



# OHIO STATE BOARD OF PHARMACY

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-Equal Opportunity Employer and Service Provider-

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-991207-036)

In The Matter Of:

**NEWTON R. STANDEN. R.Ph.**

3509 Marks Road

Medina, Ohio 44258

(R.Ph. No. 03-2-06815)

### INTRODUCTION

THE MATTER OF NEWTON R. STANDEN CAME TO HEARING ON MARCH 7, 2000, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT B. CAVENDISH, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

NEWTON R. STANDEN WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Paul J. Kover, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Newton R. Standen, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1—Copy of four-page Order of the State Board of Pharmacy, Docket No. D-990323-042, effective June 17, 1999.
- (2) Exhibit 1A—Copy of letter from Joseph M. Lahovich, R.Ph., dated November 22, 1999, with attached one-page copy of the same letter and a check.

- (3) Exhibit 1B—Copy of Hearing Request letter dated December 2, 1999.
- (4) Exhibit 1C—Copy of Hearing Schedule letter dated December 7, 1999.
- (5) Exhibit 1D—Copy of three-page Notice of Opportunity for Hearing letter dated March 23, 1999.
- (6) Exhibit 1E—Copy of letter from Newton R. Standen dated April 2, 1999, with attached copy of Page 2 of Notice of Opportunity.
- (7) Exhibit 1F—Copy of Pharmacist File Front Sheet of Newton Reese Standen showing original date of registration as July 31, 1958, and two-page copy of Renewal Application for Pharmacist License, No. 03-2-06815, for a license to practice pharmacy in Ohio from September 15, 1998, to September 15, 1999, of Newton R. Standen dated August 7, 1998.
- (8) Exhibit 2—Copy of eight-page transcript of interview of Newton R. Standen by Pharmacy Board agents Paul J. Kover and Carl N. Frost on June 22, 1998.
- (9) Exhibit 3—Copy of two-page memo from Joseph M. Lahovich dated May 4, 1998.
- (10) Exhibit 4—Copy of Signature Log Verification report from Acme Pharmacy #72 for the period March 7, 1998, through March 25, 1998.
- (11) Exhibit 5—Two-page copy of Security Office report of the Fred W. Albrecht Grocery Company dated March 26, 1998, signed by Newton R. Standen and dated March 25, 1998.
- (12) Exhibit 6—Copy of handwritten statement of Newton R. Standen dated March 25, 1998.
- (13) Exhibit 7—Copy of handwritten statement of Newton R. Standen dated June 22, 1998.
- (14) Exhibit 8—Copy of Journal Entry in the Summit County Court of Common Pleas, State of Ohio vs. Newton Reese Standen, Case No. CR 98-03-0802, dated November 24, 1998.
- (15) Exhibit 9—Copy of Board agent documentation of a conversation with Detective Adrian D. Johnson of the Akron Police Department.

Respondent's Exhibits:

- (1) None

#### ACTION OF THE BOARD

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 hereby denies the reinstatement petition of Newton R. Standen.

Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Newton R. Standen may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during suspension.

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

MOTION CARRIED.

SO ORDERED.



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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-990323-042)

In The Matter Of:

**NEWTON R. STANDEN, R.Ph.**

3509 Marks Road

Medina, Ohio 44258

(R.Ph. No. 03-2-06815)

### INTRODUCTION

THE MATTER OF NEWTON R. STANDEN, R.Ph. CAME FOR CONSIDERATION ON MAY 3, 1999, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH J. MASLAK, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

NEWTON R. STANDEN WAS NOT PRESENT, NOR WAS HE REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Paul Kover, R.Ph.; Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1—Copy of three-page Notice of Opportunity for Hearing letter dated March 23, 1999.
- (2) Exhibit 1A—Response to Notice of Opportunity for Hearing with attachment signed by Newton R. Standen and dated April 2, 1999.

- (3) Exhibit 1B—Copy of Pharmacist File Front Sheet of Newton Reese Standen showing original date of registration as July 31, 1958, and two-page copy of Renewal Application for Pharmacist License, No. 03-2-06815, for a license to practice pharmacy in Ohio from September 15, 1998, to September 15, 1999 of Newton R. Standen dated August 7, 1998.
- (4) Exhibit 2—Copy of nine pages numbered 3 through 11 showing transcript of interview of Newton R. Standen by Pharmacy Board agents Paul J. Kover and Carl N. Frost on June 22, 1998.
- (5) Exhibit 3—Copy of two-page memo from Acme Pharmacy dated May 4, 1998, and signed by Joseph M. Lahovich.
- (6) Exhibit 4—Copy of signature log verification from Acme Pharmacy #72 for the period March 7, 1998, through March 25, 1998.
- (7) Exhibit 5—Copy of two-page security office report of the Fred W. Albrecht Grocery Company dated March 26, 1998, signed and dated by Newton R. Standen on March 25, 1998.
- (8) Exhibit 6—Copy of handwritten statement of Newton R. Standen signed and dated March 25, 1998.
- (9) Exhibit 7—Copy of handwritten statement of Newton R. Standen signed and notarized on June 22, 1998.
- (10) Exhibit 8—Copy of Journal Entry in the Summit County Court of Common Pleas, State of Ohio vs. Newton Reese Standen, Case No. CR 98-03-0802, dated November 25, 1998.
- (11) Exhibit 9—Copy of page two of Agent Investigation Report documenting conversation with Detective Adrian D. Johnson of the Akron Police Department dated April 2, 1998.

Respondent's Exhibits:

- (1) None

FINDINGS OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witness, and weighed his credibility, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the Board of Pharmacy indicate that Newton R. Standen was originally licensed in the state of Ohio on July 31, 1958, pursuant to examination, and his license to practice pharmacy in the state of Ohio lapsed on September 15, 1998.
- (2) On or about March 25, 1998, and dates preceding, Newton R. Standen, with purpose to deprive the owner of property or services, knowingly obtain or exert control over the property beyond the scope of the express or implied consent of the owner, to wit: Newton R. Standen admittedly stole approximately \$3,000.00 in cash from Acme Pharmacy #72. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (3) On or about May 22, 1998, Newton R. Standen pled guilty to Theft, a violation of Section 2913.02 of the Ohio Revised Code (felony of the fifth degree). State of Ohio vs. Newton Reese Standen, Case

No. CR-98-03-0802, Summit County Common Pleas Court. On November 28, 1998, after successfully completing the Prosecutor's Diversionary Program, the indictment was dismissed.

- (4) On or about April 2, 1998, Newton R. Standen knowingly made a false statement, or knowingly swore or affirmed the truth of a false statement previously made, when the statement was made with purpose to mislead a public official in performing the public official's function, to wit: in an interview with a detective of the Akron Police Department, Newton R. Standen denied stealing money from his employer when in fact he had been stealing. His conduct in knowingly making a false statement during an official investigation is in violation of Section 2921.13(A)(5) of the Ohio Revised Code.

#### CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (3) of the Findings of Fact constitutes being guilty of a felony 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 paragraphs (2) and (4) 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.

#### ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Newton R. Standen:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-2-06815, held by Newton R. Standen and such suspension is effective as of the date of the mailing of this Order.
- (B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-2-06815, held by Newton R. Standen and such suspension is effective as of the date of the mailing of this Order.
- (C) Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Newton R. Standen may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs while his license is under active suspension.
- (D) Further, Newton R. Standen may appear before the Board to petition for reinstatement of his identification card, No. 03-2-06815, anytime after Newton R. Standen submits evidence to the

Board that restitution of \$3,000.00 has been paid to Acme Pharmacy #72, 1553 Plaza Boulevard, Akron, Ohio 44320.

Newton R. Standen is hereby advised that Division (B) of Section 4729.16 of the Ohio Revised Code provides: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and license to the office of the state board of pharmacy within ten days after receipt of notice of such action." The wall certificate and identification card should be forwarded by certified mail, return receipt requested.

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

MOTION CARRIED.

SO ORDERED.