



OHIO STATE BOARD OF PHARMACY

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

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-910809-008)

In The Matter Of:

FRANCIS WAYNE TODD, R.Ph.
Marion Correctional Institution
P.O. Box 57
Marion, Ohio 43302
(R.Ph. No. 03-2-07783)

Introduction

THE MATTER OF FRANCIS WAYNE TODD CAME TO HEARING ON OCTOBER 23, 1991 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.; JOSEPH R. SABINO, R.Ph.; AND ROBERT W. VALENTINE, R.Ph.

FRANCIS WAYNE TODD WAS NOT PRESENT, NOR WAS HE REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

Summary Of Evidence

(A) Testimony

State's Witnesses:

- (1) Dale Fritz, Ohio State Board of Pharmacy
- (2) Tim Benedict, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated August 9, 1991.
- (2) Exhibit B - Hearing Request letter dated August 31, 1991.
- (3) Exhibit C - Hearing Schedule letter dated September 6, 1991.
- (4) Exhibit D - Continuance Request letter dated September 14, 1991.
- (5) Exhibit E - Hearing Schedule letter dated September 26, 1991.
- (6) Exhibit F - Continuance Request letter dated October 7, 1991.
- (7) Exhibit G - Motion For Continuance letter dated October 17, 1991.

pursuant to examination, and Francis Wayne Todd was the Responsible Pharmacist at The Medicine Shoppe Pharmacy, 824 State Street, Fremont, Ohio 43420, pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code between August 10, 1987 and May 31, 1989.

- (2) From the evidence presented, the State Board of Pharmacy finds that on March 7, 1989, the Board found:
- (a) Francis Wayne Todd did, between January 4, 1985 and September 18, 1985, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, with purpose to defraud, forge writings so that they purported to be genuine when they were actually spurious and/or utter writings which he knew to have been forged, to wit:
 - (i) Francis Wayne Todd forged and submitted fraudulent claims to Blue Cross and Blue Shield of Northern Ohio for reimbursement of 18 prescriptions during the time period of January 4, 1985 through September 18, 1985 when no drugs were dispensed or services actually rendered;
 - (ii) The prescription numbers that Francis Wayne Todd claimed payment for were not for drugs dispensed to him or family members covered by his major medical insurance;
 - (iii) Francis Wayne Todd did obtain remuneration by fraud, misrepresentation, and deception when Blue Cross and Blue Shield of Northern Ohio paid Mr. Todd \$258.16 for 11 of the 18 prescription claims he submitted for payment;
 - (iv) The remaining seven fraudulently submitted claims for \$220.03 were not paid for by Blue Cross and Blue Shield of Northern Ohio because the fraudulent claims were detected after Francis Wayne Todd was paid for the first 11 claims.

Such conduct is dishonest and constitutes "unprofessional conduct in the practice of pharmacy", and is prohibited by Sections 2913.02 and 2913.31 of the Ohio Revised Code.

- (b) Francis Wayne Todd, on or about January 15, 1987, entered a plea of No Contest to the offense of Attempted Forgery, as amended, in violation of Sections 2923.02 and 2913.31 of the Ohio Revised Code and being a misdemeanor in the first degree, and further entered a plea of No Contest to the offense of Petty Theft, in violation of Section 2913.02(A) of the Ohio Revised Code and being a misdemeanor of the first degree. On or about February 24, 1987 in the Court

- (j) Francis Wayne Todd did, on or about August 28, 1986, obtain drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.
- (k) Francis Wayne Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis Wayne Todd, on September 8, 1986, dispensed prescriptions without reimbursing his employer.
- (l) Francis Wayne Todd did, on or about September 8, 1986, obtain drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.
- (m) Francis Wayne Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis Wayne Todd, on September 10, 1986, dispensed prescriptions without reimbursing his employer for the drugs.
- (n) Francis Wayne Todd did, on or about September 10, 1986, obtain drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.
- (o) Francis Wayne Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis Wayne Todd, on September 11, 1986, dispensed prescriptions without reimbursing his employer.
- (p) Francis Wayne Todd did, on or about September 11, 1986, obtain drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.
- (q) Francis Wayne Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis Wayne Todd, on September 18, 1986, dispensed prescriptions without reimbursing his employer for the drugs.
- (r) Francis Wayne Todd did, on or about September 18, 1986, obtain drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.

- (bb) Francis Wayne Todd did, on or about November 26, 1986, obtain drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.
- (cc) Francis Wayne Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis Wayne Todd, on November 29, 1986, dispensed prescriptions without reimbursing his employer for the cost of the drugs.
- (dd) Francis Wayne Todd did, on or about November 29, 1986, obtain drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.
- (ee) Francis Wayne Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis Wayne Todd, on December 24, 1986, dispensed prescriptions without reimbursing his employer for the total cost of the drugs.
- (ff) Francis Wayne Todd did, on or about December 24, 1986, obtain drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.
- (gg) Francis Wayne Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis Wayne Todd, on January 14, 1987, dispensed prescriptions without reimbursing his employer for the cost of the drugs.
- (hh) Francis Wayne Todd did, on or about January 14, 1987, obtain drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.
- (ii) Francis Wayne Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis Wayne Todd, on February 11, 1987, dispensed prescriptions without reimbursing his employer for the cost of the drugs.
- (jj) Francis Wayne Todd did, on or about February 11, 1987, obtain drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.

- (3) From the evidence presented, the State Board of Pharmacy finds that, on March 7, 1989, the Board concluded that Francis Wayne Todd was guilty of a felony; gross immorality; dishonesty and unprofessional conduct in the practice of pharmacy; being convicted of a misdemeanor related to, or committed in, the practice of pharmacy; and willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Revised Code.
- (4) From the evidence presented, the State Board of Pharmacy finds that, pursuant to Section 4729.16 of the Ohio Revised Code, the Board took the following actions concerning Francis Wayne Todd's pharmacist license, No. 03-1-07783:
 - (a) The State Board of Pharmacy suspended Francis Wayne Todd's pharmacist identification card for three years.
 - (b) The State Board of Pharmacy imposed a monetary penalty of fifteen thousand dollars (\$15,000.00).
 - (c) Further, the Board suspended two years of the three-year suspension on the condition that Francis Wayne Todd:
 - (i) did not violate the drug laws of the state of Ohio, any other state, or the federal government; and
 - (ii) abide by the rules of the State Board of Pharmacy.
- (5) From the evidence presented, the State Board of Pharmacy finds that Francis Wayne Todd has failed to comply with the Order of the Board dated March 7, 1989, to wit: Francis Wayne Todd has failed to remit to the State of Ohio his monetary penalty of fifteen thousand dollars (\$15,000.00) which was imposed by the Board.
- (6) From the evidence presented, the State Board of Pharmacy finds that Francis Wayne Todd did, between August 10, 1987 and May 31, 1989, with the purpose to deprive, knowingly obtain property of another by deception, to wit: Francis Wayne Todd stole from his employer, Mike Frantz, an amount of money in excess of forty thousand dollars (\$40,000.00). Such conduct in is violation of Section 2913.02 of the Ohio Revised Code.
- (7) From the evidence presented, the State Board of Pharmacy finds that Francis Wayne Todd was, on or about January 4, 1991, convicted in the Sandusky County Common Pleas Court of Theft in violation of Section 2913.02 of the Ohio Revised Code, a felony of the third degree, and was sentenced to a period of incarceration of two years in the Ohio penal system.

FRANCIS WAYNE TODD, R.Ph.
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Order of the Board

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.

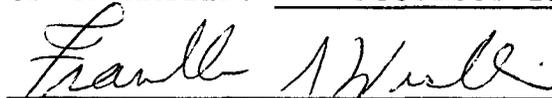
BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt
#P 497 578 958

ORDER MAILED: December 19, 1991

FZW/so

By


Franklin Z. Wickham, Executive Director

cc: Ronda Anderson, Assistant Attorney General



OHIO STATE BOARD OF PHARMACY

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

THE STATE BOARD OF PHARMACY
(Docket No. D-881024-016, 870828-010, and 880331-148)

In The Matter Of:

FRANCIS W. TODD, R.Ph.
127 Euclid Avenue
Bellevue, Ohio 44811

INTRODUCTION

THE MATTER OF FRANCIS W. TODD CAME TO HEARING ON DECEMBER 15, 1988 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JEROME WIESENHAHN, R.Ph. (presiding); NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; AND ROBERT VALENTINE, R.Ph.

FRANCIS W. TODD WAS NOT PRESENT NOR REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY CHRISTOPHER COSTANTINI, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Richard Rob - Blue Cross/Blue Shield
- (2) Anthony J. Savoka
- (3) Helen Savoka
- (4) James R. Tompkins - Bay Village Police Department
- (5) Robert Cole - Board of Pharmacy

Respondent's Witnesses:

(None)

(B) Exhibits

State's Exhibits:

- (1) Exhibit A-A - Citation Letter dated October 24, 1988.
- (2) Exhibit A-B - Request for Hearing dated November 8, 1988.
- (3) Exhibit A-C - Hearing schedule letter dated November 11, 1988.
- (4) Exhibit A-1 - Statement from F. Wayne Todd dated August 27, 1986.

FRANCIS W. TODD, R.Ph.

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- (5) Exhibit A-2 - Insurance claim forms in the name of Jon Todd.
- (6) Exhibit A-3 - Insurance claim forms in the name of Shirley A. Todd.
- (7) Exhibit A-4 - Insurance claim forms in the name of F. Wayne Todd.
- (8) Exhibit A-5 - Insurance claim forms in the name of F. Wayne Todd.
- (9) Exhibit A-6 - Insurance claim forms in the name of Shirley A. Todd & record of payment.
- (10) Exhibit A-7 - Insurance claim forms in the name of Jon S. Todd & record of payment.
- (11) Exhibit A-8 - Insurance claim forms in the name of F. Wayne Todd & record of payment.
- (12) Exhibit A-9 - Indictment from Lucas County Common Pleas Court.
- (13) Exhibit B-A - Notice of Opportunity Letter dated August 28, 1987.
- (14) Exhibit B-B - Request for hearing letter dated September 15, 1987.
- (15) Exhibit B-C - Hearing Schedule letter dated September 23, 1987.
- (16) Exhibit B-D - Request for Continuance letter dated January 7, 1988.
- (17) Exhibit B-E - Hearing Schedule letter dated February 2, 1988.
- (18) Exhibit B-1 - Prescription #33754.
- (19) Exhibit B-2 - Prescription #32159.
- (20) Exhibit B-3 - Prescription #33589.
- (21) Exhibit B-4 - Prescription #33749.
- (22) Exhibit B-5 - Register Tape for 7-9-86.
- (23) Exhibit B-6 - Employee Purchase Book.
- (24) Exhibit B-7 - Patient Profile I. Mizer.
- (25) Exhibit B-8 - Patient Profile T. Todd.
- (26) Exhibit B-9 - Patient Profile L. Mizer.
- (27) Exhibit B-10 - Patient Profile S. Todd.
- (28) Exhibit B-11 - Prescription #35250.
- (29) Exhibit B-12 - Prescription #35251.
- (30) Exhibit B-13 - Prescription #26344.
- (31) Exhibit B-14 - Register Tape for 8-6-86.
- (32) Exhibit B-15 - Prescription #22721.
- (33) Exhibit B-16 - Prescription #22723.
- (34) Exhibit B-17 - Prescription #32160.
- (35) Exhibit B-18 - Register Tape For 8-7-86.
- (36) Exhibit B-19 - Prescription #33587.
- (37) Exhibit B-20 - Prescription #33588.
- (38) Exhibit B-21 - Prescription #36497.
- (39) Exhibit B-22 - Prescription #31124.
- (40) Exhibit B-23 - Register Tape For 8-28-86.
- (41) Exhibit B-25 - Prescription #36993.
- (42) Exhibit B-26 - Register Tape For 9-8-86.
- (43) Exhibit B-27 - Prescription #37139.
- (44) Exhibit B-28 - Prescription #37140.
- (45) Exhibit B-29 - Prescription #37141.
- (46) Exhibit B-30 - Prescription #37137.
- (47) Exhibit B-31 - Prescription #37138.
- (48) Exhibit B-32 - Register Tape for 9-10-86.
- (49) Exhibit B-33 - Prescription #37247.
- (50) Exhibit B-34 - Register Tape for 9-11-86.

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- (51) Exhibit B-35 - Patient Profile of F.W. Todd.
- (52) Exhibit B-36 - Prescription #37590.
- (53) Exhibit B-37 - Prescription #37591.
- (54) Exhibit B-38 - Prescription #37592.
- (55) Exhibit B-39 - Register Tape for 9-18-86.
- (56) Exhibit B-40 - Patient Profile of H. Healey.
- (57) Exhibit B-41 - Prescription #38622.
- (58) Exhibit B-42 - Register Tape for 10-8-86.
- (59) Exhibit B-43 - Register Tape for 10-22-86.
- (60) Exhibit B-44 - Register Tape for 11-6-86.
- (61) Exhibit B-45 - Prescription #38113.
- (62) Exhibit B-46 - Register Tape for 11-12-86.
- (63) Exhibit B-47 - Prescription #41472.
- (64) Exhibit B-48 - Prescription #41473.
- (65) Exhibit B-49 - Prescription #41480.
- (66) Exhibit B-50 - Register Tape for 11-26-86.
- (67) Exhibit B-51 - Register Tape for 11-29-86.
- (68) Exhibit B-52 - Prescription #43399.
- (69) Exhibit B-53 - Register Tape for 12-24-86.
- (70) Exhibit B-54 - Register Tape for 1-14-87.
- (71) Exhibit B-55 - Prescription #46115.
- (72) Exhibit B-56 - Prescription #44179.
- (73) Exhibit B-57 - Register Tape for 2-11-87.
- (74) Exhibit B-58 - Prescription #39841.
- (75) Exhibit B-59 - Prescription #45352.
- (76) Exhibit B-60 - Prescription #43028.
- (77) Exhibit B-61 - Register Tape for 2-18-87.
- (78) Exhibit B-62 - Prescription #43773.
- (79) Exhibit B-63 - Prescription #47620.
- (80) Exhibit B-64 - Prescription #47624.
- (81) Exhibit B-65 - Register Tape for 03-11-87.
- (82) Exhibit C-A - Notice of Opportunity letter dated March 31, 1988.
- (83) Exhibit C-B - Request for Hearing letter dated April 15, 1988.
- (84) Exhibit C-C - Hearing Schedule letter dated April 15, 1988.
- (85) Exhibit C-D - Hearing Schedule letter dated September 1, 1988.
- (86) Exhibit C-E - Request for Continuance letter dated September 8, 1988.
- (87) Exhibit C-F - Hearing Schedule letter dated September 15, 1988.
- (88) Exhibit C-G - Hearing Schedule letter dated October 28, 1988.
- (89) Exhibit C-1 - Transcript of hearing held in Cuyahoga County Common Pleas Court on January 19, 1988.
- (90) Exhibit C-2 - Conviction.
- (91) Exhibit C-3 - Restitution check to Avellone Pharmacy.
- (92) Exhibit C-4 - 2 photos of Mr. Todd's car, 1 photo of Mr. Todd carrying items to his car, 1 adding machine tape, 2 vials of drugs, miscellaneous items taken from Avellone Pharmacy.

Respondent's Exhibits:

- (1) Exhibit 1 - Letter to withdraw request for hearing dated December 8, 1988.
- (2) Exhibit 2 - Letter from Robert J. Dupont dated April 13, 1988.

FRANCIS W. TODD, R.Ph.

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- (3) Exhibit 3 - Letter from John Stoner dated March 29, 1988.
- (4) Exhibit 4 - Letter from Michael McNulty dated April 14, 1988.
- (5) Exhibit 5 - Letter from Thomas L. Hildreth dated April 4, 1988.
- (6) Exhibit 6 - Letter from Charles D. Mack dated October 18, 1988.
- (7) Exhibit 7 - Letter form Charles E. Pritchard dated October 18, 1988.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, between January 4, 1985 and September 18, 1985, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, with purpose to defraud, forge writings so that they purported to be genuine when they were actually spurious and/or utter writings which he knew to have been forged, to wit:
 - (a) Francis W. Todd forged and submitted fraudulent claims with Blue Cross and Blue Shield of Northern Ohio for reimbursement for payment for 18 prescriptions during the time period January 4, 1985 through September 18, 1985, specifically prescription numbers 17519, 15749, 15749, 15750, 15750, 22725, 22725, 801026, 801027, 6679, 6807, 8296, 800996, 800997, 800996, 800997, 7110, and 7111, when no drugs were dispensed or services actually rendered;
 - (b) the prescription numbers that Mr. Todd claimed payment for were not for drugs dispensed to him or family members covered by his major medical insurance;
 - (c) Mr. Todd did obtain remuneration by fraud, misrepresentation, and deception when Blue Cross and Blue Shield of Northern Ohio paid Mr. Todd \$258.16 for 11 of the 18 prescription claims he submitted for payment;
 - (d) the remaining 7 fraudulently submitted claims for \$220.03 were not paid for by Blue Cross and Blue Shield of Northern Ohio because the fraudulent claims were detected after Mr. Todd was paid for the first 11 claims.

Such conduct is dishonest and constitutes "unprofessional conduct in the practice of pharmacy", and is prohibited by Sections 2913.02 and 2913.31 of the Ohio Revised Code.

- (2) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd, on or about January 15, 1987, entered a plea of No Contest to the offense of attempted forgery, as amended, in violation of Sections 2923.02 and 2913.31 of the Ohio Revised Code and being a misdemeanor in the first degree, and further entered a plea of No Contest to the offense of petty theft, in violation of Section 2913.02(A) of the Ohio Revised

Code and being a misdemeanor of the first degree. On or about February 24, 1987 in the Court of Common Pleas of Lucas County, Ohio, Mr. Todd was convicted of Attempted Forgery in violation of Section 2923.02 of the Ohio Revised Code as it relates to Section 2913.31 of the Ohio Revised Code, a misdemeanor of the first degree, and Theft in violation of Section 2913.02 of the Ohio Revised Code, a misdemeanor of the first degree. On or about February 26, 1987, Mr. Todd was sentenced to six months in the Toledo House of Corrections which was suspended. Francis W. Todd was placed on probation for one year and ordered to pay \$250.00 on each count he was convicted of, make restitution of \$258.16 to Blue Cross and Blue Shield of Northern Ohio, and pay costs of prosecution.

- (3) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis W. Todd, on July 9, 1986, dispensed the following prescriptions without reimbursing his employer for the drugs:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Cost</u>	<u>Patient</u>
33754	Symmetrel-100mg	100	\$42.97	I. Mizer
32159	Tegretol-200mg	100	\$28.80	T. Todd
32160	Tofranil-PM 150mg	30	\$40.60	I. Mizer
33589	Capoten-12.5mg	60	\$17.90	L. Mizer
33749	Calan-80mg	100	\$34.38	S. Todd

- (4) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, on or about July 9, 1986, obtain the following drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio: 100 tablets of Symmetrel-100mg, 100 tablets of Tegretol-200mg, 30 tablets of Tofranil-PM 150mg, 60 tablets of Capoten-12.5mg, and 100 tablets of Calan-80mg. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.

- (5) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis W. Todd, on August 6, 1986, dispensed the following prescriptions without reimbursing his employer for the drugs:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Cost</u>	<u>Patient</u>
35250	Micro-K 600mg	100	\$13.10	S. Todd
35251	Calan-120mg	100	\$47.54	S. Todd
26344	Procardia-10mg	100	\$32.85	I. Mizer

(6) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, on or about August 6, 1986, obtain the following drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio: 100 capsules of Micro-K 600mg, 100 tablets of Calan-120mg, and 100 capsules of Procardia-10mg. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.

(7) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis W. Todd, on August 7, 1986, dispensed the following prescriptions without reimbursing his employer for the drugs:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Cost</u>	<u>Patient</u>
22721	Premarin Vaginal Cr.	42.5gm	\$14.58	S. Todd
22723	Valisone 0.1%	45 gms	\$18.96	S. Todd
32159	Tegretol-200mg	100	\$28.80	T. Todd
32160	Tofranil-PM 150mg	30	\$42.83	T. Todd

(8) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, on or about August 7, 1986, obtain the following drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio: one tube of Premarin Vaginal Cream, one tube of Valisone 0.1%, 100 tablets of Tegretol-200mg, and 30 tablets of Tofranil-PM 150mg. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.

(9) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis W. Todd, on August 28, 1986, dispensed the following prescriptions without reimbursing his employer for the drugs:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Cost</u>	<u>Patient</u>
33587	Lanoxicaps-0.05mg	100	\$11.46	L. Mizer
33588	Calan-80mg	180	\$54.84	L. Mizer
36497	Micronase-2.5mg	100	\$22.39	L. Mizer
31124	Lasix-40mg	100	\$12.82	I. Mizer

(10) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, on or about August 28, 1986, obtain the following drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio: 100 capsules of Lanoxicaps-0.05mg, 180 tablets of Calan-80mg, 100 tablets of Micronase-2.5mg, and 100 tablets of Lasix-40mg. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.

- (11) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis W. Todd, on September 8, 1986, dispensed the following prescriptions without reimbursing his employer for the drugs:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Cost</u>	<u>Patient</u>
22721	Premarin Vaginal Cr.	42.5gm	\$14.58	S. Todd
22723	Valisone 0.1%	45gm	\$18.96	S. Todd
36993	Lozol 2.5 mg	100	\$43.01	S. Todd

- (12) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, on or about September 8, 1986, obtain the following drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio: one tube of Premarin Vaginal Cream, one tube of Valisone 0.1%, and 100 tablets of Lozol-2.5mg. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.

- (13) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis W. Todd, on September 10, 1986, dispensed the following prescriptions without reimbursing his employer for the drugs:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Cost</u>	<u>Patient</u>
37139	Tegretol-200mg	100	\$28.80	T. Todd
37140	Tofranil-100mg	50	\$49.97	T. Todd
37141	Ovral 28	1 cycle	\$15.49	T. Todd
37137	Entex-LA 400/75	20	\$ 7.94	I. Mizer
37138	Entex-LA 400/75	20	\$ 7.94	L. Mizer

- (14) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, on or about September 10, 1986, obtain the following drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio: 100 tablets of Tegretol-200mg, 50 tablets of Tofranil-100mg, one cycle of Ovral 28, and 40 tablets of Entex-LA 400/75. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.

- (15) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis W. Todd, on September 11, 1986, dispensed the following prescriptions without reimbursing his employer for the drugs:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Cost</u>	<u>Patient</u>
37247	Vasotec-10mg	100	\$67.71	F.W. Todd

- (16) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, on or about September 11, 1986, obtain the following drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio: 100 tablets of Vasotec-10mg. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.
- (17) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis W. Todd, on September 18, 1986, dispensed the following prescriptions without reimbursing his employer for the drugs:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Cost</u>	<u>Patient</u>
37590	Transderm Nitro 15	30	\$43.08	H. Healey
37591	Procardia-10mg	100	\$32.85	H. Healey
37592	Lanoxin-0.125mg	60	\$ 2.71	H. Healey

- (18) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, on or about September 18, 1986, obtain the following drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio: 30 Transderm Nitro 15 systems, 100 tablets of Procardia-10mg, and 60 tablets of Lanoxin-0.125mg. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.
- (19) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis W. Todd, on October 8, 1986, dispensed the following prescriptions without reimbursing his employer for the total cost of the drugs:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Cost</u>	<u>Patient</u>
37247	Vasotec-10mg	100	\$67.71	F. W. Todd
38622	Bumex-0.5mg	100	\$ 6.89	F. W. Todd
22723	Valisone 0.1% Cream	45gm	\$18.96	S. Todd

- (20) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, on or about October 8, 1986, obtain the following drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio: 100 tablets of Vasotec-10mg, 100 tablets of Bumex-0.5mg, and one tube of Valisone 0.1% Cream. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.
- (21) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis W. Todd, on October 22, 1986, dispensed the following prescriptions without reimbursing his employer for the total cost of the drugs:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Cost</u>	<u>Patient</u>
37139	Tegretol-200mg	100	\$28.80	T. Todd
37140	Tofranil-PM 100mg	50	\$49.97	T. Todd

(22) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, on or about October 22, 1986, obtain the following drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio: 100 tablets of Tegretol-200mg and 50 tablets of Tofranil-PM 100mg. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.

(23) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis W. Todd, on November 6, 1986, dispensed the following prescriptions without reimbursing his employer for the total cost of the drugs:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Cost</u>	<u>Patient</u>
37590	Transderm Nitro 15	30	\$43.08	H. Healey
37591	Procardia-10mg	100	\$31.27	H. Healey

(24) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, on or about November 6, 1986, obtain the following drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio: 30 Transderm Nitro 15 systems and 100 tablets of Procardia-10mg. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.

(25) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis W. Todd, on November 12, 1986, dispensed the following prescriptions without reimbursing his employer for the cost of the drugs:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Cost</u>	<u>Patient</u>
37247	Vasotec-10mg	100	\$67.71	F. W. Todd
38113	Micronase-5mg	60	\$26.74	F. W. Todd
38622	Bumex-0.5mg	100	\$18.47	F. W. Todd
22723	Valisone 0.1% Cream	45gm	\$18.96	S. Todd
35250	Micro K 600mg	100	\$13.10	S. Todd
35251	Calan-120mg	100	\$47.54	S. Todd

(26) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, on or about November 12, 1986, obtain the following drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio: 100 tablets of Vasotec-10mg, 60 capsules of Micronase-5mg, 100 tablets of Bumex-0.5mg, one tube of Valisone Cream 0.1%, 100 capsules of Micro K 600mg, and 100 tablets of Calan-120mg. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.

(27) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis W. Todd, on November 26, 1986, dispensed the following prescriptions without reimbursing his employer for the cost of the drugs:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Cost</u>	<u>Patient</u>
22721	Premarin Vaginal Cr	42.5gm	\$14.58	S. Todd
22723	Valisone 0.1% Cream	45gm	\$18.96	S. Todd
41472	Chronulac Syrup	960ml	\$43.36	S. Todd
41473	Clinoril-150mg	100	\$52.50	I. Mizer
41480	Mellaril Liquid	120ml	\$16.72	I. Mizer

(28) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, on or about November 26, 1986, obtain the following drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio: one tube of Premarin Vaginal Cream, one tube of Valisone 0.1% Cream, 960ml of Chronulac Syrup, 100 capsules of Clinoril-150mg, and 120ml of Mellaril Liquid. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.

(29) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis W. Todd, on November 29, 1986, dispensed the following prescriptions without reimbursing his employer for the cost of the drugs:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Cost</u>	<u>Patient</u>
37139	Tegretol-200mg	100	\$28.80	T. Todd
37140	Tofranil-PM 100mg	50	\$49.97	T. Todd

(30) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, on or about November 29, 1986, obtain the following drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio: 100 tablets of Tegretol-200mg and 50 tablets of Tofranil-PM 100mg. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.

- (31) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis W. Todd, on December 24, 1986, dispensed the following prescriptions without reimbursing his employer for the total cost of the drugs:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Cost</u>	<u>Patient</u>
37247	Vasotec-10mg	100	\$67.71	F. W. Todd
43399	Surfak-240mg	25	\$ 4.44	I. Mizer

- (32) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, on or about December 24, 1986, obtain the following drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio: 100 tablets of Vasotec-10mg and 25 capsules of Surfak-240mg. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.

- (33) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis W. Todd, on January 14, 1987, dispensed the following prescriptions without reimbursing his employer for the cost of the drugs:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Cost</u>	<u>Patient</u>
37590	Transderm Nitro 15	30	\$43.08	H. Healey
35250	Micro K 600mg	100	\$13.10	S. Todd
35251	Calan-120mg	100	\$47.54	S. Todd

- (34) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, on or about January 14, 1987, obtain the following drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio: 30 Transderm Nitro 15 systems, 100 capsules of Micro K 600mg, and 100 tablets of Calan-120mg. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.

- (35) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis W. Todd, on February 11, 1987, dispensed the following prescriptions without reimbursing his employer for the cost of the drugs:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Cost</u>	<u>Patient</u>
461115	Vasotec-10mg	100	\$67.71	F. W. Todd
37139	Tegretol-200mg	100	\$30.55	T. Todd
37140	Tofranil-PM 100mg	50	\$49.97	T. Todd
44179	Valisone 0.1% Cream	45gm	\$18.96	S. Todd

(36) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, on or about February 11, 1987, obtain the following drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio: 100 tablets of Vasotec-10mg, 100 capsules of Tegretol-200mg, 50 tablets of Tofranil-PM 100mg, and one tube of Valisone 0.1% Cream. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.

(37) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis W. Todd, on February 18, 1987, dispensed the following prescriptions without reimbursing his employer for the cost of the drugs:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Cost</u>	<u>Patient</u>
39841	Lopressor-50mg	90	\$28.14	H. Healey
45352	Procardia-10mg	100	\$31.27	H. Healey
43028	Calan-80mg	90	\$27.87	L. Mizer

(38) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, on or about February 18, 1987, obtain the following drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio: 90 tablets of Lopressor-50mg, 100 tablets of Procardia-10mg, and 90 tablets of Calan-80mg. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.

(39) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, while practicing pharmacy at Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, engage in dishonest conduct, to wit: Francis W. Todd, on March 11, 1987, dispensed the following prescriptions without reimbursing his employer for the cost of the drugs:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Cost</u>	<u>Patient</u>
35250	Micro K 600mg	100	\$13.10	S. Todd
35251	Calan-120mg	100	\$47.54	S. Todd
44179	Valisone 0.1% Cream	45gm	\$21.20	S. Todd
43773	Mellaril Liquid	118ml	\$17.32	I. Mizer
47620	Lanoxicaps-0.05mg	100	\$11.46	I. Mizer
47624	Synthroid-0.1mg	100	\$11.03	I. Mizer

(40) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, on or about March 11, 1987, obtain the following drugs without the consent or beyond the consent of the owner thereof, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio: 100 capsules of Micro K 600mg, 100 tablets of Calan-120mg, one tube of Valisone 0.1% Cream, 118ml of Mellaril Liquid, 100 capsules of Lanoxicaps-0.05mg, and 100 tablets of Synthroid-0.1mg. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.

- (41) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd did, on or about March 11, 1987, with purpose to deprive the owner of property, knowingly obtain and exert control over approximately \$214 worth of merchandise without the consent of the owner, Avellone Pharmacy, 27251 Wolf Road, Bay Village, Ohio, to wit: merchandise from Avellone Pharmacy was found in Francis W. Todd's car during the execution of a search warrant by Bay Village Police. Said merchandise had been taken from the pharmacy without payment by Mr. Todd.
- (42) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd, on or about December 23, 1987, was convicted in the Court of Common Pleas of Cuyahoga County, Ohio of Theft, a felony. Such conduct is prohibited by Section 2913.02(A) of the Ohio Revised Code.
- (43) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd, on or about December 23, 1987, was convicted in the Court of Common Pleas of Cuyahoga County, Ohio of Obtaining Dangerous Drugs By Theft, a felony. Such conduct is prohibited by Section 2925.21(A) of the Ohio Revised Code.
- (44) From the evidence presented, the State Board of Pharmacy finds that Francis W. Todd, on or about December 23, 1987, was convicted in the Court of Common Pleas of Cuyahoga County, Ohio of Possession of Criminal Tools, a felony. Such conduct is prohibited by Section 2923.24(A) 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 paragraphs (42) through (44) of the Findings Of Fact constitutes being guilty of a felony.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (44) of the Findings Of Fact constitutes gross immorality.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) and (3) through (41) of the Findings Of Fact constitutes dishonesty and unprofessional conduct in the practice of pharmacy.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph (2) of the Findings Of Fact constitutes conviction of a misdemeanor related to, or committed in, the practice of pharmacy.

FRANCIS W. TODD, R.Ph.

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Order of the Board

- (5) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (4), (6), (8), (10), (12), (14), (16), (18), (20), (22), (24), (26), (28), (30), (32), (34), (36), (38), and (40) of the Findings Of Fact constitutes willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the 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. 03-1-07783, held by Francis W. Todd:

(A) On the basis of paragraphs (1) through (4) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Francis W. Todd for three years.

(B) On the basis of paragraph (5) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of fifteen thousand dollars (\$15,000.00), 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, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed form.

(C) Further, the Board suspends two years of the three year suspension imposed in paragraph (A) above on condition that Francis W. Todd:

- (1) does not violate the drug laws of the state of Ohio, any other state, or the federal government; and
- (2) abides by the rules of the State Board of Pharmacy.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is ..., suspended, ..., 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.

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.

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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-596-092-726

ORDER MAILED: MARCH 7, 1989

FZW/pw

By

Franklin Z. Wickham
Franklin Z. Wickham, Executive Director

cc: Christopher Costantini, Assistant Attorney General