



OHIO STATE BOARD OF PHARMACY

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

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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>

ORDER OF THE STATE BOARD OF PHARMACY

(Docket Number D-050310-049)

In The Matter Of:

SCOTT AARON GRAY, R.Ph.
P.O. Box 2793
4040 Silverheels Drive
Silverthorne, Colorado 80498
(R.Ph. No. 03-1-23601)

INTRODUCTION

THE MATTER OF SCOTT AARON GRAY CAME FOR HEARING ON OCTOBER 12, 2005 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE R. EASTMAN, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

SCOTT AARON GRAY WAS NOT PRESENT NOR WAS HE REPRESENTED BY COUNSEL. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witness:

1. Robert Amiet, Jr., R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

1. Notice of Opportunity For Hearing letter [03-10-05]
1A-1C. Procedurals
2. Letter from Stephanie Gowins, Complaint Analyst, Colorado State Board of Pharmacy [08-19-04]; Letter of Admonishment [05-21-04]
3. Pharmacist Renewal Form for Scott Aaron Gray [07-02-04]
4. NABP Information Report of Pharmacists Licensed in Ohio Disciplined by Another State [not dated]
5. Letter from Scott A. Gray [04-06-05]

Respondent's Exhibits:

None

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witness, 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 Scott Aaron Gray was originally licensed by the State of Ohio on April 13, 2001, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.
- (2) Scott Aaron Gray did, on or about July 2, 2004, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Scott Aaron Gray indicated on his pharmacist license renewal application that he had not been the subject of disciplinary action by any state or federal agency when in fact he had been formally admonished by the Colorado Board of Pharmacy. Colorado Board of Pharmacy, Case No. 2004-1433. In fact, the Colorado Board Order, dated May 21, 2004, indicated that it was a "disciplinary action." Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.

CONCLUSION OF LAW

The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes 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.

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 adjudicates the matter of Scott Aaron Gray as follows.

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of five hundred dollars (\$500.00) on Scott Aaron Gray 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.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/Nay-1).

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 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 filing 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: NOVEMBER 9, 2005

CERTIFIED MAIL / Return Receipt
7001 0360 0002 4139 4255

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

WTW/lf

cc: Sally Ann Steuk, Assistant Attorney General