



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-010515-065)

In The Matter Of:

RANDALL T. LYNN

7232 Silvercrest Drive
Cincinnati, Ohio 45236
(D.O.B. 10/25/1972)

INTRODUCTION

THE MATTER OF RANDALL T. LYNN CAME FOR HEARING ON NOVEMBER 6, 2001, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ANN D. ABELE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

RANDALL T. LYNN WAS REPRESENTED BY DAVID L. KERR AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

(1) None

Respondent's Witnesses:

- (1) Randall T. Lynn, Respondent
- (2) Joseph Buganski, R.Ph.

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Letter from Randall T. Lynn dated May 1, 2001; Copy of two letters from Gary A. Schneider, Ph.D., CCDC III dated December 12, 2000, and December 27, 2000; Copy of letter from Randall T. Lynn dated December 5, 2000.

- (2) Exhibit 1A--Two-page Hearing Request letter from David L. Kerr dated May 9, 2001.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated May 15, 2001.
- (4) Exhibit 1C--Application For Examination As A Pharmacist of Randall T. Lynn notarized June 26, 2000, and attached statement, not dated.
- (5) Exhibit 2--Copy of Ohio Intern Register Record of Randall Todd Lynn showing date registered September 29, 1993.
- (6) Exhibit 3--Copy of Certification of Approved Internship Hours On File of Randall Todd Lynn dated July 9, 1997.
- (7) Exhibit 4--Copy of four-page Order of the State Board of Pharmacy in the matter of Randall T. Lynn, Docket No. D-960614-067, effective January 31, 1997.
- (8) Exhibit 4A--Copy of six-page Order of the State Board of Pharmacy in the matter of Randall T. Lynn, Docket No. D-000712-003, effective October 6, 2000.
- (9) Exhibit 5--Copy of Springdale Police Department Criminal Offense Report, No. 95-0988, of Randall Todd Lynn dated May 25, 1995, and attached copy of two-page Case Summary, Offense No. 95-0988, not dated.
- (10) Exhibit 6--Copy of Notice of Separation, Form No. 3024-1, of Randy Lynn dated October 3, 1994.
- (11) Exhibit 7--Copy of The Kroger Company Year 1995 calendar arranged by Kroger's 13-period year.
- (12) Exhibit 8--Copy of payroll record of Randall Todd Lynn showing 1,255 total hours paid.
- (13) Exhibit 9--Copy of time cards of R. Lynn dated May 13, 1995, and May 20, 1995.
- (14) Exhibit 10--Copy of envelope addressed to The Kroger Co. Payroll Dept. with USPS stamp-canceled date of May 22, 1995.
- (15) Exhibit 11--Copy of Voluntary Statement of Randall T. Lynn dated May 26, 1995.
- (16) Exhibit 12--Two-page copy of Indictment, State of Ohio vs. Randall Todd Lynn, Case No. B9504870, Hamilton County Common Pleas Court filed June 13, 1995; Copy of Prosecuting Attorney's Request For Issuance of Warrant Upon Indictment, State of Ohio vs. Randall Todd Lynn, Case No. B9504870, Hamilton County Common Pleas Court, not dated.
- (17) Exhibit 13--Copy of Renewal Application For Intern License No. 06-0-00776 for a license to practice pharmacy as an intern in Ohio from September 15, 1995, to September 15, 1996, of Randall Todd Lynn dated July 26, 1995.
- (18) Exhibit 14--Copy of Journal Entry, State of Ohio vs. Randall Lynn, Case No. B954870, Hamilton County Common Pleas Court dated July 25, 1995.
- (19) Exhibit 15--Copy of Journal Entry, State of Ohio vs. Randall Lynn, Case No. B954870, Hamilton County Common Pleas Court dated August 29, 1996.
- (20) Exhibit 16--Copy of personal check No. 627 of Randall T. Lynn dated June 14, 1995; copy of personal check No. 639 of Randall T. Lynn dated July 15, 1995.
- (21) Exhibit 17--Copy of Application For Examination As A Pharmacist of Randall T. Lynn notarized May 13, 1996.
- (22) Exhibit 18--Copy of Application For Examination As A Pharmacist of Randall T. Lynn notarized October 29, 2001, and attached copies of the following: Statement, not dated; Letter from Gary A. Schneider, Ph.D., CCDC-III-E dated October 8, 2001; and Alcoholism Council, N.C.A.D.D. Evaluation Form of Randall T. Lynn evaluated October 1, 2001.

Respondent's Exhibits:

- (1) Exhibit A1--Three-page Statement of Randall Lynn dated August 31, 2000.
- (2) Exhibit A2--Copy of two-page letter from Ronald S. Lynn dated September 1, 2000.
- (3) Exhibit A3--Copy of letter from Kris Maltry dated October 25, 2000.

- (4) Exhibit A4--Copy of Remedial Grant issued by the Ohio Bureau of Motor Vehicles dated November 7, 2000.
- (5) Exhibit A5--Copy of letter from Randall T. Lynn dated December 5, 2000.
- (6) Exhibit A6--Copy of letter from Gary A. Schneider, Ph.D., CCDC III dated December 12, 2000.
- (7) Exhibit A7--Copy of letter from Gary A. Schneider, Ph.D. dated December 27, 2000.
- (8) Exhibit A8--Copy of letter from Randall T. Lynn dated May 1, 2001.
- (9) Exhibit A9--Copy of letter from Gary A. Schneider, Ph.D., CCDC-III-E dated October 8, 2001.
- (10) Exhibit A10--Copy of Alcoholism Council, N.C.A.D.D. Alcohol and Other Drugs Education/Evaluation Program Disposition Form of Randall Lynn dated October 1, 2001.
- (11) Exhibit A11--Copy of Alcoholism Council, N.C.A.D.D. Evaluation Form of Randall T. Lynn evaluated October 1, 2001.

FINDING OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds Randall T. Lynn has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-000712-003, effective October 6, 2000.

ACTION OF THE BOARD

On the basis of the Finding of Fact set forth above, the State Board of Pharmacy hereby approves the Application For Examination As A Pharmacist submitted by Randall T. Lynn notarized October 29, 2001.

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-000712-003)

In The Matter Of:

RANDALL T. LYNN

7232 Silvercrest Drive

Cincinnati, Ohio 45236-3623

(D.O.B. 10/25/1972)

INTRODUCTION

THE MATTER OF RANDALL T. LYNN CAME FOR HEARING ON SEPTEMBER 6, 2000, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); ANN D. ABELE, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

RANDALL T. LYNN WAS REPRESENTED BY DAVID L. KERR, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Michael Cluxton, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Randall T. Lynn, Respondent
- (2) Ryan M. Cox, R.Ph., West Chester, Ohio
- (3) Joseph Buganski, R.Ph., Cincinnati, Ohio
- (4) Matthew C. Totterdale, R.Ph., Cincinnati, Ohio

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of three-page Proposal to Deny/Notice of Opportunity for Hearing letter dated July 12, 2000.
- (2) Exhibit 1A--Hearing Request letter dated July 26, 2000.

- (3) Exhibit 1B--Copy of Hearing Schedule letter dated July 31, 2000.
- (4) Exhibit 1D--Fax copy of memo from David L. Kerr dated August 22, 2000.
- (5) Exhibit 1E--Application for Examination as a Pharmacist of Randall T. Lynn signed and notarized on June 26, 2000, and attached statement regarding Section No. 5 of the application.
- (6) Exhibit 2--Copy of Intern File Front Sheet of Randall Todd Lynn showing original date of registration as September 29, 1993.
- (7) Exhibit 3--Copy of Certification of Approved Internship Hours on File of Randall Todd Lynn showing 1918.00 approved hours on file.
- (8) Exhibit 4--Copy of four-page Order of the State Board of Pharmacy, Docket No. D-960614-067, in the matter of Randall T. Lynn dated January 31, 1997.
- (9) Exhibit 5--Copy of Springdale Police Department Criminal Offense Report, No. 95-0988, dated May 24, 1995, and attached copy of two-page Case Summary by Det./Sgt. Wm. Fields, Offense No. 95-0988, with details dated from May 24, 1995, through May 26, 1995.
- (10) Exhibit 6--Copy of Notice of Separation of Randy Lynn, dated October 3, 1994.
- (11) Exhibit 7--Copy of The Kroger Co. 1995 Calendar arranged by Kroger's 13-period year.
- (12) Exhibit 8--Copy of payroll record of Randall Todd Lynn showing 1,255 total hours paid.
- (13) Exhibit 9--Copy of time cards of R. Lynn dated May 13, 1995, and May 20, 1995.
- (14) Exhibit 10--Copy of envelope addressed to The Kroger Co. with USPS stamp-cancelled date of May 22, 1995.
- (15) Exhibit 11--Copy of voluntary statement of Randall T. Lynn dated May 26, 1995.
- (16) Exhibit 12--Two-page copy of Indictment in the Hamilton County Common Pleas Court, Case No. B9504870, dated June 13, 1995; and copy of Prosecuting Attorney's Request for Issuance of Warrant Upon Indictment, in the Hamilton County Common Pleas Court, State of Ohio vs. Randall Todd Lynn, Case No. B9504870, not dated.
- (17) Exhibit 13--Copy of Renewal Application for Intern License, No. 06-0-00776, for a license to practice pharmacy as an intern in Ohio from September 15, 1995, to September 15, 1996, of Randall Todd Lynn dated July 26, 1995.
- (18) Exhibit 14--Copy of Journal Entry in the Hamilton County Common Pleas Court, State of Ohio vs. Randall Lynn, Case No. B954870, dated July 25, 1995.
- (19) Exhibit 15--Copy of Journal Entry in the Hamilton County Common Pleas Court, State of Ohio vs. Randall Lynn, Case No. B954870, dated August 28, 1996.
- (20) Exhibit 16--Copy of personal check, number 627, of Randall T. Lynn dated June 14, 1995, and personal check number 639 of Randall T. Lynn dated July 15, 1995.
- (21) Exhibit 17--Copy of Application for Examination as a Pharmacist of Randall T. Lynn signed and notarized on May 13, 1996.

Respondent's Exhibits:

- (1) Four-page Status of Case submitted by David L. Kerr on September 6, 2000.
- (2) Exhibit 1--Three-page copy of Statement of Randall T. Lynn dated August 31, 2000.
- (3) Exhibit 2--Copy of two-page letter from Ronald S. Lynn dated September 1, 2000.
- (4) Exhibit 3--Copy of letter from Ryan M. Cox dated August 29, 2000.
- (5) Exhibit 4--Copy of letter from Joseph A. Buganski dated August 28, 2000.
- (6) Exhibit 5--Copy of letter from Matthew C. Totterdale, II dated September 1, 2000.
- (7) Exhibit 6--Copy of letter from Jason D. Niemann dated August 29, 2000.
- (8) Exhibit 7--Copy of letter from Jennifer Trenkamp dated August 28, 2000.
- (9) Exhibit 8--Copy of letter from Kathy A. Brodsky dated August 28, 2000.
- (10) Exhibit 9--Copy of letter from Steven M. Brown dated August 28, 2000.

- (11) Exhibit 10--Copy of letter from Terry S. Melton dated August 31, 2000.
- (12) Exhibit 11--Copy of letter from Jim Kirby, not dated.
- (13) Exhibit 12--Copy of letter from Shannon Dooley dated August 29, 2000.
- (14) Exhibit 13--Copy of letter from Michele MacKenzie dated August 21, 2000.
- (15) Exhibit 14--Copy of letter from Stacey A. Wilson dated August 20, 2000.
- (16) Exhibit 15--Copy of letter from Mandy L. Lucas dated August 29, 2000.
- (17) Exhibit 16--Copy of letter from Vonda L. Rolfes dated August 25, 2000.
- (18) Exhibit 17--Copy of letter from J. Chris Komarc dated August 27, 2000.
- (19) Exhibit 18--Copy of letter from Ian F. Muncy dated August 23, 2000.

FINDINGS OF FACT

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

- (1) Records of the State Board of Pharmacy indicate that Randall T. Lynn submitted an Application for Examination as a Pharmacist on or about June 28, 2000.
- (2) Records further indicate that Randall T. Lynn was originally registered to practice pharmacy as an intern in the State of Ohio on September 29, 1993. While licensed as an intern, Randall T. Lynn accumulated 1,918 approved internship hours. Randall T. Lynn's license to practice pharmacy as an intern lapsed on September 15, 1996, and he is not currently licensed to practice pharmacy as an intern or a pharmacist in the State of Ohio.
- (3) On or about January 31, 1997, the Board found the following to be fact:
 - (a) Records of the State Board of Pharmacy indicate that Randall T. Lynn was originally licensed to practice pharmacy as an intern in the State of Ohio on September 29, 1993.
 - (b) Randall T. Lynn did, from October 18, 1994, through May 15, 1995, with the purpose to deprive, knowingly obtain or exert control over property of the Kroger Company by deception, to wit: Randall T. Lynn stole \$10,282.00 by submitting forged time cards. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
 - (c) Randall T. Lynn did, from on or about July 26, 1995, knowingly make a false statement, or swear to the truth of a false statement, when the statement was made with the purpose to secure the issuance by the Board, a governmental agency, of registration as a pharmacy intern, to wit: Randall T. Lynn indicated on his notarized application for renewal that there were no felony charges pending when in fact he had been indicted on June 13, 1995, by the Hamilton County Grand Jury for Theft, a felony of the third degree. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.
 - (d) Randall T. Lynn did, on or about May 13, 1996, knowingly make a false statement, or swear to the truth of a false statement, when the statement was made with the purpose to secure the issuance by the Board, a governmental agency, of a license, to wit: Randall T. Lynn indicated on his notarized application for examination as a pharmacist the following statement: "I have never been charged or convicted of a felony or misdemeanor, nor have I been the subject of disciplinary action by any

state or federal agency” when in fact he had been indicted on June 13, 1995, by the Hamilton County Grand Jury for Theft, a felony of the third degree. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.

The Board concluded that Randall T. Lynn is not of good moral character and habits pursuant to Rule 4729-5-04 of the Ohio Administrative Code and guilty of dishonesty and unprofessional conduct in the practice of pharmacy pursuant to Section 4729.16(A)(2) of the Ohio Revised Code; and, therefore, Randall T. Lynn’s May 13, 1996 Application for Examination as a Pharmacist was denied.

- (4) Randall T. Lynn admitted being involved in an alcohol-related automobile accident. Randall T. Lynn’s driver’s license was suspended and he was required by the court to enter into a diversion/alcohol intervention program.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3) and (4) of the Findings of Fact constitute not being of good moral character and habits as provided in paragraph (C) 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 (4) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs as provided in paragraph (D) 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 (3) 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 4729.08 of the Ohio Revised Code and Rule 4729-5-04 of the Ohio Administrative Code, and on the basis of 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 Application for Examination as a Pharmacist submitted by Randall T. Lynn on or about June 28, 2000.

Further, one year from the effective date of this Order or thereafter, the Board will consider any Application for Examination as a Pharmacist submitted by Randall T. Lynn only if the following conditions have been met:

- (A) Randall T. Lynn must resolve the DUI issue with the courts.
- (B) Randall T. Lynn must obtain, within sixty days after the effective date of this Order, an alcohol assessment by a licensed psychiatrist or psychologist and must abide by the treatment plan as designed by that psychiatrist or psychologist. The psychiatrist or psychologist must provide an initial status report, which includes the recommended treatment plan, to the Board within ten days after completing the assessment.

- (C) Randall T. Lynn must not violate the laws of the state of Ohio, any other state, or the federal government.
- (D) Randall T. Lynn must abide by the rules of the State Board of Pharmacy.
- (E) Randall T. Lynn must comply with the terms of this Order.
- (F) Randall T. Lynn must provide documentation, when submitting his examination application, of the following:
 - (1) Compliance with the licensed psychiatrist or psychologist's recommended treatment plan;
 - (2) A report by the licensed psychiatrist or psychologist regarding Randall T. Lynn's fitness for admission into the practice of pharmacy.

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

MOTION CARRIED.

SO ORDERED.



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-960614-067)

In The Matter Of:

RANDALL T. LYNN

7232 Silvercrest Drive
Cincinnati, Ohio 45236
(D.O.B. 10/25/72)

INTRODUCTION

THE MATTER OF RANDALL T. LYNN CAME TO HEARING ON DECEMBER 3, 1996, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

RANDALL T. LYNN WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Sgt. William Fields, City of Springdale Police Department
- (2) Charles E. Greenert, Jr., Risk Management, Kroger Co.
- (3) Mike Cluxton, Ohio State Board of Pharmacy
- (4) Randall T. Lynn, Respondent

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Notice of Opportunity for Hearing letter dated June 14, 1996.
- (2) Exhibit 1A--Hearing Request letter dated June 28, 1996.
- (3) Exhibit 1B--Hearing Schedule letter dated July 11, 1996.

- (4) Exhibit 1C--Ohio Intern Register Record of Randall Todd Lynn showing original date of registration as September 29, 1993.
- (5) Exhibit 2--Copy of three-page Springdale Police Department Criminal Offense Report, No. 95-0988, regarding Randall Todd Lynn reported May 24, 1995.
- (6) Exhibit 3--Copy of Notice of Separation, Form No. 3024-1, of Randy Lynn dated October 3, 1994.
- (7) Exhibit 4--Fax copy of the Kroger Co. Year 1995, "13-period year" calendar.
- (8) Exhibit 5--Fax copy of Kroger Co. Payroll Printout of Randall Todd Lynn, hired on April 4, 1993.
- (9) Exhibit 6--Copy of two forged time cards of Randall Lynn dated May 13, 1995, and May 20, 1995.
- (10) Exhibit 7--Copy of envelope addressed to The Kroger Co., Attn.: Payroll Dept.; 150 Tri-county Parkway; Cincinnati, Ohio 45246 dated May 22, 1995.
- (11) Exhibit 8--Copy of Voluntary Statement of Randall T. Lynn dated May 26, 1995.
- (12) Exhibit 9--Copy of two-page Indictment in the Hamilton County Common Pleas Court, Case No. B9504870, in the matter of Randall Todd Lynn for Grand Theft, Ohio Revised Code Section 2913.02(A) filed June 13, 1995; and Prosecuting Attorney's Request for Issuance of Warrant Upon Indictment in the Hamilton County Common Pleas Court, Case No. B9504870, in the matter of Randall Todd Lynn.
- (13) Exhibit 10--Renewal Application for Intern License, No. 06-0-00776, for a license to practice pharmacy as an intern in Ohio from September 15, 1995, to September 15, 1996, of Randall Todd Lynn dated July 26, 1995.
- (14) Exhibit 11--Certified copy of Journal Entry in the Hamilton County Common Pleas Court, Case No. B954870, in the matter of Randall Lynn dated July 25, 1995.
- (15) Exhibit 12--Application for Examination as a Pharmacist of Randall T. Lynn signed and notarized on May 13, 1996.

Respondent's Exhibits:

- (1) None

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 Randall Todd Lynn was originally licensed to practice pharmacy as an intern in the state of Ohio on September 29, 1993.
- (2) Randall T. Lynn did, from October 18, 1994, through May 15, 1995, with the purpose to deprive, knowingly obtain or exert control over property of the Kroger Company by deception, to wit: Randall T. Lynn stole \$10,282.00 by submitting forged time cards. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (3) Randall T. Lynn did, on or about July 26, 1995, knowingly make a false statement, or swear to the truth of a false statement, when the statement was made with the purpose to secure the issuance by the Board, a governmental agency, of registration as a pharmacy intern, to wit: Randall T. Lynn indicated on his notarized application for renewal that there were no felony charges pending when in fact he had been indicted on June 13, 1995, by the Hamilton County Grand Jury for Theft, a

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

- (4) Randall T. Lynn did, on or about May 13, 1996, knowingly make a false statement, or swear to the truth of a false statement, when the statement was made with the purpose to secure the issuance by the Board, a governmental agency, of a license, to wit: Randall T. Lynn indicated on his notarized application for examination as a pharmacist the following statement: "I have never been charged or convicted of a felony or misdemeanor, nor have I been the subject of disciplinary action by any state or federal agency" when in fact he had been indicted on June 13, 1995, by the Hamilton County Grand Jury for Theft, a felony of the third degree. 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 (2) through (4) 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.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

ACTION OF THE BOARD

Pursuant to Sections 4729.07, 4729.08, and 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby denies the Application for Registration by Examination submitted by Randall T. Lynn.

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

MOTION CARRIED.

SO ORDERED.