



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-950829-011)

In The Matter Of:

BETH ANN (SHIVELY) EASTON

5873 Abbey Church Road

Dublin, Ohio 43017

(Registered Pharmacy Intern No. 06-0-01848) (03-1-22443)

INTRODUCTION

THE MATTER OF BETH ANN SHIVELY CAME TO HEARING ON SEPTEMBER 19, 1995, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: PAUL F. LAMPING, R.Ph. (presiding); JOHN L. HANNA, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; WAYNE C. MILLER, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

BETH ANN SHIVELY WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY LILI KACZMAREK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Beth Ann Shively, Respondent

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Notice of Opportunity letter dated August 29, 1995.
- (2) Exhibit 1A--Hearing Request letter, not dated, received in the Board office on September 8, 1995.
- (3) Exhibit 1B--Hearing Schedule letter dated September 8, 1995.
- (4) Exhibit 1C--Intern File Front Sheet of Beth Ann Shively showing original date of registration as November 22, 1994.
- (5) Exhibit 1D--Renewal Application for Intern License, No. 06-0-01848, for a license to practice pharmacy as Intern in Ohio from September 15, 1995, to September 15,

- 1996, of Beth Ann Shively dated July 12, 1995; and attached letter from Beth A. Shively, not dated, received in the Board office on August 23, 1995.
- (6) Exhibit 2--Certified copy of Complaint in the Franklin County Municipal Court, No. 176234, of Yvette E. Peeler dated October 8, 1994; and certified copy of Sentencing Entry, Case No. 94-24373, of Yvette Peeler a.k.a. Beth A. Shively dated November 23, 1994.
 - (7) Exhibit 3--Copy of Complaint in the Franklin County Municipal Court, No. 219815, of Beth Shively dated March 6, 1995; and certified copy of Entry in the Franklin County Municipal Court, Case No. 95-5565, of Beth Shively dated April 24, 1995.
 - (8) Exhibit 4--Application for Pharmacy Intern Registration of Beth Ann Shively signed and notarized on October 14, 1994.

Respondent's Exhibits:

- (1) None

FINDINGS OF FACT

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

- (1) Records of the Board of Pharmacy indicate that Beth Ann Shively was originally licensed as an intern in the state of Ohio on November 22, 1994.
- (2) Beth Ann Shively was, on or about November 23, 1994, convicted in the Franklin County Municipal Court of Furnishing Alcohol to Minors in violation of Section 4301.69 of the Ohio Revised Code. During the commission of the offense, Beth Ann Shively presented to authorities a false identification.
- (3) Beth Ann Shively was, on or about April 24, 1995, convicted in the Franklin County Municipal Court of Certain Acts Prohibited in violation of Section 4507.30 of the Ohio Revised Code. During the commission of the offense, Beth Ann Shively was drinking alcohol while being under the legal age for consumption, and Beth Ann Shively presented to authorities a false identification.
- (4) Beth Ann Shively did, on or about October 14, 1994, knowingly make a false statement with purpose to secure the issuance by the Board, a governmental agency, of an intern registration, and when the statement was sworn before a notary public, to wit: Beth Ann Shively swore on her Application for Pharmacy Intern Registration that there were no misdemeanor or felony charges involving violations of pharmacy, liquor, drug, or criminal laws pending against her when Beth Ann Shively had been arrested on October 8, 1994, for Furnishing Alcohol to Minors.

CONCLUSION OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Beth Ann Shively:

- (A) On the basis of the Findings of Fact and the Conclusion of Law set forth above, the State Board of Pharmacy hereby places the intern identification card, No. 06-0-01848, of Beth Ann Shively on probation for one year, effective as of the date of the mailing of this Order. The terms of probation are as follows:
 - (1) Beth Ann Shively must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (2) Beth Ann Shively must abide by the rules of the Ohio State Board of Pharmacy.
 - (3) Beth Ann Shively must comply with the terms of this Order.
- (B) 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.

MOTION CARRIED.

SO ORDERED.