



# OHIO STATE BOARD OF PHARMACY

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-970529-044)

In The Matter Of:

**FREDERICK STEPHEN ANGELO, R.Ph.**

P.O. Box 2517

Weirton, West Virginia 26062

(D.O.B. 7/10/59)

### INTRODUCTION

THE MATTER OF FREDERICK STEPHEN ANGELO CAME TO HEARING ON SEPTEMBER 9, 1997, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: AMONTE B. LITTLEJOHN, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; JOSEPH J. MASLAK, R.Ph.; AND RUTH A. PLANT, R.Ph.

FREDERICK STEPHEN ANGELO WAS REPRESENTED BY ROBERT J. D'ANNIBALLE, JR. AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) William Padgett, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Frederick Stephen Angelo, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Notice of Opportunity for Hearing letter dated May 29, 1997.
- (2) Exhibit 1A--Hearing Request letter dated June 9, 1997.
- (3) Exhibit 1B--Hearing Schedule letter dated June 17, 1997.
- (4) Exhibit 2--Four-page National Association of Boards of Pharmacy® Official Application for Transfer of Pharmaceutic Licensure™ to the state of Ohio of Frederick Stephen Angelo notarized on March 13, 1997.

- (5) Exhibit 3--Pharmacist File Front Sheet of Fred S. Angelo showing original date of registration as September 27, 1983.
- (6) Exhibit 4--Summary Suspension Order/Notice of Opportunity for Hearing letter of Fred S. Angelo dated October 28, 1992.
- (7) Exhibit 5--Three-page Order of the State Board of Pharmacy, Docket No. D-921028-020, in the matter of Fred S. Angelo dated May 5, 1993.

Respondent's Exhibits:

- (1) Exhibit A--Seventy-four-page copy of Transcript of Proceedings in the matter of Fred S. Angelo before the Ohio State Board of Pharmacy on March 12, 1993.
- (2) Exhibit B--Three-page copy of Order of the State Board of Pharmacy, Docket No. D-921028-020, in the matter of Fred S. Angelo dated May 5, 1993.
- (3) Exhibit C--Three-page copy of Order in the Circuit Court of Brooke County, West Virginia, Case No. 94-F-05 & 06, of Frederick Angelo dated July 5, 1994.
- (4) Exhibit D--Three-page copy of Order in the Circuit Court of Brooke County, West Virginia, Case No. 94-F-05 & 06, of Frederick Angelo dated March 7, 1996.
- (5) Exhibit E--Copy of letter from Hayden M. Greenlief, not dated; copy of letter from Andrew DiFonzo dated February 20, 1996; copy of letter from Gary Heaston dated February 12, 1996; copy of letter from James Makricostas dated February 26, 1996; copy of letter from Mary L. Davis dated February 27, 1996; and copy of letter from James R. Lee dated May 2, 1996.
- (6) Exhibit F--Three pages of copies consisting of nine certificates of continuing pharmaceutical education of Fred S. Angelo dated from February 9, 1995, through November 4, 1996.
- (7) Exhibit G--Four-page copy of Consent Agreement before the West Virginia Board of Pharmacy of Fred S. Angelo dated July 25, 1996.

#### FINDINGS OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the Board indicate that on or about March 17, 1997, Frederick Stephen Angelo submitted an Official Application for Transfer of Pharmaceutic Licensure to the state of Ohio.
- (2) Records further indicate that Frederick Stephen Angelo was originally licensed to practice pharmacy in the state of Ohio, pursuant to reciprocity, on September 27, 1983. On or about October 28, 1992, the Board Summarily Suspended Frederick Stephen Angelo's license in accordance with Section 3719.121 of the Ohio Revised Code; and on or about May 5, 1993, the Board found the following to be fact:
  - (a) Frederick Stephen Angelo did, between July 4, 1991, and September 9, 1992, knowingly sell controlled substances in an amount greater than three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Frederick Stephen Angelo sold without a prescription 8,375 dosage units of Acetaminophen with Codeine #4, a Schedule III controlled substance. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

The Board concluded that Frederick Stephen Angelo was guilty of unprofessional conduct in the practice of pharmacy and guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code as provided in Section 4729.16 of the Ohio Revised Code. For these reasons, the Board revoked Frederick Stephen Angelo's license, No. 03-2-15249, to practice pharmacy in the state of Ohio.

#### CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes having been convicted of a felony as provided in Paragraph (A) of Rule 4729-5-04 of the Ohio Administrative Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes having been convicted of violating any state or federal pharmacy or drug law as provided in Paragraph (B) of Rule 4729-5-04 of the Ohio Administrative Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes not being of good moral character and habits as provided in Paragraph (C) of Rule 4729-5-04 of the Ohio Administrative Code.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes having been disciplined by the Ohio State Board of Pharmacy pursuant to Section 4729.16 of the Revised Code as provided in Paragraph (E) of Rule 4729-5-04 of the Ohio Administrative Code.

#### ACTION OF THE BOARD

Pursuant to Section 4729.09 of the Ohio Revised Code, and the foregoing Findings of Fact and Conclusions of Law, the State Board of Pharmacy hereby denies the issuance of a certificate of registration or an identification card, and therefore denies the NABP Official Application For Transfer of Pharmaceutic Licensure submitted by Frederick Stephen Angelo.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.



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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D—921028—020)

In The Matter Of:

FRED S. ANGELO, R.Ph.  
92 Palomino Dr. #6  
Weirton, West Virginia 26062

(R.Ph. No. 03-2-15249)

### INTRODUCTION

THE MATTER OF FRED S. ANGELO CAME TO HEARING ON MARCH 12, 1993, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: TIMOTHY D. MOORE, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; METTA LOU HENDERSON, R.Ph.; PAUL F. LAMPING, R.Ph.; WAYNE C. MILLER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE. FRED S. ANGELO WAS REPRESENTED BY ROBERT I. D'ANNIBALLE, JR., AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

#### (A) Testimony

State's Witnesses:

- (1) Robert Clemens
- (2) Fred S. Angelo, Respondent (invoked Fifth Amendment rights) Respondent's Witnesses:

- (1) None

#### (B) Exhibits

State's Exhibits:

- (1) Exhibit 1 Summary Suspension notice of Fred S. Angelo dated October 28, 1992.
- (2) Exhibit 2 Hearing Request letter dated November 23, 1992.
- (3) Exhibit 3 Hearing Schedule letter dated November 24, 1992.
- (4) Exhibit 4 Continuance Request letter dated January 13, 1993.
- (5) Exhibit 5 Hearing Schedule letter dated January 14, 1993.
- (6) Exhibit 6 Three—page copy of audit for Schedule II drugs of Super—X, WVO10, from July 4, 1991, through July 9, 1992.

- (7) Exhibit 7 Four—page copy of computer—generated Patient Profiles of Super-X, Store No. WVO10, from September 3, 1991, through September 3, 1992.
- (8) Exhibit 8 Two-page copy of handwritten statement of Frederick Stephen Angelo signed and dated September 16, 1992.
- (9) Exhibit 9 Copies of twelve prescriptions numbered as follows: 097592, 093760, 089477, 103145, 94054, 60098221, 92012, 97262, 94860, 98882, 088539, and one prescription for patient Joe Monteleone dated June 29, 1992 (number illegible).

Respondent's Exhibits:

- (1) None

#### FINDING OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that Fred S. Angelo did, between July 4, 1991, and September 9, 1992, knowingly sell controlled substances in an amount greater than three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Fred S. Angelo sold without a prescription 8,375 dosage units of Acetaminophen with Codeine \*4, a Schedule III controlled substance. Such conduct is in violation of Section 2925.03(A)(7) 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 Finding of Fact constitutes being guilty of unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) 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 Finding of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of 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.

#### ACTION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued October 28, 1992.

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- 15249, held by Fred S. Angelo:

- (A) On the basis of paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the identification card, No. 03-2-15249, held by Fred S. Angelo effective as of the date of the mailing of this Order.

(B) On the basis of paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the identification card, No. 03—2-15249, held by Fred S. Angelo effective as of the date of the mailing of this Order.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye.-4/Nay-2).

MOTION CARRIED.

SO ORDERED.

BY ORDER OF THE STATE BOARD OF PHARMACY  
ORDER MAILED AND EFFECTIVE: MAY 5, 1993

By \_\_\_\_\_  
Franklin Wickham, R.Ph., M.S.  
Executive rector