



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-050310-048)

In The Matter Of:

EUGENE KYU PARK, R.Ph.

2494 Tucker Trail

Lewis Center, Ohio 43035

(R.Ph. No. 03-1-24338)

INTRODUCTION

THE MATTER OF EUGENE KYU PARK CAME FOR CONSIDERATION ON MAY 3, 2005, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: LAWRENCE J. KOST, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

EUGENE KYU PARK 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. Christopher K. Reed, Ohio State Board of Pharmacy

Respondent's Witnesses

None

State's Exhibits

1. Notice of Opportunity For Hearing letter [03-10-05]
1A-1B. Procedurals
2. Complaint, State of Ohio vs. Eugene K Park, Case No. 03-CR-B-01101, Delaware County Municipal Court [06-16-03]
3. Waiver of Rights with Plea [06-23-03]
4. Judgment Entry [06-23-03]
5. Notarized Statement of Eugene Park [02-10-04]
6. Notarized Statement of Kristin A. Straub [09-02-04]

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) On March 10, 2005, Eugene Kyu Park was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit any contentions in writing.
- (2) As demonstrated by return receipt dated March 16, 2005, Eugene Kyu Park received the letter of March 10, 2005, informing him of the allegations against him and his rights.
- (3) Eugene Kyu Park has not requested a hearing in response to the letter of March 10, 2005, therefore the matter was referred to the Board for consideration.
- (4) Records of the State Board of Pharmacy indicate that Eugene Kyu Park was originally licensed by the State of Ohio as a pharmacist on April 6, 2001, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.
- (5) Eugene Kyu Park was, on or about June 23, 2003, convicted of Theft, a misdemeanor of the first degree under Section 2913.02(A)(3) of the Ohio Revised Code, State of Ohio vs. Eugene K. Park, Case No. 03-CR-B-01101, Delaware County Municipal Court. Eugene Kyu Park was caught stealing baseball cards valued at \$86.32, when he emptied a box of cereal in Meijer and placed the cards inside the box and tried to exit the store. Such conviction and conduct constitutes being guilty of gross immorality within the meaning of Section 4729.16(A)(1) of the Ohio Revised Code.
- (6) Eugene Kyu Park did, on or about various dates in 2003 and 2004, engage in a pattern of unprofessional conduct while practicing pharmacy, to wit: numerous complaints were made to Eugene Kyu Park's employer, Rite Aid, referring to Eugene Kyu Park's breathing heavily while talking on the telephone with patients and prescribers' agents, and attempting to kiss the hands of female patients who came into the pharmacy to pick up prescriptions. While doing this, Eugene Kyu Park would continually ask the prescribers' agents personal questions as to their marital and/or family status, and he would ask them to go on dates with him. One prescriber's office refused to phone prescriptions to Eugene Kyu Park's pharmacy due to his behavior. Such conduct constitutes being guilty of gross immorality within the meaning of Section 4729.16(A)(1) of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (5) and (6) 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 (5) and (6) 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.

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 Eugene Kyu Park as follows.

(A) Based on the foregoing Findings of Fact and Conclusions of Law, the State Board of Pharmacy hereby reprimands Eugene Kyu Park for his conduct in this matter.

(B) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes on Eugene Kyu Park a monetary penalty of one thousand dollars (\$1,000.00) 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.

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

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.

EUGENE KYU PARK, R.Ph.

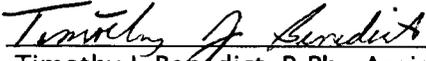
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Order of the Board

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: MAILED JUNE 9, 2005

By: 
Timothy J. Benedict, R.Ph., Assistant Executive Director

CERTIFIED MAIL / Return Receipt
7003 0500 0002 4340 8329

TJB/If

cc: Sally Ann Steuk, Assistant Attorney General