



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-050811-016)

In The Matter Of:

COLLEEN MEGAN GARLICK
8305 Rollinghitch Court, #13
Maineville, Ohio 45039
(Pharmacy Intern No. 06-0-03856)

INTRODUCTION

THE MATTER OF COLLEEN MEGAN GARLICK CAME FOR HEARING ON MAY 8, 2006, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE R. EASTMAN, R.Ph. (presiding); ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; AND JAMES E. TURNER, R.Ph.

COLLEEN MEGAN GARLICK WAS REPRESENTED BY DAVID W. GRAUER. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witness

1. Ann Abele, R.Ph., Ohio State Board of Pharmacy

Respondent's Witness

1. Colleen Garlick, Respondent

State's Exhibits

1. Notice of Opportunity For Hearing letter [08-11-05]
- 1A-1D. Procedurals
2. Blue Ash Police Department Traffic Citation No. 04 95623 4 [02-29-04]; Intoxilyzer 5000 Subject Test Form [02-29-04]
3. Journal Entry, State of Ohio vs. Colleen M. Garlick, Case No. C-04-TRC-8814B, Hamilton County Municipal Court [08-25-04]
4. Hamilton County Probation Violation Citation No. 80C 62658 [01-10-05]
5. Hamilton County Forensic Laboratory Drug Screen Report [01-26-05]
6. Journal Entry [02-04-05]
7. Letter from Colleen Garlick [02-14-05]
8. Facsimile from David Kiser, Hamilton County Probation Department [02-15-05]
9. Notarized Statement of David Kiser [03-15-05]
10. Renewal Application For Intern License for Colleen Megan Garlick [08-30-04]
11. Computer E-mail letter from Colleen Garlick to Ann Abele [02-19-05]
12. Computer E-mail letter from Colleen Garlick to Ann Abele [02-21-05]

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Respondent's Exhibits

- A. The Talbert House Driver Intervention Program letter from Ms. W. Hillman [04-12-06]; Assessment Results for Colleen Garlick [09-19-04]
- B. The Crossroads Center Certificate of Completion [07-07-05]; Letter from Shirley A. Middleton, MSW, LSW, CCDCIIE [04-26-06]
- C. Letter from David Kiser, Hamilton County Probation Officer [05-02-06]
- D. Drug Screen Reports [09-02-04 to 10-21-05]
- E. Four Letters of Recommendation [03-14-06 to 04-10-06]
- F. Rotation Evaluations [06-27-05 to 03-06-06]
- G. Resume of Colleen Garlick, Pharm. D. Candidate
- H. Computer E-mail letter between Colleen Garlick and Ann Abele [02-19-05 and 02-21-05]
- I. List of Projects completed by Colleen Garlick [not dated]

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 Colleen Megan Garlick was originally licensed by the State of Ohio as a Pharmacy Intern on June 17, 2002.
- (2) Colleen Megan Garlick was, on or about August 24, 2004, convicted of Operating a Vehicle while under the Influence of Alcohol and/or Drugs in violation of Section 4511.19 of the Ohio Revised Code, a misdemeanor of the first degree. State of Ohio v Colleen M. Garlick, Case No. 04 TRC 8814, Hamilton County Municipal Court. Colleen Megan Garlick was placed on probation, and was subsequently given additional sanctions for having been found guilty of violating her probation on February 4, 2005. Such conduct indicates that Colleen Megan Garlick is guilty of gross immorality within the meaning of Section 4729.16 of the Ohio Revised Code.
- (3) Colleen Megan Garlick did, on or about August 30, 2004, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Colleen Megan Garlick indicated on her pharmacy intern application that she had not been charged with a crime when in fact she had been convicted of a violation of Section 4511.19 of the Ohio Revised Code. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.
- (4) Colleen Megan Garlick did, on or about January 26, 2005, knowingly possess and use a controlled substance when the conduct was not in accordance with Chapters 3719, 4729., and 4731. of the Ohio Revised Code, to wit: Colleen Megan Garlick tested positive for having consumed cocaine. Colleen Megan Garlick admitted her conduct to her probation officer and the court, and she admitted to a Board agent to having used cocaine on two occasions. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute not being of good moral character and habits as provided in paragraph (C) of Rule 4729-5-04 of the Ohio Administrative Code.
- (2) The State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitutes abusing liquor or drugs as provided in paragraph (D) of Rule 4729-5-04 of the Ohio Administrative Code.
- (3) The State Board of Pharmacy concludes that paragraph (3) of the Findings of Fact constitutes committing fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under of provisions of Chapter 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised 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 denies Colleen Megan Garlick admission to the licensure examination for a period of six months.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-5/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 the filing of a Notice of Appeal with both the State Board of Pharmacy and 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: JUNE 7, 2006

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WTW/lf

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

cc: Sally Ann Steuk, Assistant Attorney General
David W. Grauer, Attorney for Respondent; Squire, Sanders and Dempsey L.L.P.; 1300
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