
OHIO STATE BOARD OF PHARMACY

THE STATE BOARD OF PHARMACY
(Docket No. D-890131-090)

In The Matter Of:

GEORGE SERTICK, R.Ph.
884 Hemlock Lane
Sagamore Hills, Ohio 44067
(Identification No. 03-2-07124)

INTRODUCTION

THE MATTER OF GEORGE SERTICK CAME TO HEARING ON JUNE 29, 1989 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JEROME WIESENHAHN, R.Ph. (pre-siding); GERALD CLOUSE, R.Ph.; NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; AND ROBERT VALENTINE, R.Ph.

GEORGE SERTICK WAS REPRESENTED BY DAVID J. YOUNG AND DAVID GRAUER, AND THE STATE OF OHIO WAS REPRESENTED BY STEVE DLOTT AND LAUREN ROSS, ASSISTANT ATTORNEYS GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Chris Reed - Board of Pharmacy
- (2) Tamara Hacker - Respondent
- (3) George Sertick - Respondent

Respondent's Witnesses:

- (1) Wayne Korte
- (2) Franklin Z. Wickham - Board of Pharmacy
- (3) James E. Tudor

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter for Rite Aid Discount Pharmacy #1350 dated January 31, 1989.
- (2) Exhibit B - Notice of Opportunity letter for Tamara L. Hacker, R.Ph. dated January 31, 1989.
- (3) Exhibit C - Notice of Opportunity letter for George Sertick, R.Ph. dated January 31, 1989.
- (4) Exhibit D - Request for Hearing letter dated February 3, 1989.
- (5) Exhibit E - Hearing Schedule letter dated February 6, 1989.

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- (6) Exhibit F - Waiver of any technical objections to the hearing date or notice period dated February 10, 1989.
- (7) Exhibit G - Request for Continuance dated February 23, 1989.
- (8) Exhibit H - Letter acknowledging receipt of request for a continuance.
- (9) Exhibit I - Hearing Schedule letter dated March 15, 1989.
- (10) Exhibit J - Notification of change in hearing site letter dated March 20, 1989.
- (11) Exhibit K - Motion and Entry for a Continuance dated March 27, 1989.
- (12) Exhibit L - Hearing Schedule letter dated March 29, 1989.
- (13) Exhibit M - Request for Continuance for June 29, 1989 Hearing.
- (14) Exhibit N - Motion to Withdraw Respondents' Motion for Continuance.
- (15) Exhibit 1 - Application for Terminal Distributor of Dangerous Drug License showing Tamara Hacker as responsible pharmacist.
- (16) Exhibit 2 - Annual Renewal Applications for Tamara Hacker.
- (17) Exhibit 3 - DEA #41 dated March 23, 1988.
- (18) Exhibit 4 - One bottle Flurazepam Hydrochloride 15mg capsules.
- (19) Exhibit 5 - Authorization for Destruction of drugs for George Sertick dated July 30, 1987.
- (20) Exhibit 6 - Letter from Charles P. Olender, Jr., Resident Agent in Charge from the Drug Enforcement Administration dated February 7, 1989.
- (21) Exhibit 16 - Pages 44 and 45 of the Drug Laws of Ohio showing Ohio Administrative Code Rule 4729-9-06.

Respondent's Exhibits:

- (1) Exhibit 3 - George Sertick's procedures for DEA destruction.

FINDING OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that on or about March 23, 1988, at Rite Aid Discount Pharmacy #1350, 5463 Manchester Road, Akron, Ohio 44319, George Sertick did make a false statement in writing in a report or return which is required by law, Ohio Administrative Code Rule 4729-9-06, to wit: George Sertick did falsely complete a drug destruction form, DEA Form 41. Such conduct is prohibited by Section 2921.13 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in the Finding Of Fact constitutes dishonesty or unprofessional conduct in the practice of pharmacy, within the meaning of Section 4729.16(A)(2) of the Ohio Revised Code.

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- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in the Finding Of Fact constitutes willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of the provisions of Chapter 4729. of the Revised Code, within the meaning of Section 4729.16(A)(5) of the Ohio Revised Code.

ORDER

Based on the Board's determination that the aforementioned Finding Of Fact and Conclusions Of Law constitute minor violations of the Ohio Revised Code, it is the Board's belief that while any offense is a serious matter, a written warning is sufficient to protect the public health, safety, and welfare and to ensure that future violations will not occur.

Pursuant to Section 4729.25 of the Ohio Revised Code, George Sertick is hereby WARNED to desist from all future violations of the Ohio Revised Code.

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

MOTION CARRIED.

SO ORDERED.