign, the pharmacy's daily prescription printouts. Further, the printouts lacked the required indication that the data was reviewed by the dispensing pharmacists and was correct. Such conduct is in violation of Rule 4729-5-28 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

(8) You, as the Responsible Pharmacist did, on or about May 5, 2000, and dates preceding, fail to obtain the registration number of wholesalers from which you purchased dangerous drugs. You had been previously admonished for the same violation on July 9, 1998. Prior to both occasions, in 1998 and 2000, you had made illegal purchases from unlicensed wholesalers; such was preventable if you had properly obtained the required registration information. Such conduct is in violation of Section 4729.60(B) of the Ohio Revised Code, and if proven constitutes being guilty of unprofessional conduct in the practice of pharmacy and/or willfully violating a provision of Chapter 4729. of the Ohio Revised Code within the meaning of Section 4729.16 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, Harold Eugene Fletcher knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Harold Eugene Fletcher's pharmacist identification card, No. 03-1-19231, will be placed on probation for five years, effective from the date of this Agreement. The terms of probation are as follows:
- (1) The State Board of pharmacy hereby declares that Harold Eugene Fletcher's 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) Harold Eugene Fletcher must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (3) Harold Eugene Fletcher must abide by the rules of the Ohio State Board of Pharmacy.
 - (4) Harold Eugene Fletcher must comply with the terms of this Agreement.
- (B) Harold Eugene Fletcher agrees to the imposition of a monetary penalty of Two Thousand One Hundred and Twenty-five dollars (\$2,125.00) payable over a twelve (12) month period, effective from the date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed forms to

the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio
43266-0320.

If, in the judgment of the Board, Harold Eugene Fletcher 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.

Harold Eugene Fletcher 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.

Harold Eugene Fletcher 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. Harold Eugene Fletcher 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. Harold Eugene Fletcher 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.

Harold Eugene Fletcher, Respondent

04/04/03
Date of Signature

Brian K. Murphy, Attorney for Respondent

04/15/03
Date of Signature

Diane C. Adelman, President, Ohio State Board of Pharmacy

05/12/03
Date of Signature

Sally Ann Steuk, Ohio Assistant Attorney General

05/12/03
Date of Signature