
OHIO STATE BOARD OF PHARMACY JOURNAL

THE OHIO STATE BOARD OF PHARMACY

vs

ALEX T. FOTE, R.Ph.
5954 Deanmont Place
Dayton, Ohio 45459

THE MATTER OF ALEX T. FOTE CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON WEDNESDAY, SEPTEMBER 23, 1987. MOTIONS WERE MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

- (1) On October 9, 1986, Alex T. Fote was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.
- (2) As demonstrated by return receipt of October 11, 1987, Alex T. Fote received the letter of October 9, 1987 informing him of the allegations regarding the late renewal of his pharmacist identification card, and his rights.
- (3) Alex T. Fote has not responded in any manner to the letter of October 9, 1987, and has not requested a hearing in this matter.
- (4) From the evidence presented, the State Board of Pharmacy finds that Alex T. Fote failed to renew his identification card on the fifteenth day of September, 1984 as required by Section 4729.12 of the Ohio Revised Code, for 1985, when he did not renew until October 12, 1984.
- (5) From the evidence presented, the State Board of Pharmacy finds that Alex T. Fote failed to renew his identification card on the fifteenth day of September, 1986 as required by Section 4729.12 of the Ohio Revised Code, for 1987, when he did not renew until October 8, 1986.
- (6) From the evidence presented, the State Board of Pharmacy finds that Alex T. Fote did dispense and sell dangerous drugs while not being a registered pharmacist during the lapsed dates of his pharmacist license, in violation of the provisions of Section 4729.28 of the Ohio Revised Code.

Conclusion Of Law

- (1) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (4) through (6) of the Findings Of Fact constitutes willful violations of the provisions of Chapter 4729. of the Ohio Revised Code, and is prohibited by Section 4729.16(A)(5) of the Ohio Revised Code.

OHIO STATE BOARD OF PHARMACY JOURNAL

- (12) The State Board of Pharmacy finds that Maude A. Wolfe was found in violation of Sections 4729.12 and 4729.28 of the Revised Code by the Ohio State Board of Pharmacy on or about February 26, 1985.
- (13) The State Board of Pharmacy finds that Maude A. Wolfe, or employees of the corporation, did cause the misbranding of drugs held for sale, in that samples of Fioricet were obtained from an unknown pharmaceutical representative and removed from their original containers. Such conduct is prohibited by Sections 3715.52(B) and 3719.81(A)(2) of the Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (5) through (10), and (13) of the Findings Of Fact constitutes willful violations of the provisions of Chapters 2925., 3715., 3719., and 4729. of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (6) through (9) of the Findings Of Fact constitutes permitting someone other than a pharmacist or pharmacy intern to practice pharmacy.
- (3) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (10) and (11) of the Findings Of Fact constitutes unprofessional conduct in the practice of pharmacy.

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby imposes a monetary penalty of one thousand dollars (\$1,000.00), 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, 65 S. Front Street, Room 504, Columbus, Ohio 43266-0320, with the enclosed form.

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

MOTION CARRIED.

SO ORDERED.