

THE STATE BOARD OF PHARMACY

VS

DAVID J. OSTERBERGER

03-2-08647

THE MATTER OF THE STATE BOARD OF PHARMACY VERSUS DAVID J. OSTERBERGER, DOCKET 6-5-1, WAS HEARD PURSUANT TO CHAPTER 119, REVISED CODE. UPON CONSIDERATION OF THE EVIDENCE ADDUCED AT THE HEARING, MOTION WAS MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

ORDER

1. THE STATE BOARD OF PHARMACY FINDS DAVID J. OSTERBERGER DID VIOLATE SECTION 4729.28, REVISED CODE, IN THAT ON SEPTEMBER 2, 1974, HE DID PERMIT A PERSON, OTHER THAN A PHARMACIST OR A PHARMACY INTERN UNDER THE PERSONAL SUPERVISION OF A PHARMACIST, TO PRACTICE PHARMACY.
2. THE STATE BOARD OF PHARMACY FINDS DAVID J. OSTERBERGER DID VIOLATE SECTION 4729.27, OHIO REVISED CODE, IN THAT ON SEPTEMBER 2, 1974, HE DID NOT HAVE A PHARMACIST, REGISTERED UNDER THE LAWS OF THIS STATE IN FULL AND ACTIVE CHARGE OF THE PHARMACY HE MANAGES AND CONDUCTS.
3. THE STATE BOARD OF PHARMACY FINDS UNDER SECTION 4729.99(C), REVISED CODE, WHOEVER VIOLATES SECTIONS 4729.27 OR 4729.28 OF THE REVISED CODE, SHALL BE FINED NOT LESS THAN ONE HUNDRED NOR MORE THAN THREE HUNDRED DOLLARS; FOR EACH SUBSEQUENT OFFENSE SUCH PERSON SHALL BE FINED NOT LESS THAN THREE HUNDRED NOR MORE THAN FIVE HUNDRED DOLLARS. EACH DAY'S VIOLATION CONSTITUTES A SEPARATE OFFENSE.
4. THE STATE BOARD OF PHARMACY FINES DAVID J. OSTERBERGER \$300.00 FOR VIOLATION OF SECTION 4729.28, REVISED CODE, AND SUSPENDS \$200.00 OF THE FINE.
5. THE STATE BOARD OF PHARMACY FINES DAVID J. OSTERBERGER \$300.00 FOR VIOLATION OF SECTION 4729.27, REVISED CODE, AND SUSPENDS \$200.00 OF THE FINE.

THIS MOTION WAS APPROVED BY A ROLL CALL VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.