



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-950829-013)

In The Matter Of:

KATHRYN S. FAUSEY

2396 Pontiac Street

Columbus, Ohio 43211

(Registered Pharmacy Intern No. 06-0-00120)

INTRODUCTION

THE MATTER OF KATHRYN S. FAUSEY CAME TO HEARING ON SEPTEMBER 21, 1995, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: PAUL F. LAMPING, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; WAYNE C. MILLER, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

KATHRYN S. FAUSEY WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY LAWRENCE D. PRATT, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Kathryn S. Fausey, Respondent

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Notice of Opportunity for Hearing letter dated August 29, 1995.
- (2) Exhibit 1A--Two-page Hearing Request letter dated September 5, 1995.
- (3) Exhibit 1B--Hearing Schedule letter dated September 7, 1995.
- (4) Exhibit 2--Application for Pharmacy Intern Registration of Kathryn Sue Fausey signed and notarized on July 29, 1992; Certificate of Acceptance of Kathryn Fausey dated June 26, 1992; and letter from Kathryn Fausey dated July 30, 1992.

- (5) Exhibit 3--Application for Examination as a Pharmacist of Kathryn Sue Fausey signed and notarized on July 31, 1995; letter from Kathryn S. Fausey dated July 31, 1995; and copy of Police Record of Kathryn Fausey.

Respondent's Exhibits:

- (1) Exhibit A--Memorandum from Barbara J. Tootle dated September 1, 1995.
- (2) Exhibit B--Letter from Kenneth M. Hale dated September 14, 1995.
- (3) Exhibit C--Letter from Benjamin F. Holland dated September 14, 1995.
- (4) Exhibit D--Letter from Gail Shifman dated September 14, 1995.
- (5) Exhibit E--Letter from Michael D. Boyd dated September 13, 1995.
- (6) Exhibit F--Memorandum from Marilyn D. Erskine dated September 14, 1995.
- (7) Exhibit G--The Ohio Society of Hospital Pharmacists Bulletin, Volume 15, Number 4, July/August 1995.
- (8) Exhibit H--Letter from Randy Wood and Julia Wood dated September 14, 1995.

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 of Pharmacy indicate that Kathryn S. Fausey is registered to practice pharmacy as an intern in the state of Ohio. On or about August 7, 1995, Kathryn S. Fausey submitted an Application for Examination as a Pharmacist; and on August 29, 1995, the Board proposed to deny the application.
- (2) Kathryn S. Fausey did, on or about July 29, 1992, knowingly make a false statement with purpose to secure the issuance by the Board, a government agency, of an intern registration, and when the statement was sworn before a notary public, to wit: Kathryn S. Fausey swore on her Application for Pharmacy Intern Registration that she had not been convicted of any misdemeanor charges involving violation of liquor or criminal laws when Kathryn S. Fausey had been convicted of the following:

<u>Charge</u>	<u>Conviction Date</u>
Resisting Arrest	June 26, 1986
Assaulting an Officer	June 26, 1986
OMVI	May 27, 1986
Unauthorized Use of Property	Sept. 29, 1986

Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.

- (3) Kathryn S. Fausey did, on or about February 13, 1986, commit acts which constituted three counts of Assaulting an Officer, violations of Section 2903.13 of the Ohio Revised Code; Resisting Arrest, a violation of Section 2921.33 of the Ohio Revised Code; Disorderly Conduct, a violation of Section 2917.11 of the Ohio Revised Code; and Hitchhiking, a violation of 4511.51 of the Ohio Revised Code.
- (4) Kathryn S. Fausey did, on or about April 6, 1985, commit acts which constituted Operating a Motor Vehicle while Under the Influence of Alcohol and/or Drugs of Abuse, a violation of Section 4511.19 of the Ohio Revised Code, and Failure to

Drive Within Marked Lanes, a violation of Section 4511.30 of the Ohio Revised Code.

- (5) Kathryn S. Fausey did, on or about the summer or fall of 1986, commit acts which constituted theft, a violation of Section 2913.02 of the Ohio Revised Code.

CONCLUSION 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 being guilty of dishonesty as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

ACTION OF THE BOARD

The State Board of Pharmacy hereby approves the Application for Examination as a Pharmacist submitted by Kathryn S. Fausey; however, Kathryn S. Fausey must submit a new application prior to December 22, 1995, to be eligible to sit for the examination in January, 1996. There will be no additional exam application fee.

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

MOTION CARRIED.

SO ORDERED.