



## OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor  
Columbus, Ohio 43266-0320  
Telephone: 614/466-4143

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THE STATE BOARD OF PHARMACY  
(Docket No. D-910426-068)

In The Matter Of:

ERNEST WAYNE COFFY, R.Ph.  
4596 Hattrick Rd.  
Rootstown, Ohio 44272  
(R.Ph. No. 03-2-05701)

### INTRODUCTION

THE MATTER OF ERNEST WAYNE COFFY CAME TO HEARING ON JUNE 26, 1991 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH R. SABINO, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; METTA LOU HENDERSON, R.Ph.; NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; ROBERT VALENTINE, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

ERNEST WAYNE COFFY WAS REPRESENTED BY MELVIN R. HAWK, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Ernest Wayne Coffy, Respondent
- (2) Scott William Bumpas, Bumpas Drug

Respondent's Witnesses:

- (1) Barbara Coffy
- (2) Zia Malik, Summit Drugs dba Drugs Plus

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated April 26, 1991.
- (2) Exhibit B - Hearing Request letter dated May 20, 1991.
- (3) Exhibit C - Hearing Schedule letter dated May 29, 1991.
- (4) Exhibit 1 - Pharmacist File Front Sheet of Ernest Wayne Coffy showing original date of licensure as August 4, 1954.
- (5) Exhibit 2 - Renewal Application for Pharmacist License of Ernest Wayne Coffy dated July 25, 1990.

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- (6) Exhibit 3 - Copy of two-page Investigative Report from Lt. D. H. Drumm, Jr., Police Dept., Tallmadge, Ohio of Ernest Coffy; and copy of newspaper article of Ernest Coffy from the Tallmadge Express November, 1989.
- (7) Exhibit 4 - Copy of six-page transcript from Lt. D. H. Drumm, Jr., Police Dept., Tallmadge, Ohio of Ernest Coffy dated April 9, 1991.
- (8) Exhibit 5 - Certified copy of Journal Entry from the Court of Common Pleas, County of Summit, of Ernest Coffy, Case No. CR 89 06 1096; and Certified copy of Indictment and Order of Ernest Coffy, Cr. Case No. 89-06-1096.
- (9) Exhibit 6 - Two-page letter from Ernest Wayne Coffy dated July 23, 1990.

Respondent's Exhibits:

- (1) Exhibit A - Cover letter from Melvin R. Hawk for hearing date June 26, 1991 with enclosures: Copy of two-page letter from Ernest Coffy dated July 23, 1990; Copy of Judgment Entry of Bumpas Drug Company, Inc. vs. Ernest Coffy, Case No. 89 CV 1236, in the Court of Common Pleas, Portage County, filed August 8, 1990; Copy of check to Bumpas Drug Co. for \$30,000.00 dated April 23, 1991; three pages of I.R.S. records of Ernest W. & Barbara N. Coffy; letter from Jeffrey D. Bachtel, M.D. dated June 17, 1991; letter from Pastor Phil Hulgin dated June 18, 1991; letter from Larry Wright not dated; and letter from Lori Cantor dated June 17, 1991.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board indicate that Ernest Wayne Coffy was originally licensed in the state of Ohio on August 4, 1954, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.
- (2) From the evidence presented, the State Board of Pharmacy finds that Ernest Wayne Coffy did, on or about May 30, 1989, and on continuous dates immediately preceding, while practicing pharmacy at Bumpas Drug Company, 10 Tallmadge Circle, Tallmadge, Ohio 44278, with the purpose to deprive, knowingly obtain money from another without consent, the value of which exceeds five thousand dollars (\$5,000.00), to wit: since 1982, Ernest Wayne Coffy stole approximately two hundred thousand dollars (\$200,000.00) from his employer, the Bumpas Drug Company. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that Ernest Wayne Coffy was, on or about October 18, 1989, convicted in the Common Pleas Court of Summit County, Ohio, of Theft in violation of Section 2913.02 of the Ohio Revised Code, a felony of the fourth degree. After serving approximately eight months in prison, Ernest Wayne Coffy was released on parole.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) and (3) of the Findings Of Fact constitutes being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) and (3) 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.

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-2-05701, held by Ernest Wayne Coffy:

(A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of two thousand five hundred dollars (\$2,500.00), due and owing within thirty (30) days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed form.

(B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Ernest Wayne Coffy for five years.

(C) Further, the Board will suspend the five-year suspension and place the identification card on probation for five years provided that Ernest Wayne Coffy:

- (1) does not violate the drug laws of the state of Ohio, any other state, or the federal government;
- (2) abides by the rules of the State Board of Pharmacy; and
- (3) complies 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 Ernest Wayne Coffy's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns for a period of five years.

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The Board further stipulates that Ernest Wayne Coffy may not serve as a responsible pharmacist during this five-year period.

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

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 Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in 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 the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

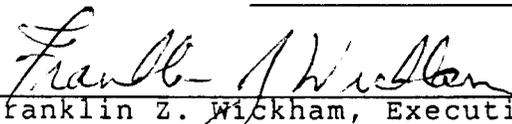
BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL  
Return Receipt  
#P 497 578 936

ORDER MAILED: AUGUST 16, 1991

FZW/sl

By

  
Franklin Z. Wickham, Executive Director

cc: Ronda Anderson, Assistant Attorney General  
Melvin R. Hawk, Attorney for Respondent; 1003 Society Building;  
Akron, Ohio 44308