



# OHIO STATE BOARD OF PHARMACY

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket Number D-050929-035)

In The Matter Of:

### **SCOTT ERIC TALMAGE**

341 Georgia Avenue

Elyria, Ohio 44035

03-1-26326

### INTRODUCTION

THE MATTER OF SCOTT ERIC TALMAGE CAME FOR HEARING ON NOVEMBER 9, 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.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

SCOTT ERIC TALMAGE WAS NOT REPRESENTED BY COUNSEL. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

#### State's Witness:

1. Dale Fritz, Jr., Ohio State Board of Pharmacy

#### Respondent's Witness:

1. Scott Eric Talmage, Respondent

#### State's Exhibits:

1. Proposal to Deny/Notice of Opportunity For Hearing letter [09-29-05]  
1A-1D. Procedurals
2. Application For Examination As A Pharmacist with attachment submitted by Scott Eric Talmage [05-27-05]
3. Perrysburg Police Department Citation No. 19842 with attachments [02-06-05]
4. Statement of Scott Talmage [07-25-05]

#### Respondent's Exhibits:

- A1. BCWC, Inc. Treatment Plan for Scott Talmage [03-23-05]; Discharge Summary [05/18/05]
- A2. Weekly Student Performance Evaluation for Scott Talmage [03-04-04]
- A3. Letter of Support [not dated]
- A4. Letter from Scott Eric Talmage [11-09-05]

## 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 Board of Pharmacy indicate that Scott Eric Talmage submitted an application for examination as a pharmacist on or about May 27, 2005. Records further indicate that Scott Eric Talmage was originally licensed to practice pharmacy as an intern in the State of Ohio on March 20, 2000 and is currently licensed.
- (2) Scott Eric Talmage was, on or about February 6, 2005, arrested and subsequently convicted of Operating a Motor Vehicle while under the Influence of alcohol and/or drugs (OMVI) in violation of Section 4511.19 of the Ohio Revised Code, to wit: Scott Eric Talmage was arrested for driving while intoxicated. On or about March 22, 2005, Scott Eric Talmage was convicted of OMVI. Perrysburg Municipal Court vs Scott E. Talmage, Case No. TRC 0500847, Perrysburg, Ohio. Scott Eric Talmage tested .21% BAC. Such conduct constitutes being guilty of abusing liquor or drugs to such a degree as to render Scott Eric Talmage unfit to practice pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code, and/or not being of good moral character and habits and/or abusing liquor within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.
- (3) Scott Eric Talmage did, on or about July 25, 2005, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Scott Eric Talmage lied to Board agents about the details and severity of his arrest for OMVI. Scott Eric Talmage admitted to Board agents that he lied due to fear of not being permitted to take the NAPLEX examination if he did not minimize his 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 paragraphs (2) and (3) of the Findings of Fact constitute being not of good moral character and habits as provided in paragraph (C) of Rule 4729-5-04 of the Ohio Administrative Code.

## DECISION OF THE BOARD

Pursuant to Section 4729.07 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves, after February 1, 2006, the Application For Examination As A Pharmacist, submitted by Scott Eric Talmage on May 27, 2005.

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

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: \_\_\_\_\_

CERTIFIED MAIL/Return Receipt  
7001 0360 0002 4139 4422

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

WTW/lf

cc: Sally Ann Steuk, Assistant Attorney General