



## OHIO STATE BOARD OF PHARMACY

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

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THE STATE BOARD OF PHARMACY  
(Docket No. D-890920-045)

In The Matter Of:

DONALD L. ORLECK, JR., R.Ph.  
5700 Glenview Avenue  
Cincinnati, Ohio 45224  
(R.Ph. No. 03-2-15239)

### INTRODUCTION

THE MATTER OF DONALD L. ORLECK, JR. CAME TO HEARING ON JANUARY 22, 1990 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: TIMOTHY MOORE, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; NORMAN LEIBOW, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

DONALD L. ORLECK, JR. WAS REPRESENTED BY TIMOTHY A. HICKEY, AND THE STATE OF OHIO WAS REPRESENTED BY STEVE DLOTT, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) John W. Osborne - Thriftway Food & Drug

Respondent's Witnesses:

- (1) Donald L. Orleck, Jr. - Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated September 20, 1989.  
(2) Exhibit B - Request for Hearing letter dated October 6, 1989.  
(3) Exhibit C - Hearing Schedule letter dated October 17, 1989.  
(4) Exhibit 1 - Pharmacist Front Sheet for Donald Louis Orleck, Jr. showing original licensure date of August 10, 1983.  
(5) Exhibit 2 - Certified copy of Guilty Plea from the Hamilton County Court of Common Pleas, Case No. B-884323, for Donald L. Orleck, Jr.  
(6) Exhibit 3 - Copy of twenty-seven prescriptions.

- (7) Exhibit 4 - Notarized statement by Dr. Nathan R. Abrams, M.D. dated July 25, 1989 in reference to Sandra Rudd.
- (8) Exhibit 5 - Notarized statement by Dr. Nathan R. Abrams, M.D. dated July 25, 1989 in reference to Janice Orleck.
- (9) Exhibit 6 - Notarized statement by Dr. Harry J. Bingham, M.D. dated July 25, 1989.
- (10) Exhibit 7 - Statement by Donald Orleck dated June 17, 1988.

Respondent's Exhibits:

- (1) Exhibit 1 - Letter from Greg Watanabe, R.Ph. directed to Donald L. Orleck Jr., dated July 25, 1989.
- (2) Exhibit 2 - Letter from J. J. Mappes, R.Ph. dated January 18, 1990.
- (3) Exhibit 3 - Copy of Judgment Entry of Sentencing from the Hamilton County Court of Common Pleas, Case No. B-884323, for Donald Orleck.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate Donald L. Orleck, Jr. was originally licensed pursuant to examination on August 10, 1983.
- (2) From the evidence presented, the State Board of Pharmacy finds that Donald L. Orleck, Jr. was, on or about March 9, 1989, convicted in the Hamilton County Court of Common Pleas of three counts of Illegal Processing of Drug Documents in violation of Section 2925.23 of the Ohio Revised Code, felonies of the fourth degree.
- (3) From the evidence presented, the State Board of Pharmacy finds that Donald L. Orleck, Jr. did, between June 10, 1987 and June 1, 1988, with purpose to defraud, forge writings so that they purported to be the acts of another who did not authorize the acts, to wit: Donald L. Orleck, Jr. wrote the names of doctors Bingham and Abrams on prescriptions when the doctors did not authorize such writings. Such conduct is in violation of Section 2913.31(A)(2) of the Ohio Revised Code.
- (4) From the evidence presented, the State Board of Pharmacy finds that Donald L. Orleck, Jr. did, between June 10, 1987 and June 1, 1988, with the purpose to deprive, knowingly obtain control over money by deception, to wit: Donald L. Orleck, Jr. billed Sandra Rudd's insurance company for various prescriptions which were written not for her but for her father, E. William Rudd, when such was not insured. Such conduct is in violation of Section 2913.02(A)(3) 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 paragraph (2) of the Findings Of Fact constitutes being guilty of a felony 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 the conduct set forth in paragraphs (2) through (4) of the Findings Of Fact constitutes dishonesty and unprofessional conduct in the practice of pharmacy as provided in division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) 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 willfully violating 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.

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. 03-2-15239, held by Donald L. Orleck, Jr.:

(A) On the basis of paragraphs (1) and (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Donald L. Orleck, Jr. for twelve months, effective April 1, 1990.

(B) On the basis of paragraph (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of one thousand dollars (\$1,000.00), 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 will suspend eleven months of the twelve-month suspension imposed in paragraph (A) above and place the pharmacist identification card on probation for twelve months on the conditions that Mr. Orleck successfully completes the Jurisprudence examination offered by the Board. The Board further stipulates that Mr. Orleck may not serve as a responsible pharmacist during this twelve-month period.

Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Donald L. Orleck, Jr.'s pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns for a period of twelve months.

DONALD L. ORLECK, JR., R.Ph.  
Page Four  
Order of the Board

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 [effective date] ... 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.

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 497 578 680

ORDER MAILED: MARCH 19, 1990

FZW/pw

By   
Franklin Z. Wickham, Executive Director

cc: Steve Dlott, Assistant Attorney General  
Timothy A. Hickey, Attorney for Respondent, Hickey & Liebman,  
Attorneys At Law, 600 Gwynne Building, 602 Main Street,  
Cincinnati, Ohio 45202