



# OHIO STATE BOARD OF PHARMACY

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-941028-020)

In The Matter Of:

**BRIAN STEVEN TARCHA**  
7603 Creekwood Drive  
North Royalton, Ohio 44133  
(D.O.B. 08/11/65)

### INTRODUCTION

THE MATTER OF BRIAN STEVEN TARCHA CAME TO HEARING ON JANUARY 26, 1995, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: RUTH A. PLANT, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; WAYNE C. MILLER, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

BRIAN STEVEN TARCHA WAS REPRESENTED BY JEFFREY S. RICHARDSON, AND THE STATE OF OHIO WAS REPRESENTED BY ROBERT J. McCLAREN, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) James Reye, Ohio State Board of Pharmacy
- (2) Robert Cole, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Brian Steven Tarcha, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Notice of Opportunity letter dated October 28, 1994.
- (2) Exhibit 1A--Hearing Request letter dated November 5, 1994.
- (3) Exhibit 1B--Hearing Schedule letter dated November 10, 1994.

- (4) Exhibit 2--Application for Pharmacy Intern Registration of Brian Steven Tarcha signed and notarized on October 3, 1994; Certificate of Acceptance of Brian S. Tarcha signed by J. Douglas Bricker on July 28, 1994; Transcript of Grades of Brian S. Tarcha from the Duquesne University, end of record date May 11, 1988; and typewritten response to No.5 of the Application for Pharmacy Intern Registration.
- (5) Exhibit 3--Order of the State Board of Pharmacy, Docket No. D-900813-009, in the matter of Brian S. Tarcha dated December 18, 1990.
- (6) Exhibit 4--Order of the State Board of Pharmacy, Docket No. D-910909-042, in the matter of Brian S. Tarcha dated January 31, 1992.

Respondent's Exhibits:

- (1) Exhibit A--Letter from Michael D. Connell dated January 25, 1995.
- (2) Exhibit B--Letter from Leonard A. Davis dated January 22, 1995.
- (3) Exhibit C--Letter from Carl A. Celke dated January 24, 1995.
- (4) Exhibit D--Copy of letter from Linda Watkins dated January 25, 1995.
- (5) Exhibit E--Copy of Certificate of Acceptance of Brian S. Tarcha signed by J. Douglas Bricker on July 28, 1994.

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 Brian Steven Tarcha applied to the Board for registration as an intern in the state of Ohio on October 6, 1994.
- (2) On or about December 18, 1990, the Ohio State Board of Pharmacy found the following to be fact:
  - (a) Records of the Board indicate that Brian Steven Tarcha filed an application for intern registration with the Board on June 22, 1990.
  - (b) Brian Steven Tarcha did, on or about May 24, 1990, at Revco Discount Drug #332, 6010 Royalton Road, North Royalton, Ohio 44133, while not a registered pharmacist or a pharmacy intern under the personal supervision of a registered pharmacist, compound, dispense, or sell dangerous drugs, to wit: Brian Steven Tarcha dispensed the following drugs pursuant to prescription:

<u>Date</u>	<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>
01/19/90	443699	Meperidine 50mg	10
02/08/90	446507	Ritalin 5mg	30
03/08/90	448984	Hycodan Syrup	120ml
03/08/90	448985	Chlordiazepoxide w/Clidinium	21
03/14/90	449573	Oxycodone w/APAP 325mg	12
04/05/90	452014	Percocet-5	8
04/11/90	452570	Duricef 500mg	14
04/11/90	452571	Tylenol w/Codeine #3	25
04/18/90	453281	Vicodin tablets	40
05/14/90	455908	Methylphenidate ER 20mg	30
05/22/90	456883	Xanax 0.5mg	50
05/23/90	456875	Propoxyphene-N 100 w/APAP	20

Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

- (c) Brian Steven Tarcha did, on or about July 30, 1990, plead nolo contendere, and was found guilty by the Parma Municipal Court of one count of Unlawful Selling of Drugs in violation of Section 4729.28 of the Ohio Revised Code, such conviction was to become complete by sentencing on August 20, 1990.
- (d) Brian Steven Tarcha did, on or about June 15, 1990, knowingly make a false statement when the statement was in writing, made with purpose to induce another to employ him, and when the person to whom such statement was directed, relied upon it to his detriment, to wit: Brian Steven Tarcha did, orally and in writing, state that he held status of licensure in the state of Ohio when he applied for employment at First National Supermarkets, Inc., 17000 Rockside Road, Maple Heights, Ohio 44137, when First National Supermarkets, Inc. relied upon Brian Steven Tarcha's representations to its detriment by making long distance telephone calls to check on his licensure status. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.
- (e) Brian Steven Tarcha did, on or about June 17, 1990, knowingly make a false statement when the statement was in writing, made with purpose to induce another to employ him, and when the person to whom such statement was directed relied upon it to his detriment, to wit: Brian Steven Tarcha did, orally and in writing, state that he held status of licensure in the state of Ohio when he applied for employment at Marc's, 6849 Southland Drive, Cleveland, Ohio 44130, when Marc's relied upon Brian Steven Tarcha's representations to its detriment by making long distance telephone calls to check on his licensure status. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.

On December 18, 1990, the Ohio State Board of Pharmacy concluded that Brian Steven Tarcha was guilty of dishonesty; 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 Divisions (A)(2) and (A)(5) of Section 4729.16 of the Ohio Revised Code. The Board refused to grant an identification card to Brian Steven Tarcha, and therefore, denied the Application for Internship Registration submitted by Brian Steven Tarcha on June 22, 1990.

- (3) Brian Steven Tarcha did, on or about May 29, 1990, while meeting in the Board's office in Columbus, Ohio, with Compliance Supervisor Robert L. Cole, knowingly and purposely make false statements regarding the status of his license.
- (4) On or about August 15, 1991, Brian Steven Tarcha applied for intern registration, and for the above mentioned reasons, his application was again denied on January 31, 1992.

- (5) Brian Steven Tarcha has actively pursued an educational program in preparation for registration as a pharmacist, and otherwise meets the requirements, as determined by the Board.

#### CONCLUSION OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the Findings of Fact, taken as a whole, indicate that Brian Steven Tarcha qualifies for licensure as provided in Section 4729.11 of the Ohio Revised Code.

#### ACTION OF THE BOARD

Pursuant to Sections 4729.11 and 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Brian Steven Tarcha:

- (A) On the basis of the Findings of Fact and Conclusion of Law set forth above, the State Board of Pharmacy hereby approves the Application for Pharmacy Intern Registration submitted by Brian Steven Tarcha on October 6, 1994, with the following stipulations and understandings:
  - (1) The intern license issued to Brian Steven Tarcha may be renewed only once, which is for the September 15, 1995 through September 15, 1996 licensure year.
  - (2) Brian Steven Tarcha may not submit, nor receive credit for, practical experience received prior to the effective date of this Order.
  - (3) Brian Steven Tarcha must submit Statement of Preceptor Forms and Practical Experience Affidavits in accordance with Chapter 4729-3 of the Ohio Administrative Code, except that the Practical Experience Affidavits must be submit-~~ted~~ on a monthly basis.
  - (4) Brian Steven Tarcha's license to practice pharmacy as an intern in Ohio is on probation for the duration that the license is active. The terms of probation are as follows:
    - (a) Brian Steven Tarcha must not violate the drug laws of the state of Ohio, any other state, or the federal government.
    - (b) Brian Steven Tarcha must abide by the rules of the Ohio State Board of Pharmacy.
    - (c) Brian Steven Tarcha must comply with the terms of this Order.

The Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

- (B) If Brian Steven Tarcha is successful in passing the licensure examinations and becomes registered as a pharmacist in the state of Ohio, the State Board of Pharmacy hereby declares that, pursuant to paragraph (D)(1) of Rule 4729-3-

01 of the Ohio Administrative Code, Brian Steven Tarcha's pharmacist identification card will not be in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns until further order of the Board.

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

MOTION CARRIED.

SO ORDERED.

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**OHIO STATE BOARD OF PHARMACY**

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ORDER OF THE STATE BOARD OF PHARMACY  
(Docket No. D-910909-042)

In The Matter Of:

**BRIAN S. TARCHA**  
12811 Walnut Hill Drive #208  
North Royalton, Ohio 44133  
(D.O.B. 08-11-65)

Introduction

THE MATTER OF BRIAN S. TARCHA CAME TO HEARING ON DECEMBER 9, 1991 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: BETTY J. NICHOL, R.Ph. (presiding); METTA LOU HENDERSON, R.Ph.; PAUL F. LAMPING, R.Ph.; NORMAN D. LEIBOW, R.Ph.; TIMOTHY D. MOORE, R.Ph.; RUTH A. PLANT, R.Ph.; AND ROBERT W. VALENTINE, R.Ph.

BRIAN S. TARCHA WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

Summary Of Evidence

(A) Testimony

State's Witnesses:

- (1) Brian S. Tarcha, Respondent

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated September 9, 1991.
- (2) Exhibit B - Hearing Request letter, not dated, received at the Board office September 20, 1991.
- (3) Exhibit C - Hearing Schedule letter dated September 20, 1991.
- (4) Exhibit 1 - Application for Intern Registration of Brian Steven Tarcha dated August 13, 1991; Certificate of Pharmacy Education of Brian S. Tarcha; and two-page letter from Brian S. Tarcha, not dated, received in Board office August 15, 1991.
- (5) Exhibit 2 - Board Order, Docket Number D-900813-009, of Brian S. Tarcha dated December 18, 1990.
- (6) Exhibit 3 - First National Supermarkets, Inc., Application for Employment of Brian S. Tarcha dated June 15, 1990.
- (7) Exhibit 4 - Marc's, Employment Application of Brian S. Tarcha dated June 17, 1990.
- (8) Exhibit 5 - Letter to Laurie M. Loria from Brian Tarcha not dated.

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Respondent's Exhibits:

- (1) None

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board indicate that Brian S. Tarcha filed an application for intern registration with the Board on August 15, 1991.
- (2) From the evidence presented, the State Board of Pharmacy finds that on December 18, 1990 the Ohio State Board of Pharmacy found the following to be fact:
- (a) Records of the Board indicate that Brian S. Tarcha filed an application for intern registration with the Board on June 22, 1990.
- (b) Brian S. Tarcha did, on or about May 24, 1990, at Revco Discount Drug #332, 6010 Royalton Road, North Royalton, Ohio 44133, while not a registered pharmacist or a pharmacy intern under the personal supervision of a registered pharmacist, compound, dispense, or sell dangerous drugs, to wit: Brian S. Tarcha dispensed the following drugs pursuant to prescription:

<u>Date</u>	<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>
01-19-90	443699	Meperidine 50mg	10
02-08-90	446507	Ritalin 5mg	30
03-08-90	448984	Hycodan Syrup	120ml
03-08-90	448985	Chlordiazep w/clind	21
03-14-90	449573	Oxycodone w/apap 325mg	12
04-05-90	452014	Percocet-5	8
04-11-90	452570	Duricef 500mg	14
04-11-90	452571	Tylenol w/Codeine #3	25
04-18-90	453281	Vicodin Tab	40
05-14-90	455908	Methylphenidate ER 20mg	30
05-22-90	456883	Xanax 0.5mg	50
05-23-90	456875	Propoxyphene N-100 w/apap	20

Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

- (c) Brian S. Tarcha did, on or about July 30, 1990, plead nolo contendere, and was found guilty by the Court in the Parma Municipal Court, Parma, Ohio, of one count of Unlawful Selling of Drugs in violation of Section 4729.28 of the Ohio Revised Code, such conviction to become complete by sentencing on August 20, 1990.
- (d) Brian S. Tarcha did, on or about June 15, 1990, knowingly make a false statement when the statement was in writing made with purpose to induce another to employ him and when the person to whom such statement was directed relied upon it to his detriment, to

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wit: Brian S. Tarcha did, orally and in writing, state that he held status of licensure in the state of Ohio when he applied for employment at First National Supermarkets, Inc., 17000 Rockside Road, Maple Heights, Ohio 44137, when First National Supermarkets, Inc. relied upon his representations to its detriment by making long distance telephone calls to check on his licensure status. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.

- (e) Brian S. Tarcha did, on or about June 17, 1990, knowingly make a false statement when the statement was in writing made with purpose to induce another to employ him and when the person to whom such statement was directed relied upon it to his detriment, to wit: Brian S. Tarcha did, orally and in writing, state that he held status of licensure in the state of Ohio when he applied for employment at Marc's, 6849 Southland Drive, Cleveland, Ohio 44130, when Marc's relied upon his representations to its detriment by making long distance telephone calls to check on his licensure status. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that, on December 18, 1990, the Board concluded that Brian S. Tarcha was guilty of dishonesty; 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 Division (A)(2) and (A)(5) of Section 4729.16 of the Ohio Revised Code.
- (4) From the evidence presented, the State Board of Pharmacy finds that, on December 18, 1990, the Board refused to grant an identification card to Brian S. Tarcha and therefore denied the Application for Internship Registration submitted by him on June 22, 1990. Such action constitutes having been disciplined by the Ohio State Board of Pharmacy pursuant to Section 4729.16 of the Ohio Revised Code within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.
- (5) From the evidence presented, the State Board of Pharmacy finds that Brian S. Tarcha did, on or about May 29, 1990, while meeting in the Board's office in Columbus, Ohio, with Compliance Supervisor Robert L. Cole, knowingly and purposely make false statements regarding the status of his licensure.

Conclusions Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2)(c) of the Findings Of Fact constitutes having been convicted of violating any state or federal pharmacy or drug law as provided in Rule 4729-5-04 of the Ohio Administrative Code.

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- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2)(b) through (2)(e), (3), and (5) of the Findings Of Fact constitute not being of good moral character and habits as provided in 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 paragraphs (2)(b) through (2)(e), (3), and (4) of the Findings Of Fact constitute having been disciplined by the Ohio State Board of Pharmacy pursuant to Section 4729.16 of the Revised Code as provided in 4729-5-04 of the Ohio Administrative Code.

Action Of The Board

Pursuant to Section 4729.11 of the Ohio Revised Code and Rule 4729-3-03(C) of the Ohio Administrative Code, the State Board of Pharmacy denies the issuance of a certificate of registration or an identification card, and therefore denies the Application for Intern Registration submitted by Brian S. Tarcha.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-6/Nay-0).

MOTION CARRIED.

SO ORDERED.

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**OHIO STATE BOARD OF PHARMACY**

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THE STATE BOARD OF PHARMACY  
(Docket No. D-900813-009)

In The Matter Of:

BRIAN S. TARCHA  
12811 Walnut Hill Dr. #208  
North Royalton, Ohio 44133

INTRODUCTION

THE MATTER OF BRIAN S. TARCHA CAME TO HEARING ON OCTOBER 23, 1990 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH R. SABINO, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; METTA LOU HENDERSON, R.Ph.; NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; ROBERT VALENTINE, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

BRIAN S. TARCHA WAS NOT PRESENT NOR REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY JEANNY EATON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Robert L. Cole - State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated August 13, 1990.
- (2) Exhibit B - Hearing Request letter dated September 8, 1990.
- (3) Exhibit 1 - Application For Intern Registration of Brian S. Tarcha dated June 20, 1990.
- (4) Exhibit 2 - Certificate of Non-registration dated May 24, 1990.
- (5) Exhibit 3 - Prescription 443699.
- (6) Exhibit 4 - Prescription 446507.
- (7) Exhibit 5 - Prescription 448984.
- (8) Exhibit 6 - Prescription 448985.
- (9) Exhibit 7 - Prescription 449573.
- (10) Exhibit 8 - Prescription 452014.
- (11) Exhibit 9 - Prescriptions 452570 and 452571.

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<u>Date</u>	<u>Rx #</u>	<u>Drug</u>	<u>Qty.</u>
4-05-90	452014	Percocet-5	8
4-11-90	452570	Duricef 500mg	14
4-11-90	452571	Tylenol w/Cod #3	25
4-18-90	453281	Vicodin Tab	40
5-14-90	455908	Methylphenidate ER 20mg	30
5-22-90	456883	Xanax 0.5mg	50
5-23-90	456875	Propoxyphene N-100 w/apap	20

Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

- (3) From the evidence presented, the State Board of Pharmacy finds that Brian S. Tarcha did, on or about July 30, 1990, plead nolo contendere, and was found guilty by the Court in the Parma Municipal Court, Parma, Ohio, of one count of Unlawful Selling of Drugs in violation of Section 4729.28 of the Ohio Revised Code, such conviction to become complete by sentencing on August 20, 1990.
- (4) From the evidence presented, the State Board of Pharmacy finds that Brian S. Tarcha did, on or about June 15, 1990, knowingly make a false statement when the statement was in writing made with purpose to induce another to employ Brian S. Tarcha and when the person to whom such statement was directed relied upon it to his detriment, to wit: Brian S. Tarcha did, orally and in writing, state that he held status of licensure in the state of Ohio when he applied for employment at First National Supermarkets, Inc., 17000 Rockside Road, Maple Heights, Ohio 44137, when First National Supermarkets, Inc. relied upon his representations to its detriment by making long distance telephone calls to check on Mr. Tarcha's licensure status. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.
- (5) From the evidence presented, the State Board of Pharmacy finds that Brian S. Tarcha did, on or about June 17, 1990, knowingly make a false statement when the statement was in writing made with purpose to induce another to employ Mr. Tarcha and when the person to whom such statement was directed relied upon it to his detriment, to wit: Brian S. Tarcha did, orally and in writing, state that he held status of licensure in the state of Ohio when he applied for employment at Marc's, 6849 Southland Drive, Cleveland, Ohio 44130, when Marc's relied upon his representations to its detriment by making long distance telephone calls to check on Mr. Tarcha's licensure status. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (4) and (5) of the Findings Of Fact constitute dishonesty 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 paragraphs (2) and (3) of the Findings Of Fact constitute willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of 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 hereby refuses to grant an identification card to Brian S. Tarcha and therefore denies the Application For Internship Registration submitted by Brian S. Tarcha.

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

MOTION CARRIED.

SO ORDERED.