

BEFORE THE OHIO STATE BOARD OF PHARMACY

(Docket No. D-930212-063)

In re:

Mark Vincent Coberly, R.Ph.  
Ohio Registered Pharmacist  
License No. 03-2-12837

CONSENT AGREEMENT

This Consent Agreement is entered into between the Ohio State Board of Pharmacy ("the Board") and Mark Vincent Coberly, R.Ph., ("Coberly") a licensee of the Board. In order to resolve charges in a Notice of Opportunity letter issued by the Board on February 12, 1993, on which charges Coberly has requested a hearing before the Board, and in order to obviate the need for such a hearing, the Board and Coberly agree as follows:

1. The Board and Coberly stipulate that Coberly is, and has been since May 4, 1979, a licensee of the Board.
2. The Board and Coberly stipulate that Coberly received a Notice of Opportunity letter, dated February 12, 1993, attached hereto as Exhibit A. It is understood by the Board and Coberly that no other charges or citations by the Board are pending against Coberly at this time.
3. The Board and Coberly stipulate that, in response to the Notice of Opportunity letter, Coberly requested a hearing before the Board.
4. The Board and Coberly stipulate that the Board has afforded Coberly an opportunity for a hearing.
5. The Board and Coberly stipulate, as part of this Consent Agreement, that Coberly hereby waives his opportunity for a full hearing.

6. With respect to the allegations contained in Paragraphs 2(a), 2(b), 2(c), 2(d), 2(e), 3(a), 4(a), 4(b), 5(a), 5(b), 6(a), 6(b), 6(c), 6(d), 6(e), 7(a), 7(b), 7(c), 7(d), 7(e), and 7(f) of the Notice of Opportunity letter, the Board and Coberly stipulate, solely for purposes of this proceeding, to a finding that Coberly engaged in conduct which constitutes unprofessional conduct in the practice of pharmacy within the meaning of Chapter 4729. of the Ohio Revised Code.

7. The Board and Coberly agree that, on the basis of the above stipulations, the Board will impose a sanction upon Coberly consisting of a fine of \$1,000.00 and probation for a period of Five (5) years from the date when this Agreement is accepted by the Board. During the period of his probation, Coberly shall not serve as a preceptor. If, during the terms of his probation, Coberly violates any of the laws or rules governing pharmacy practice, the Board may reinstitute its action against his license for alleged violations cited in the Notice of Opportunity letter dated February 12, 1993, and for any new violations.

8. This Consent Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies its terms.

9. Coberly waives any and all claims or causes of action his may have against the State of Ohio, the Board, and members, officers, employees and or agents of either, arising out of matters which are the subject of this Consent Agreement, including all claims for recovery of attorneys' fees.

10. This Consent Agreement shall be considered to be a public record as that term is used in §149.43, Ohio Revised Code.

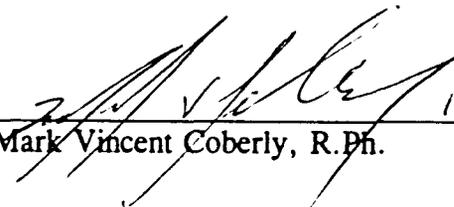
11. Upon consent of both parties, the terms and conditions of this Consent Agreement may be modified or terminated in writing.

12. This Agreement shall not become effective until it is approved by the Board at its meeting of October 25 - 29, 1993. If approved, the acceptance of this Agreement by the Board and Coberly will be entered into the Minutes of the Board. In the event that this Consent Agreement is not fully executed, this offer is withdrawn, and the terms of this Consent Agreement shall not be relied upon or introduced in any other civil or administrative action by either party.

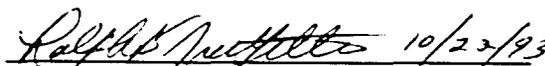
13. This Agreement will become effective upon the last date of signature, below.

OHIO STATE BOARD OF PHARMACY

  
10-25-93  
Joseph K. Sabino, President

  
10/21/93  
Mark Vincent Coberly, R.Ph.

  
Gregg Thornton, Assistant Attorney General  
Counsel for the Board  
10/25/93

  
10/23/93  
Ralph Breitfeller, Attorney at Law  
Counsel for Mark Vincent Coberly

RS/jac/Coberly