



OHIO STATE BOARD OF PHARMACY

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

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-911206-080)

In The Matter Of:

HARRY DECKER, R.Ph.
2653 Erie Avenue
Cincinnati, Ohio 45208
(R.Ph. No. 03-3-02692)

Introduction

THE MATTER OF HARRY DECKER CAME TO HEARING ON APRIL 22, 1992 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: METTA LOU HENDERSON, R.Ph. (presiding); PAUL F. LAMPING, R.Ph.; NORMAN D. LEIBOW, R.Ph.; TIMOTHY D. MOORE, R.Ph.; RUTH A. PLANT, R.Ph.; JOSEPH R. SABINO, R.Ph.; AND ROBERT W. VALENTINE, R.Ph.

HARRY DECKER WAS REPRESENTED BY BRUCE B. McINTOSH, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

Summary Of Evidence

(A) Testimony

State's Witnesses:

- (1) Harry Decker, Respondent
- (2) Chris Reed, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Dr. David Decker

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Summary Suspension of Harry Decker dated December 6, 1991; and Notice of Opportunity letter for Harry Decker dated December 6, 1991.
- (2) Exhibit B - Notice of Opportunity letter for Decker Pharmacy dated December 6, 1991.
- (3) Exhibit C - Hearing Request letter dated December 7, 1991.
- (4) Exhibit D - Cover letter from Bruce B. McIntosh dated December 10, 1991; certified copy of Entry Withdrawing Plea, in the Court of Common Pleas, Criminal Division, Hamilton County, Ohio of Harry Decker dated December 10, 1991; and letter from Franklin Z. Wickham reinstating Harry Decker's license to practice pharmacy on December 10, 1991.
- (5) Exhibit E - Hearing Schedule letter dated December 11, 1991.

- (6) Exhibit F - Amended Notice of Opportunity letter for Harry Decker dated December 31, 1991.
- (7) Exhibit G - Amended Notice of Opportunity letter for Decker Pharmacy dated December 31, 1991.
- (8) Exhibit H - Ohio State Board of Pharmacy Form PHA-0004 for Harry Decker showing Guilty Plea on January 31, 1992; certified copies from Hamilton County Court of Common Pleas, Case No. B917289, of Waiver of Indictment and Information of Harry Decker dated November 8, 1991, and Plea of Guilty Under Information and Judgment Entry of Harry Decker dated January 31, 1992.
- (9) Exhibit I - Summary Suspension of Harry Decker dated February 14, 1992.
- (10) Exhibit J - Continuance Request letter dated February 21, 1992.
- (11) Exhibit K - Hearing Schedule letter dated February 27, 1992.
- (12) Exhibit 1 - Pharmacist File Front Sheet of Harry Frederic Decker showing original date of licensure as April 10, 1934.
- (13) Exhibit 1A - Renewal Application for Pharmacist License Number 03-3-02692 for a license to practice pharmacy in Ohio from September 15, 1991 to September 15, 1992 of Harry F. Decker dated August 1, 1990.
- (14) Exhibit 2 - Application for Registration as a Terminal Distributor of Dangerous Drugs of Decker Pharmacy dated November 13, 1982.
- (15) Exhibit 2A - Renewal Application for DDD License Number 02-120700 for a terminal distributor of dangerous drugs license from January 1, 1991 to December 31, 1991 signed and dated by Harry F. Decker on September 18, 1990.
- (16) Exhibit 4 - Two-page Dangerous Drug Distributor Inspection Report of Decker Pharmacy dated October 10, 1990; hand-written carbon copy of Registrants Inventory of Drugs Surrendered of Decker Pharmacy dated October 10, 1990; and two-page Dangerous Drug Distributor Inspection Report pink sheet response of Decker Pharmacy, not dated.
- (17) Exhibit 5 - Dangerous Drug Distributor Inspection Report of Decker Pharmacy dated November 5, 1990; two-page hand-written carbon copy of Registrants Inventory of Drugs Surrendered of Decker Pharmacy dated November 5, 1990; and pink sheet copy of Dangerous Drug Distributor Inspection Report of Decker Pharmacy dated November 5, 1990.
- (18) Exhibit 6A - Prescription number 343627.
- (19) Exhibit 6B - Prescription number 344738.
- (20) Exhibit 6C - Prescription number 344961.
- (21) Exhibit 6D - Prescription number 345168.
- (22) Exhibit 6E - Prescription number 345734.
- (23) Exhibit 6F - Prescription number 346272.
- (24) Exhibit 6G - Prescription number 346531.
- (25) Exhibit 6H - Prescription number 347103.
- (26) Exhibit 6I - Prescription number 347365.
- (27) Exhibit 6J - Prescription number 347688.
- (28) Exhibit 6K - Prescription number 347976.
- (29) Exhibit 6L - Prescription number 348261.
- (30) Exhibit 6M - Prescription number 348477.
- (31) Exhibit 6N - Prescription number 348756.
- (32) Exhibit 6O - Prescription number 349032.
- (33) Exhibit 6P - Prescription number 349335.
- (34) Exhibit 6Q - Prescription number 349819.
- (35) Exhibit 6R - Prescription number 350040.
- (36) Exhibit 6S - Prescription number 350263.

- (37) Exhibit 6T - Prescription number 350654.
- (38) Exhibit 6U - Prescription number 350956.
- (39) Exhibit 6V - Prescription number 360183.
- (40) Exhibit 6W - Prescription number 360490.
- (41) Exhibit 7 - Hand-written statement of Harry Decker signed and notarized on November 5, 1990.
- (42) Exhibit 8A - Prescription number 344425.
- (43) Exhibit 8B - Prescription number 346282.
- (44) Exhibit 8C - Prescription number 348570.
- (45) Exhibit 8D - Prescription number 349075.
- (46) Exhibit 8E - Prescription number 350464.
- (47) Exhibit 8F - Prescription number 350931.
- (48) Exhibit 8G - Prescription number 360708.
- (49) Exhibit 8H - Prescription number 361544.
- (50) Exhibit 8I - Prescription number 362241.
- (51) Exhibit 8J - Prescription number 362951.
- (52) Exhibit 9A - Prescription number 361078.
- (53) Exhibit 9B - Prescription number 362625.
- (54) Exhibit 10A - Prescription number 349499.
- (55) Exhibit 10B - Prescription number 350418.
- (56) Exhibit 10C - Prescription number 350655.
- (57) Exhibit 10D - Prescription number 360235.
- (58) Exhibit 11A - Prescription number 347575.
- (59) Exhibit 11B - Prescription number 348103.
- (60) Exhibit 11C - Prescription number 348748.
- (61) Exhibit 12A - Record of Sales of Exempt Narcotic Preparations entry for patient T. Robertson, within a forty-eight hour period, twice on February 10, 1989.
- (62) Exhibit 12B - Record of Sales of Exempt Narcotic Preparations entry for patient T. Robertson, within a forty-eight hour period, twice on February 13, 1989.
- (63) Exhibit 12C - Record of Sales of Exempt Narcotic Preparations entry for patient T. Robertson, within a forty-eight hour period, twice on February 16, 1989.
- (64) Exhibit 12D - Record of Sales of Exempt Narcotic Preparations entry for patient N. Smart, within a forty-eight hour period, on February 16, 1989 and February 17, 1989.
- (65) Exhibit 12E - Record of Sales of Exempt Narcotic Preparations entry for patient N. Smart, within a forty-eight hour period, on February 20, 1989, February 21, 1989, February 22, 1989 and February 23, 1989.
- (66) Exhibit 12F - Record of Sales of Exempt Narcotic Preparations entry for patient M. Poole, within a forty-eight hour period, on February 23, 1989 and February 24, 1989.
- (67) Exhibit 12G - Record of Sales of Exempt Narcotic Preparations entry for patient N. Smart, within a forty-eight hour period, on March 1, 1989 and March 2, 1989.
- (68) Exhibit 12H - Record of Sales of Exempt Narcotic Preparations entry for patient N. Smart, within a forty-eight hour period, on March 6, 1989 and March 7, 1989.
- (69) Exhibit 12I - Record of Sales of Exempt Narcotic Preparations entry for patient N. Smart, within a forty-eight hour period, on March 13, 1989 and March 14, 1989.
- (70) Exhibit 12J - Record of Sales of Exempt Narcotic Preparations entry for patient N. Smart, within a forty-eight hour period, on March 23, 1989 and March 24, 1989.

- (71) Exhibit 12K - Record of Sales of Exempt Narcotic Preparations entry for patient L. Hazelbach, within a forty-eight hour period, twice on May 16, 1989.
- (72) Exhibit 13 - Thirty-two page transcript of tape-recorded interview with Harry Decker, Case No. 90-1845, taken on July 12, 1991.

Respondent's Exhibits:

- (1) Exhibit 1 - Copy of two-page letter from Bruce B. McIntosh dated April 21, 1992; copy of letter from Ambrose H. Lindhorst dated April 15, 1992; copy of letter from James N. Perry dated February 21, 1992; copy of letter from Andrew Conlon dated April 21, 1992; copy of two-page letter from Mrs. Elizabeth McGuire; copy of note on Decker Pharmacy charge statement; copy of letter from Bob and Carol Wasil dated February 14, 1992; copy of note on letterhead of Decker Pharmacy statement; copy of letter from Barbara Field Welch dated February 23, 1992.

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board indicate that Harry Decker was originally licensed in the state of Ohio on April 10, 1934, pursuant to examination, and is the owner and Responsible Pharmacist pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code at Decker Pharmacy, 2653 Erie Avenue, Cincinnati, Ohio 45208.
- (2) From the evidence presented, the State Board of Pharmacy finds that Harry Decker was found guilty, on or about November 15, 1991, in the Common Pleas Court of Hamilton County, Ohio, of two counts of Trafficking in Drugs in violation of Section 2925.03(A)(1) of the Ohio Revised Code, felonies of the fourth degree, and pursuant to said conviction, he was summarily suspended from the practice of pharmacy.
- (3) From the evidence presented, the State Board of Pharmacy finds that Harry Decker, as Responsible Pharmacist did, between the dates of June, 1983 and October 10, 1990, fail to take or keep a biennial inventory of dangerous drugs and/or controlled substances received by and stored at Decker Pharmacy. Such conduct is in violation of Rule 4729-9-14 of the Ohio Administrative Code and Section 1304.13 of the Code of Federal Regulations.
- (4) From the evidence presented, the State Board of Pharmacy finds that Harry Decker, as Responsible Pharmacist did, on or about October 10, 1991 and dates immediately preceding, fail to maintain a library in Decker Pharmacy wherein a copy of current federal and state laws, regulations, and rules governing the legal distribution of drugs in Ohio was maintained. Such conduct is in violation of Rule 4729-9-02 of the Ohio Administrative Code and indicates a failure of the Responsible Pharmacist to ensure compliance with Section 4729.55(A) of the Ohio Revised Code.
- (5) From the evidence presented, the State Board of Pharmacy finds that Harry Decker, as Responsible Pharmacist did, on October 10, 1990 and dates prior thereto, fail to use, or have available in Decker Pharmacy for use, child-proof caps for controlled substance prescriptions dispensed from the pharmacy. Such conduct is in violation of Section 1700.14(a)(4) of the Code

of Federal Regulations and indicates a failure of the Responsible Pharmacist to ensure compliance with Section 4729.55(A) of the Ohio Revised Code.

- (6) From the evidence presented, the State Board of Pharmacy finds that Harry Decker did, on the following dates, knowingly sell a controlled substance in an amount greater than three times bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Harry Decker sold 28 tablets of Preludin to Ralph Dalton on the following occasions, for a total of 644 tablets, for no legitimate medical purpose:

<u>Rx No.</u>	<u>Date</u>	<u>Rx No.</u>	<u>Date</u>
343627	01-27-87	348477	08-26-88
344738	05-23-87	348756	09-26-88
344961	06-20-87	349032	10-24-88
345168	07-18-87	349335	11-28-88
345734	09-28-87	349819	01-20-89
346272	12-03-87	350040	02-20-89
346531	01-05-88	350263	03-20-89
347103	03-14-88	350654	05-06-89
347365	04-13-88	350956	06-07-89
347688	05-21-88	360183	07-05-89
347976	06-22-88	360490	08-18-89
348261	07-26-88		

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (7) From the evidence presented, the State Board of Pharmacy finds that Harry Decker did, on the following dates, knowingly sell a controlled substance in an amount greater than three times bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Harry Decker sold Preludin in the following amounts to Sylvia Phyper on the following occasions, for a total of 694 tablets, for no legitimate medical purpose:

<u>Rx No.</u>	<u>Date</u>	<u>Quantity</u>
344425	04-17-87	14
346282	12-04-87	30
348570	09-02-88	50
349075	10-31-88	50
350464	04-11-89	50
350931	06-05-89	100
360708	07-12-89	100
361544	12-04-89	100
362241	02-14-90	100
362951	05-09-90	100

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (8) From the evidence presented, the State Board of Pharmacy finds that Harry Decker did, on the following dates, knowingly sell a controlled substance in an amount less than bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Harry

Decker sold 14 tablets of Preludin to Robin Hendrix on the following dates, for a total of 28 tablets, for no legitimate medical purpose:

<u>Rx No.</u>	<u>Date</u>
<u>361078</u>	<u>10-18-89</u>
362625	04-02-90

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

- (9) From the evidence presented, the State Board of Pharmacy finds that Harry Decker did, on the following dates, knowingly sell a controlled substance in an amount greater than three times bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Harry Decker sold 30 tablets of Preludin to Diane Engelhardt on the following occasions, for a total of 120 tablets, for no legitimate medical purpose:

<u>Rx No.</u>	<u>Date</u>
<u>349499</u>	<u>12-15-88</u>
350418	04-06-89
350655	05-05-89
360235	07-21-89

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (10) From the evidence presented, the State Board of Pharmacy finds that Harry Decker did, on the following dates, knowingly sell a controlled substance in an amount greater than three times bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Harry Decker sold 60 Preludin to Cora Nester on the following occasions, for a total of 180 tablets, for no legitimate medical purpose:

<u>Rx No.</u>	<u>Date</u>
<u>347575</u>	<u>05-03-88</u>
348103	07-05-88
348748	09-22-88

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (11) From the evidence presented, the State Board of Pharmacy finds that Harry Decker, as owner and Responsible Pharmacist, failed to keep an accurate record of all controlled substances received by Decker Pharmacy, to wit: Harry Decker failed to indicate on the pharmacy's DEA 222 forms the quantity and date of controlled substances received by the pharmacy. Such conduct is in violation of Section 3719.07 of the Ohio Revised Code.
- (12) From the evidence presented, the State Board of Pharmacy finds that Harry Decker did, on or about February 10, 1989, dispense or sell, under exemptions of Section 3719.15 of the Revised Code to one person, a preparation included in such section, when he knew or could have by reasonable diligence ascertained that such dispensing or selling would provide the person within forty-eight consecutive hours with more than one preparation

exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Harry Decker sold one preparation of Cheracol and one preparation of Kaodene, Schedule V controlled substances, to T. Robertson within a forty-eight hour period, the first being on February 10, 1989 and the second being on February 10, 1989. Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.

- (13) From the evidence presented, the State Board of Pharmacy finds that Harry Decker did, on or about February 13, 1989, dispense or sell, under exemptions of Section 3719.15 of the Revised Code to one person, a preparation included in such section, when he knew or could have by reasonable diligence ascertained that such dispensing or selling would provide the person within forty-eight consecutive hours with more than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Harry Decker sold one preparation of Cheracol and one preparation of Kaodene, Schedule V controlled substances, to T. Robertson within a forty-eight hour period, the first being on February 13, 1989 and the second being on February 13, 1989. Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.
- (14) From the evidence presented, the State Board of Pharmacy finds that Harry Decker did, on or about February 16, 1989, dispense or sell, under exemptions of Section 3719.15 of the Revised Code to one person, a preparation included in such section, when he knew or could have by reasonable diligence ascertained that such dispensing or selling would provide the person within forty-eight consecutive hours with more than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Harry Decker sold one preparation of Cheracol and one preparation of Kaodene, Schedule V controlled substances, to T. Robertson within a forty-eight hour period, the first being on February 16, 1989 and the second being on February 16, 1989. Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.
- (15) From the evidence presented, the State Board of Pharmacy finds that Harry Decker did, on or about February 17, 1989, dispense or sell, under exemptions of Section 3719.15 of the Revised Code to one person, a preparation included in such section, when he knew or could have by reasonable diligence ascertained that such dispensing or selling would provide the person within forty-eight consecutive hours with more than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Harry Decker sold two preparations of ETH & Codeine, a Schedule V controlled substance, to N. Smart within a forty-eight hour period, the first being on February 16, 1989 and the second being on February 17, 1989. Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.
- (16) From the evidence presented, the State Board of Pharmacy finds that Harry Decker did, on or about February 21, 1989, February 22, 1989, and February 23, 1991 dispense or sell, under exemptions of Section 3719.15 of the Revised Code to one person, a preparation included in such section, when he knew or could have by reasonable diligence ascertained that such dispensing or selling would provide the person within forty-eight consecutive hours with more than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: on four separate occasions, Harry Decker sold four preparations of ETH & Codeine, a Schedule V controlled

substance, to N. Smart within a forty-eight hour period, the first being on February 20, 1989, the second being on February 21, 1989, the third being on February 22, 1989, and the fourth being on February 23, 1989. Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.

- (17) From the evidence presented, the State Board of Pharmacy finds that Harry Decker did, on or about February 24, 1989, dispense or sell, under exemptions of Section 3719.15 of the Revised Code to one person, a preparation included in such section, when he knew or could have by reasonable diligence ascertained that such dispensing or selling would provide the person within forty-eight consecutive hours with more than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Harry Decker sold two preparations of ETH & Codeine, a Schedule V controlled substance, to M. Poole within a forty-eight hour period, the first being on February 23, 1989 and the second being on February 24, 1989. Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.
- (18) From the evidence presented, the State Board of Pharmacy finds that Harry Decker did, on or about March 2, 1989, dispense or sell, under exemptions of Section 3719.15 of the Revised Code to one person, a preparation included in such section, when he knew or could have by reasonable diligence ascertained that such dispensing or selling would provide the person within forty-eight consecutive hours with more than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Harry Decker sold two preparations of ETH & Codeine, a Schedule V controlled substance, to N. Smart within a forty-eight hour period, the first being on March 1, 1989 and the second being on March 2, 1989. Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.
- (19) From the evidence presented, the State Board of Pharmacy finds that Harry Decker did, on or about March 7, 1989, dispense or sell, under exemptions of Section 3719.15 of the Revised Code to one person, a preparation included in such section, when he knew or could have by reasonable diligence ascertained that such dispensing or selling would provide the person within forty-eight consecutive hours with more than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Harry Decker sold two preparations of ETH & Codeine, a Schedule V controlled substance, to N. Smart within a forty-eight hour period, the first being on March 6, 1989 and the second being on March 7, 1989. Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.
- (20) From the evidence presented, the State Board of Pharmacy finds that Harry Decker did, on or about March 14, 1989, dispense or sell, under exemptions of Section 3719.15 of the Revised Code to one person, a preparation included in such section, when he knew or could have by reasonable diligence ascertained that such dispensing or selling would provide the person within forty-eight consecutive hours with more than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Harry Decker sold two preparations of ETH & Codeine, a Schedule V controlled substance, to N. Smart within a forty-eight hour period, the first being on March 13, 1989 and the second being on March 14, 1989. Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.

- (21) From the evidence presented, the State Board of Pharmacy finds that Harry Decker did, on or about March 24, 1989, dispense or sell, under exemptions of Section 3719.15 of the Revised Code to one person, a preparation included in such section, when he knew or could have by reasonable diligence ascertained that such dispensing or selling would provide the person within forty-eight consecutive hours with more than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Harry Decker sold two preparations of ETH & Codeine, a Schedule V controlled substance, to N. Smart within a forty-eight hour period, the first being on March 23, 1989 and the second being on March 24, 1989. Such conduct is in violation of Section 3719.16 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), (6) through (10), and (12) through (21) of the Findings Of Fact constitute being guilty of a felony and gross immorality 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 paragraphs (2), (3), and (6) through (21) 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.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (21) of the Findings Of Fact constitutes being guilty of 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.

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, Docket No. D-920214-125, issued February 14, 1992.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-3-02692, held by Harry Decker:

- (A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Harry Decker.
- (B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Harry Decker.
- (C) On the basis of paragraph (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Harry Decker.

HARRY DECKER, R.Ph.
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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 revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice 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 (Aye-5/Nay-2).

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.

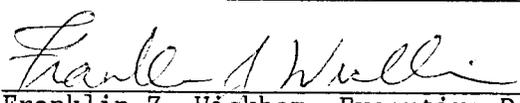
Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt
#P 749 728 864

ORDER MAILED: JULY 1, 1992

FZW/so

By 
Franklin Z. Wickham, Executive Director

cc: Ronda Anderson, Assistant Attorney General
Bruce B. McIntosh, Attorney for Respondent; McIntosh, McIntosh & Knabe;
4100 Carew Tower; 441 Vine Street; Cincinnati, Ohio 45202