



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-931122-025)

In The Matter Of:

KALMAN PLOTNICK, R.Ph.
10852 Ponds Lane
Cincinnati, Ohio 45242-3206
(R.Ph. No. 03-2-04358)

INTRODUCTION

THE MATTER OF KALMAN PLOTNICK CAME TO HEARING ON APRIL 14, 1994, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH R. SABINO, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; WAYNE C. MILLER, R.Ph.; TIMOTHY D. MOORE, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

KALMAN PLOTNICK WAS REPRESENTED BY HARRY B. PLOTNICK, AND THE STATE OF OHIO WAS REPRESENTED BY GREGG THORNTON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Officer George Rudemiller, Cincinnati Police Department
- (2) Kalman Plotnick, Respondent

Respondent's Witnesses:

- (1) Kalman Plotnick, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Notice of Opportunity letter dated November 22, 1993.
- (2) Exhibit 1A - Hearing Request letter dated December 14, 1993.
- (3) Exhibit 1B - Hearing Schedule letter dated December 20, 1993.
- (4) Exhibit 1C - Pharmacist File Front Sheet of Kalman Plotnick showing original date of registration as July 18, 1949; and Renewal Application for Pharmacist License No. 03-2-04358, for a license to practice pharmacy in Ohio from September 15, 1993, to September 15, 1994, of Kalman Plotnick dated August 11, 1993.

- (5) Exhibit 2 - Two-page facsimile copy of Cincinnati Police Department Evidence Log Book dated from July 28, 1992, to August 11, 1992.
- (6) Exhibit 3 - Certified Journal Entry in the Hamilton County Municipal Court, Case No. 92CRB26980, of Kalman Plotnick dated from August 6, 1992, to November 30, 1992.

Respondent's Exhibits:

- (1) Exhibit A - Supplement to Renewal Application of Kalman Plotnick; copy of Cincinnati Police Department Arrest and Investigation Report of Kalman Plotnick, date of arrest August 6, 1992; and Ohio State Board of Pharmacy Notification of Incomplete Application for Renewal Form of Kalman Plotnick dated August 17, 1993.

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 Kalman Plotnick was originally licensed in the state of Ohio on July 18, 1949, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.
- (2) Kalman Plotnick was, on or about October 15, 1992, convicted in the Hamilton County Municipal Court of a violation of Section 4729.51(A) of the Ohio Revised Code, a misdemeanor of the first degree. Kalman Plotnick was sentenced to pay a fine of \$250.00.

CONCLUSION OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes having been convicted of a misdemeanor related to, or committed in, the practice of pharmacy as provided in Division (A)(4) 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 hereby places Kalman Plotnick's identification card on probation for one year, effective as of the date of the mailing of this Order. The terms of probation are as follows:

- (1) Kalman Plotnick must not violate the drug laws of the state of Ohio, any other state, or the federal government;
- (2) Kalman Plotnick must abide by the rules of the State Board of Pharmacy; and
- (3) Kalman Plotnick must comply with the terms of this Order.

Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of pharmacy hereby declares that Kalman Plotnick's pharmacist identification card is not in good standing and thereby denies the privilege of being

a preceptor and training pharmacy interns for one year, effective as of the date of the mailing of this Order.

Kalman Plotnick may not serve as a responsible pharmacist for twelve months, effective as of the date of the mailing of this Order.

Kalman Plotnick is hereby advised that 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 shall revoke probation for any violation of the terms of this Order occurring during the probation period.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.