
OHIO STATE BOARD OF PHARMACY JOURNAL

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-911218-084)

In The Matter Of:

JON R. MARTIN, R.Ph.
143 Town Street
Gahanna, Ohio 43230
(R.Ph. No. 03-2-07422)

Introduction

THE MATTER OF JON R. MARTIN CAME TO HEARING ON JUNE 25, 1992 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: BETTY J. NICHOL, R.Ph. (presiding); METTA LOU HENDERSON, R.Ph.; PAUL F. LAMPING, R.Ph.; NORMAN D. LEIBOW, R.Ph.; TIMOTHY D. MOORE, R.Ph.; RUTH A. PLANT, R.Ph.; AND JOSEPH R. SABINO, R.Ph.

JON MARTIN WAS REPRESENTED BY R. WILLIAM MEEKS AND SAMUEL H. SHAMANSKY, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON AND AVA SERRANO, ASSISTANT ATTORNEYS GENERAL.

Summary Of Evidence

(A) Testimony

State's Witnesses:

- (1) Detective Bill Folwarczny, Columbus Police Department
- (2) William Padgett, Ohio State Board of Pharmacy
- (3) Jon R. Martin, Respondent (called as witness, but asserted 5th Amendment right)
- (4) Trena Swetnam

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Amended Notice of Opportunity letter for Jon R. Martin dated January 2, 1992.
- (2) Exhibit B - Amended Notice of Opportunity letter for Roger Pharmacy dated January 2, 1992.
- (3) Exhibit C - Hearing Request letter dated January 15, 1992.
- (4) Exhibit D - Hearing Schedule letter dated January 23, 1992.
- (5) Exhibit E - Amended Notice of Opportunity letters for Jon R. Martin and Roger Pharmacy sent to defense attorney on March 25, 1992.
- (6) Exhibit F - Continuance Request letter regarding Jon R. Martin dated April 15, 1992; and letter regarding Roger Pharmacy dated April 15, 1992.
- (7) Exhibit G - Hearing Schedule letter dated April 27, 1992.
- (8) Exhibit H - Hearing Schedule letter dated May 4, 1992.

OHIO STATE BOARD OF PHARMACY JOURNAL

- (9) Exhibit 1 - Pharmacist File Front Sheet of Jon R. Martin showing original date of registration by Reciprocity on April 6, 1961.
- (10) Exhibit 1A - Two-page Application for Registration as a Distributor of Dangerous Drugs of Roger Pharmacy signed June 8, 1988; three renewal applications for Annual License as a Terminal Distributor of Dangerous Drugs of Roger Pharmacy for the years of 1989, 1990, and 1991.
- (11) Exhibit 2 - Copy of Record of Exempt Narcotics Sold at Roger Pharmacy for patient Bob Fankell on June 23, 1990 and June 24, 1990.
- (12) Exhibit 3 - Copy of Record of Exempt Narcotics Sold at Roger Pharmacy for patient Bob Fankell on October 1, 1990 and October 2, 1990.
- (13) Exhibit 4 - Copy of Record of Exempt Narcotics Sold at Roger Pharmacy for patient John Robertson on September 10, 1990 and September 11, 1990.
- (14) Exhibit 5 - Copy of Record of Exempt Narcotics Sold at Roger Pharmacy for patient Trena Swetnam on October 11, 1990 and October 12, 1990.
- (15) Exhibit 5A - Tax Insurance Summary of prescriptions billed for patient Trena Swetnam from August 16, 1990 through April 6, 1990.
- (16) Exhibit 6 - Copy of Record of Exempt Narcotics Sold at Roger Pharmacy for patient Trena Swetnam on October 31, 1990 and Lisa Mathews (aka Trena Swetnam) on November 1, 1990.
- (17) Exhibit 7 - Copy of Record of Exempt Narcotics Sold at Roger Pharmacy for patient Anthony Bango on March 2, 1989 and March 3, 1989.
- (18) Exhibit 8 - Copy of Record of Exempt Narcotics Sold at Roger Pharmacy for patient Anthony Bango on June 20, 1989 and June 21, 1989.
- (19) Exhibit 8A - Two-page Tax Insurance Summary of prescriptions billed for patient Tony Bango from February 27, 1989 through January 25, 1991.
- (20) Exhibit 9 - Copy of Record of Exempt Narcotics Sold at Roger Pharmacy for patient Timothy Conrad on June 26, 1989 and June 27, 1989.
- (21) Exhibit 10 - Copy of Record of Exempt Narcotics Sold at Roger Pharmacy for patient Timothy Conrad on April 10, 1989 and April 11, 1989.
- (22) Exhibit 12A - Narcotic & Poison Register book of Roger Pharmacy dated from October 30, 1988 to February 20, 1989.
- (23) Exhibit 12B - Narcotic & Poison Register book of Roger Pharmacy dated from February 20, 1989 to May 23, 1989.
- (24) Exhibit 12C - Narcotic & Poison Register book of Roger Pharmacy dated from May 24, 1989 to October 27, 1989.
- (25) Exhibit 12D - Narcotic & Poison Register book of Roger Pharmacy dated from October 29, 1989 to February 6, 1990.
- (26) Exhibit 12E - Narcotic & Poison Register book of Roger Pharmacy dated from February 11, 1990 to November 18, 1990.
- (27) Exhibit 12F - Narcotic & Poison Register book of Roger Pharmacy dated from November 19, 1990 to February 15, 1991.
- (28) Exhibit 13 - Two-page Tax Insurance Summary of prescriptions billed for patient Ralph Thurston from December 9, 1989 to May 3, 1991.
- (29) Exhibit 16 - Five-page copy of the State of Ohio, Franklin County vs. Robert C. Fankell, Indictment for: Limitation on Exemptions, 5 Counts, Case No. 91CR-02-896 dated February 19, 1991.
- (30) Exhibit 18 - Three-page copy of the State of Ohio, Franklin County vs. John E. Robertson, Indictment for: Limitation on Exemptions, 1 Count, Case No. 91CR.10-5789 dated October 8, 1991.
- (31) Exhibit 19 - Copy of Entry of Guilty Plea of John E. Robertson, Case No. 91CR-10-5789 in the Court of Common Pleas, Franklin County, Ohio dated February 24, 1992.
- (32) Exhibit 20 - Two-page copy of Journal Entry of John E. Robertson, Case No. 91CR-10-5789, in the Court of Common Pleas of Franklin County, Ohio, Criminal Division dated April 6, 1992.

OHIO STATE BOARD OF PHARMACY JOURNAL

- (33) Exhibit 21 - Four-page copy of the State of Ohio, Franklin County vs. Phillip H. Collins, Indictment for: Limitation on Exemptions, 3 Counts, Case No. 90CR-05-2696, dated June 26, 1990.
- (34) Exhibit 22 - Five-page copy of the State of Ohio, Franklin County vs. Phillip H. Collins, Indictment for: Limitation on Exemptions, 4 Counts, Case No. 90CR-07-3549, dated July 24, 1990.
- (35) Exhibit 23 - Five-page copy of the State of Ohio, Franklin County vs. Phillip H. Collins, Indictment for: Limitation on Exemptions, 4 Counts, Case No. 90CR-10-5317, dated October 25, 1990.
- (36) Exhibit 24 - Copy of Entry of Guilty Plea of Phillip H. Collins, Case No. 90CR-07-3549, in the Court of Common Pleas, Franklin County, Ohio dated November 16, 1990.
- (37) Exhibit 25 - Copy of Entry of Guilty Plea of Phillip H. Collins, Case No. 90CR-10-5317, in the Court of Common Pleas, Franklin County, Ohio dated November 16, 1990.
- (38) Exhibit 26 - Two-page copy of Journal Entry in the Court of Common Pleas, Franklin County, Ohio, Criminal Division, State of Ohio vs. Phillip Collins, Case No. 90CR-10-5317, dated November 30, 1990.
- (39) Exhibit 27 - Two-page copy of Journal Entry in the Court of Common Pleas, Franklin County, Ohio, Criminal Division, State of Ohio vs. Phillip Collins, Case No. 90-CR-07-3549, dated December 21, 1990.
- (40) Exhibit 28 - Two-page copy of Journal Entry in the Court of Common Pleas, Franklin County, Ohio, Criminal Division, State of Ohio vs. Phillip Collins, Case No. 90-CR-10-5317, dated December 21, 1990.
- (41) Exhibit 29 - Two-page copy of Journal Entry in the Court of Common Pleas, Franklin County, Ohio, Criminal Division, State of Ohio vs. Phillip Collins, Case No. 90-CR-05-2696, dated December 21, 1990.
- (42) Exhibit 30 - Copy of Journal Entry in the Court of Common Pleas, Franklin County, Ohio, Criminal Division, Release Due to Imprisonment, State of Ohio vs. Phillip Collins, Case No. 90CR-10-5317, dated March 12, 1991.

Respondent's Exhibits:

- (1) None

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board indicate that Jon R. Martin was originally licensed in the state of Ohio on April 6, 1961, pursuant to reciprocity, and is the Responsible Pharmacist at Roger Pharmacy, 83 N. Stygler Rd., Gahanna, Ohio 43230, pursuant to Sections 4729.55 and 4729.27 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that Jon R. Martin did, on or about June 24, 1990, dispense or sell, under the exemptions of Section 3719.15 of the Revised Code to one person, a preparation included in such section, when he knew or could have by reasonable diligence ascertained that such dispensing or selling would provide the person within forty-eight consecutive hours with more than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Jon R. Martin sold two preparations of Dihistine DH, a schedule V controlled substance, to Bob Fankell within a forty-eight hour period, the first being on June 23, 1990, and the second being on June 24, 1990. Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.

OHIO STATE BOARD OF PHARMACY JOURNAL

- (3) From the evidence presented, the State Board of Pharmacy finds that Jon R. Martin did, on or about October 2, 1990, dispense or sell, under the exemptions of Section 3719.15 of the Revised Code to one person, a preparation included in such section, when he knew or could have by reasonable diligence ascertained that such dispensing or selling would provide the person within forty-eight consecutive hours with more than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Jon R. Martin sold two preparations of Novahistine DH, a schedule V controlled substance, to Bob Fankell within a forty-eight hour period, the first being on October 1, 1990, and the second being on October 2, 1990. Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.
- (4) From the evidence presented, the State Board of Pharmacy finds that Jon R. Martin did, on or about September 11, 1990, dispense or sell, under the exemptions of Section 3719.15 of the Revised Code to one person, a preparation included in such section, when he knew or could have by reasonable diligence ascertained that such dispensing or selling would provide the person within forty-eight consecutive hours with more than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Jon R. Martin sold two preparations of Terpin Hydrate with Codeine, a schedule V controlled substance, to John Robertson within a forty-eight hour period, the first being on September 10, 1990, and the second being on September 11, 1990. Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.
- (5) From the evidence presented, the State Board of Pharmacy finds that Jon R. Martin did, on or about October 12, 1990, dispense or sell, under the exemptions of Section 3719.15 of the Revised Code to one person, a preparation included in such section, when he knew or could have by reasonable diligence ascertained that such dispensing or selling would provide the person within forty-eight consecutive hours with more than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Jon R. Martin sold two preparations of Terpin Hydrate with Codeine, a schedule V controlled substance, to Trena Swetnam aka Lisa Mathews within a forty-eight hour period, the first being on October 11, 1990, and the second being on October 12, 1990. Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.
- (6) From the evidence presented, the State Board of Pharmacy finds that Jon R. Martin did, on or about November 1, 1990, dispense or sell, under the exemptions of Section 3719.15 of the Revised Code to one person, a preparation included in such section, when he knew or could have by reasonable diligence ascertained that such dispensing or selling would provide the person within forty-eight consecutive hours with more than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Jon R. Martin sold two preparations of Terpin Hydrate with Codeine, a schedule V controlled substance, to Trena Swetnam aka Lisa Mathews within a forty-eight hour period, the first being on October 31, 1990, and the second being on November 1, 1990. Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.
- (7) From the evidence presented, the State Board of Pharmacy finds that Jon R. Martin did, on or about March 3, 1989, dispense or sell, under the exemptions of Section 3719.15 of the Revised Code to one person, a preparation

OHIO STATE BOARD OF PHARMACY JOURNAL

included in such section, when he knew or could have by reasonable diligence ascertained that such dispensing or selling would provide the person within forty-eight consecutive hours with more than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Jon R. Martin sold two preparations of Cheracol, a schedule V controlled substance, to Anthony Bango within a forty-eight hour period, the first being on March 2, 1989, and the second being on March 3, 1989. Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.

- (8) From the evidence presented, the State Board of Pharmacy finds that Jon R. Martin did, on or about June 21, 1989, dispense or sell, under the exemptions of Section 3719.15 of the Revised Code to one person, a preparation included in such section, when he knew or could have by reasonable diligence ascertained that such dispensing or selling would provide the person within forty-eight consecutive hours with more than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Jon R. Martin sold two preparations of Cheracol, a schedule V controlled substance, to Anthony Bango within a forty-eight hour period, the first being on June 20, 1989, and the second being on June 21, 1989. Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.
- (9) From the evidence presented, the State Board of Pharmacy finds that Jon R. Martin did, on or about June 27, 1989, dispense or sell, under the exemptions of Section 3719.15 of the Revised Code to one person, a preparation included in such section, when he knew or could have by reasonable diligence ascertained that such dispensing or selling would provide the person within forty-eight consecutive hours with more than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Jon R. Martin sold two preparations of Cheracol, a schedule V controlled substance, to Timothy Conrad within a forty-eight hour period, the first being on June 26, 1989, and the second being on June 27, 1989. Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.
- (10) From the evidence presented, the State Board of Pharmacy finds that Jon R. Martin did, on or about April 11, 1989, dispense or sell, under the exemptions of Section 3719.15 of the Revised Code to one person, a preparation included in such section, when he knew or could have by reasonable diligence ascertained that such dispensing or selling would provide the person within forty-eight consecutive hours with more than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Jon R. Martin sold two preparations of Cheracol, a schedule V controlled substance, to Timothy Conrad within a forty-eight hour period, the first being on April 10, 1989, and the second being on April 11, 1989. Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.
- (11) From the evidence presented, the State Board of Pharmacy finds that Jon R. Martin did, on or about the following dates, knowingly sell a controlled substance in amounts less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on the following dates, Jon R. Martin sold 127 separate preparations of codeine-based exempt narcotics, schedule V controlled substances, to Ralph Thurston for no legitimate medical purpose:

OHIO STATE BOARD OF PHARMACY JOURNAL

02-13-91	12-13-90	10-14-90	08-11-90	03-03-90
02-11-91	12-11-90	10-12-90	08-09-90	02-18-90
02-08-91	12-09-90	10-10-90	08-05-90	01-31-90
02-06-91	12-08-90	10-08-90	08-02-90	01-25-90
02-04-91	12-07-90	10-06-90	07-30-90	01-16-90
02-01-91	12-02-90	09-27-90	07-14-90	01-09-90
01-30-91	11-30-90	09-25-90	07-12-90	12-23-89
01-28-91	11-28-90	09-23-90	07-08-90	12-12-89
01-25-91	11-26-90	09-21-90	07-04-90	12-03-89
01-22-91	11-24-90	09-19-90	07-01-90	11-23-89
01-17-91	11-21-90	09-15-90	06-28-90	11-18-89
01-15-91	11-17-90	09-12-90	06-24-90	11-07-89
01-13-91	11-15-90	09-10-90	06-20-90	10-31-89
01-11-91	11-13-90	09-08-90	06-16-90	10-06-89
01-09-91	11-11-90	09-03-90	06-12-90	10-03-89
01-06-91	11-08-90	09-01-90	05-21-90	09-08-89
01-04-91	11-05-90	08-30-90	05-16-90	09-04-89
01-02-91	11-03-90	08-28-90	05-12-90	08-14-89
12-31-90	11-01-90	08-26-90	05-07-90	06-28-89
12-28-90	10-30-90	08-24-90	05-03-90	06-20-89
12-26-90	10-28-90	08-22-90	04-27-90	06-09-89
12-23-90	10-26-90	08-20-90	04-13-90	04-28-89
12-21-90	10-24-90	08-18-90	04-07-90	04-05-89
12-19-90	10-20-90	08-16-90	03-27-90	02-20-89
12-17-90	10-18-90	08-14-90	03-19-90	01-26-89
12-15-90	10-16-90			

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

- (12) From the evidence presented, the State Board of Pharmacy finds that Jon R. Martin did, on or about the following dates, knowingly sell a controlled substance in amounts less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on the following dates, Jon R. Martin sold 133 separate preparations of codeine-based exempt narcotics, schedule V controlled substances, to Vicki Spies for no legitimate medical purpose:

02-14-91	01-03-91	11-25-90	10-17-90	09-04-90
02-12-91	12-30-90	11-23-90	10-15-90	09-02-90
02-09-91	12-26-90	11-21-90	10-13-90	08-31-90
02-07-91	12-24-90	11-19-90	10-11-90	08-29-90
02-05-91	12-22-90	11-16-90	10-09-90	08-27-90
02-02-91	12-20-90	11-14-90	10-07-90	08-25-90
01-31-91	12-18-90	11-12-90	10-05-90	08-23-90
01-29-91	12-16-90	11-10-90	10-03-90	08-21-90
01-26-91	12-14-90	11-06-90	09-26-90	08-19-90
01-23-91	12-12-90	11-04-90	09-24-90	08-17-90
01-20-91	12-10-90	11-02-90	09-22-90	08-15-90
01-16-91	12-08-90	10-31-90	09-20-90	08-12-90
01-14-91	12-06-90	10-29-90	09-17-90	08-10-90
01-12-91	12-04-90	10-27-90	09-13-90	08-04-90
01-10-91	12-01-90	10-23-90	09-11-90	08-01-90
01-08-91	11-29-90	10-21-90	09-09-90	07-28-90
01-05-91	11-27-90	10-19-90	09-07-90	07-16-90

OHIO STATE BOARD OF PHARMACY JOURNAL

07-09-90	04-23-90	12-08-89	09-09-89	05-01-89
07-06-90	04-18-90	11-30-89	08-25-89	04-10-89
06-29-90	04-12-90	11-19-89	08-19-89	04-02-89
06-25-90	03-22-90	11-14-89	08-12-89	03-23-89
06-19-90	03-05-90	11-03-89	07-31-89	03-01-89
06-14-90	02-04-90	10-30-89	06-26-89	02-10-89
06-10-90	01-27-90	10-20-89	06-16-89	02-01-89
05-17-90	01-10-90	10-09-89	06-01-89	12-18-88
05-10-90	12-26-89	09-23-89	05-17-89	12-01-88
05-04-90	12-21-89	09-15-89		

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

- (13) From the evidence presented, the State Board of Pharmacy finds that Jon R. Martin did, on or about the following dates, knowingly sell a controlled substance in amounts less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on the following dates, Jon R. Martin sold 23 separate preparations of codeine-based exempt narcotics, schedule V controlled substances, to Phil Collins for no legitimate medical purpose:

10-13-90	09-27-90	09-09-90	08-15-90	05-21-90
10-09-90	09-23-90	09-04-90	07-13-90	04-28-90
10-07-90	09-20-90	08-30-90	07-08-90	04-08-90
10-02-90	09-16-90	08-23-90	07-04-90	
09-29-90	09-13-90	08-19-90	06-16-90	

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

- (14) From the evidence presented, the State Board of Pharmacy finds that Jon R. Martin did, on or about the following dates, knowingly sell a controlled substance in amounts less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on the following dates, Jon R. Martin sold 34 separate preparations of codeine-based exempt narcotics, schedule V controlled substances, to Trena Swetnam aka Lisa Mathews aka Trene School for no legitimate medical purpose:

<u>Date/Name Used</u>	<u>Date/Name Used</u>	<u>Date/Name Used</u>
02-02-91 / Swetnam	11-10-90 / Swetnam	10-01-90 / Mathews
01-22-91 / Swetnam	11-03-90 / Mathews	09-29-90 / Swetnam
01-15-91 / Swetnam	11-01-90 / Mathews	09-25-90 / Mathews
01-11-91 / Swetnam	10-31-90 / Swetnam	09-22-90 / Swetnam
01-04-91 / Swetnam	10-28-90 / Swetnam	09-17-90 / Mathews
12-28-90 / Swetnam	10-24-90 / Swetnam	09-13-90 / Swetnam
12-24-90 / Swetnam	10-20-90 / Mathews	09-07-90 / Swetnam
12-14-90 / Swetnam	10-17-90 / Swetnam	09-01-90 / Swetnam
12-07-90 / Swetnam	10-12-90 / Swetnam	08-28-90 / Swetnam
11-29-90 / Swetnam	10-11-90 / Swetnam	08-25-90 / Swetnam
11-24-90 / Swetnam	10-06-90 / School	08-22-90 / Swetnam
11-17-90 / Swetnam		

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

OHIO STATE BOARD OF PHARMACY JOURNAL

- (15) From the evidence presented, the State Board of Pharmacy finds that Jon R. Martin did, on or about the following dates, knowingly sell a controlled substance in amounts less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on the following dates, Jon R. Martin sold 93 separate preparations of codeine-based exempt narcotics, schedule V controlled substances, to Anthony Bango for no legitimate medical purpose:

02-03-91	07-17-90	12-04-89	06-17-89	03-25-89
12-29-90	07-02-90	11-26-89	06-12-89	03-21-89
12-18-90	06-18-90	11-22-89	06-10-89	03-09-89
12-15-90	05-17-90	11-03-89	06-07-89	03-03-89
12-10-90	05-13-90	10-23-89	06-03-89	03-02-89
12-05-90	04-30-90	10-08-89	05-28-89	02-25-89
12-02-90	04-22-90	10-06-89	05-22-89	02-22-89
11-21-90	04-08-90	09-28-89	05-17-89	02-18-89
11-15-90	04-02-90	19-24-89	05-02-89	02-03-89
11-11-90	03-21-90	09-21-89	04-25-89	01-29-89
11-07-90	03-05-90	09-04-89	04-19-89	12-26-88
11-05-90	02-13-90	09-01-89	04-15-89	12-12-88
10-30-90	01-22-90	07-14-89	04-12-89	12-01-88
10-24-90	01-17-90	07-10-89	04-09-89	11-30-88
10-06-90	01-09-90	07-06-89	04-06-89	11-28-88
10-01-90	01-02-90	06-28-89	04-03-89	11-07-88
09-17-90	12-17-89	06-25-89	03-30-89	11-04-88
08-31-90	12-14-89	06-21-89	03-27-89	11-02-88
07-30-90	12-10-89	06-20-89		

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

- (16) From the evidence presented, the State Board of Pharmacy finds that Jon R. Martin did, on or about the following dates, knowingly sell a controlled substance in amounts less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on the following dates, Jon R. Martin sold 157 separate preparations of codeine-based exempt narcotics, schedule V controlled substances, to Bob Fankell for no legitimate medical purpose:

02-12-91	12-16-90	10-27-90	09-06-90	07-03-90
02-09-91	12-12-90	10-23-90	09-01-90	06-30-90
02-01-91	12-09-90	10-19-90	08-30-90	06-27-90
01-27-91	12-03-90	10-17-90	08-28-90	06-24-90
01-24-91	11-30-90	10-05-90	08-25-90	06-23-90
01-18-91	11-26-90	10-02-90	08-22-90	06-20-90
01-15-91	11-23-90	10-01-90	08-19-90	06-17-90
01-12-91	11-18-90	09-29-90	08-16-90	06-14-90
01-10-91	11-16-90	09-24-90	08-12-90	06-11-90
01-08-91	11-13-90	09-21-90	08-09-90	05-19-90
01-05-91	11-11-90	09-18-90	08-05-90	05-16-90
12-29-90	11-09-90	09-15-90	08-01-90	05-15-90
12-26-90	11-06-90	09-13-90	07-28-90	05-12-90
12-23-90	11-03-90	09-10-90	07-10-90	05-09-90
12-19-90	10-29-90	09-08-90	07-07-90	05-05-90

OHIO STATE BOARD OF PHARMACY JOURNAL

05-03-90	02-03-90	08-30-89	07-04-89	04-25-89
05-01-90	01-27-90	08-26-89	07-02-89	04-22-89
04-28-90	01-16-90	08-23-89	06-28-89	04-17-89
04-22-90	01-13-90	08-21-89	06-24-89	04-12-89
04-15-90	01-06-90	08-18-89	06-20-89	04-06-89
04-08-90	12-31-89	08-13-89	06-16-89	04-01-89
03-03-90	11-30-89	08-11-89	06-12-89	03-29-89
02-17-90	11-25-89	08-07-89	06-07-89	03-22-89
02-03-90	11-23-89	07-31-89	06-05-89	03-19-89
01-27-90	11-19-89	07-08-89	06-03-89	03-15-89
01-16-90	11-16-89	07-04-89	05-27-89	03-11-89
01-13-90	11-11-89	07-02-89	05-25-89	03-06-89
01-06-90	11-03-89	06-28-89	05-20-89	02-15-89
12-31-89	09-16-89	06-24-89	05-07-89	02-12-89
12-27-89	09-14-89	07-31-89	05-03-89	02-07-89
12-23-89	09-09-89	07-08-89	04-29-89	02-01-89
12-09-89	09-02-89			

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

- (17) From the evidence presented, the State Board of Pharmacy finds that Jon R. Martin did, on or about the following dates, knowingly sell a controlled substance in amounts less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on the following dates, Jon R. Martin sold 75 separate preparations of codeine-based exempt narcotics, schedule V controlled substances, to Timothy Conrad for no legitimate medical purpose:

01-27-90	12-16-89	09-30-89	06-19-89	04-24-89
01-25-90	12-13-89	08-28-89	06-16-89	04-21-89
01-20-90	12-11-89	08-23-89	06-14-89	04-19-89
01-18-90	12-08-89	08-18-89	06-11-89	04-17-89
01-16-90	12-06-89	08-10-89	06-09-89	04-11-89
01-12-90	12-02-89	08-07-89	06-07-89	04-10-89
01-09-90	11-29-89	08-03-89	06-05-89	04-07-89
01-07-90	11-23-89	07-23-89	06-03-89	04-02-89
01-05-90	11-20-89	07-17-89	05-30-89	03-29-89
01-02-90	11-10-89	07-10-89	05-27-89	03-24-89
12-31-89	11-03-89	07-07-89	05-22-89	03-23-89
12-27-89	11-01-89	07-04-89	05-04-89	03-10-89
12-23-89	10-24-89	06-27-89	05-02-89	03-04-89
12-20-89	10-10-89	06-26-89	04-28-89	02-27-89
12-18-89	10-04-89	06-24-89	04-26-89	02-24-89

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

- (18) From the evidence presented, the State Board of Pharmacy finds that Jon R. Martin did, on or about the following dates, knowingly sell a controlled substance in amounts less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on the following dates, Jon R. Martin sold 88 separate preparations of codeine-based exempt narcotics, schedule V controlled substances, to John Robertson for no legitimate medical purpose:

OHIO STATE BOARD OF PHARMACY JOURNAL

02-10-91	11-14-90	09-28-90	07-07-90	12-01-89
02-03-91	11-11-90	09-25-90	07-02-90	11-19-89
01-30-91	11-09-90	09-20-90	06-25-90	11-13-89
01-26-91	11-07-90	09-18-90	06-10-90	09-15-89
01-24-91	11-05-90	09-14-90	05-12-90	09-09-89
01-12-91	11-03-90	09-11-90	05-08-90	08-26-89
01-07-91	10-30-90	09-10-90	04-27-90	08-11-89
01-04-91	10-28-90	09-07-90	04-14-90	07-01-89
12-31-90	10-26-90	09-05-90	04-04-90	06-23-89
12-29-90	10-24-90	08-30-90	03-04-90	06-15-89
12-18-90	10-21-90	08-27-90	02-14-90	06-04-89
12-12-90	10-19-90	08-25-90	02-01-90	05-16-89
12-03-90	10-17-90	08-22-90	01-28-90	05-03-89
11-30-90	10-15-90	08-18-90	01-02-90	04-29-89
11-27-90	10-13-90	08-16-90	12-29-89	04-22-89
11-22-90	10-11-90	08-13-90	12-16-89	03-05-89
11-20-90	10-07-90	08-10-90	12-09-89	01-23-89
11-18-90	10-03-90	08-07-90		

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

- (19) From the evidence presented, the State Board of Pharmacy finds that Jon R. Martin did, on or about the following dates, knowingly sell a controlled substance in amounts less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on the following dates, Jon R. Martin sold 27 separate preparations of codeine-based exempt narcotics, schedule V controlled substances, to James Swauger for no legitimate medical purpose:

01-09-90	02-17-90	01-02-91	01-14-91	02-13-91
01-20-90	02-19-90	01-05-91	02-15-91	01-18-91
01-27-90	03-01-90	01-07-91	02-01-91	01-22-91
02-01-90	12-23-90	01-09-91	02-07-91	01-27-91
02-11-90	12-26-90	01-11-91	02-09-91	02-11-91
02-15-90	12-31-90			

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

Conclusions Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (19) of the Findings Of Fact constitute being guilty of 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 paragraphs (2) through (19) 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.

OHIO STATE BOARD OF PHARMACY JOURNAL

- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (19) of the Findings Of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code as provided in Division (A)(5) 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 suspends the identification card, No. 03-2-07422, held by Jon R. Martin for twelve (12) months.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The 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 (Aye-6/Nay-0).

MOTION CARRIED.

SO ORDERED.