OHIO STATE BOARD OF PHARMACY

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THE STATE BOARD OF PHARMACY
(Docket No. D-881205-050)

In The Matter Of:

DANE B. MARSHALL, R.Ph.
359 E. 1st N.
Kaysville, Utah 84037

THE MATTER OF DANE B. MARSHALL CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON THURSDAY, APRIL 6, 1989 AS A RESULT OF THE REPORT AND RECOMMENDATION SUBMITTED TO THE BOARD BY HEARING OFFICER AND BOARD MEMBER BETTY NICHOL. FOLLOWING CONSIDERATION OF THE REPORT AND RECOMMENDATION, THE TRANSCRIPT OF THE HEARING, AND EVIDENCE ADDUCED AT THE HEARING, MOTIONS WERE MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

The State Board of Pharmacy hereby agrees with and adopts the Findings Of Fact set forth in the Report and Recommendation of Hearing Officer and Board Member Betty Nichol, as follows:

(1) The State Board of Pharmacy finds that Dane B. Marshall, on December 5, 1988, was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.

(2) The State Board of Pharmacy finds that, as demonstrated by return receipt of December 8, 1988, Dane B. Marshall received the letter of December 5, 1988, informing him of the allegations regarding his continuing pharmacy education submitted for renewal, and his rights.

(3) The State Board of Pharmacy finds that Dane B. Marshall has not responded in any manner to the letter of December 5, 1988 and has not requested a hearing in this matter.

(4) The State Board of Pharmacy finds that Dane B. Marshall has not continued his pharmacy education in accordance with Chapter 4729-7 of the Ohio Administrative Code.

(5) The State Board of Pharmacy finds that Dane B. Marshall has not submitted the required 4.5 CEUs needed for renewal of his pharmacist license.

Conclusion Of Law

The State Board of Pharmacy hereby agrees with and adopts the Conclusion Of Law set forth in the Report and Recommendation of Hearing Officer and Board Member Betty Nichol, as follows:

(1) The State Board of Pharmacy concludes that paragraphs (4) and (5) of the Findings Of Fact constitutes failure to meet the requirements for a renewal identification card as set forth in Section 4729.12 of the Ohio Revised Code.

Action Of The Board

The State Board of Pharmacy hereby agrees with and adopts the recommendation for action set forth in the Report and Recommendation of Hearing Officer and Board Member Betty Nichol. Therefore, pursuant to Section 4729.12 of the Ohio Revised Code, the State Board of Pharmacy hereby denies the renewal application for an identification card for Dane B. Marshall.

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

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 596 092 889

ORDER MAILED: JULY 6, 1989

By Franklin Z. Wickham
Franklin Z. Wickham, Executive Director

FZW/pw

cc: Steve Dlott, Assistant Attorney General