



03-2-15188

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65 S. FRONT STREET, ROOM 504 \* COLUMBUS, OHIO 43266-0320 \* 614/466-4143

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BEFORE THE STATE BOARD OF PHARMACY  
(Docket No. D-870209-120)

In The Matter Of:

BRIAN FOSTER JEWELL, R.Ph.  
3060 River Road  
Toledo, Ohio 43614

INTRODUCTION

THE MATTER OF BRIAN FOSTER JEWELL CAME TO HEARING ON JUNE 22, 1987 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: GERALD CLOUSE, R.Ph. (presiding); NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; ROBERT VALENTINE, R.Ph.; AND JEROME WIESENHAHN, R.Ph.

BRIAN FOSTER JEWELL WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY YVETTE MCGEE, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Exhibits

- (1) Exhibit #A - Notice of Opportunity dated February 9, 1987.
- (2) Exhibit #B - Request for hearing dated March 1, 1987.
- (3) Exhibit #C - Hearing schedule letter dated March 27, 1987.
- (4) Exhibit #D - Request for continuance dated April 14, 1987.
- (5) Exhibit #E - Hearing schedule letter dated April 20, 1987.
- (6) Exhibit #F - Application for Annual License Renewal as a pharmacist for 1986 received in office February 6, 1987.
- (7) Exhibit #G - Application for Annual License Renewal as a pharmacist for 1984 received in office October 3, 1983.
- (8) Exhibit #H - Rx#201640 filled 12/28/86; Rx#201626 filled 12/28/86; Rx#201657 filled 12/28/86; Rx#201625 filled 12/28/86.

Respondent's Exhibits

- (1) Exhibit #1 - Copy of Degree of Doctor of Medicine given to Brian Jewell on June 5, 1987.
- (2) Exhibit #2 - Letter dated June 9, 1987 from Lane Drug Company in reference to records of work schedule for 1983 being destroyed in a fire in 1985.

- (3) Exhibit #3 - Letter dated June 10, 1987 from Lane Drug Company in reference to hours worked in 1986.
- (4) Exhibit #4 - Voided Check Number 570 from the account of Brian F. Jewell dated November 30, 1986.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that Brian Foster Jewell 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 February 6, 1987.
- (2) From the evidence presented, the State Board of Pharmacy finds that Brian Foster Jewell failed to renew his identification card on the fifteenth day of September, 1983 as required by Section 4729.12 of the Ohio Revised Code, for 1984, when he did not renew until October 3, 1983.
- (3) From the evidence presented, the State Board of Pharmacy finds that Brian Foster Jewell 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 Revised Code.

CONCLUSION OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (3) of the Findings Of Fact constitutes willfully violating the provisions of Chapter 4729. of the Ohio Revised Code, and is prohibited by Section 4729.16(A)(5) of the Ohio Revised Code.

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following action concerning the pharmacist license, No. 03-2-15188, held by Brian Foster Jewell:

- (A) On the basis of the Conclusion Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of five hundred dollars (\$500.00).
- (B) Further, the Board will suspend four hundred dollars of the five-hundred dollar monetary penalty imposed in paragraph (A) above provided that Brian Foster Jewell:

BRIAN FOSTER JEWELL, R.Ph.  
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Order of the Board

- (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.

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.

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 fif-  
teen (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

ORDER ISSUED: August 21, 1987

FZW/sb

By

Franklin Z. Wickham  
Franklin Z. Wickham, Executive Director

cc: Yvette McGee, Assistant Attorney General