



# OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

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TEL: 614/466-4143

E-MAIL: [exec@bop.state.oh.us](mailto:exec@bop.state.oh.us)

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-040805-009)

In The Matter Of:

**RICHARD W. JOHNSON, R.Ph.**

19205 Shawnee Avenue  
Cleveland, Ohio 44119  
(R.Ph. No. 03-3-03936)

### INTRODUCTION

THE MATTER OF RICHARD W. JOHNSON CAME FOR CONSIDERATION ON OCTOBER 5, 2004, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: LAWRENCE J. KOST, R.Ph. (presiding); SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph., ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph., DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

RICHARD W. JOHNSON WAS NOT PRESENT NOR WAS HE REPRESENTED BY COUNSEL AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

#### State's Witnesses

1. James Reye, Ohio State Board of Pharmacy

#### Respondent's Witnesses

None

#### State's Exhibits

1. Notice of Opportunity For Hearing letter [08-05-04]
  - 1A. Procedural
2. Notarized Statement of Richard W. Johnson [06-24-04]
3. Ohio State Board of Pharmacy Brief in the matter of Richard Wilbur Johnston [not dated]

#### Respondent's Exhibits

None

### FINDINGS OF FACT

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

- (1) On August 5, 2004, Richard W. Johnson was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit any contentions in writing.
- (2) As demonstrated by return receipt dated August 9, 2004, Richard W. Johnson received the letter of August 5, 2004, informing him of the allegations against him and his rights.
- (3) Richard W. Johnson has not responded in any manner to the letter of August 5, 2004, and has not requested a hearing in this matter, therefore the matter was referred to the Board for consideration.
- (4) Records of the State Board of Pharmacy indicate that Richard W. Johnson was originally licensed by the State of Ohio as a pharmacist on February 6, 1945, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.
- (5) Richard W. Johnson did, from November, 2003, through May 19, 2004, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS, beyond the express or implied consent of CVS, to wit: Richard W. Johnson admittedly stole approximately 40 unit doses of Viagra 100 mg tablets. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

### CONCLUSION OF LAW

The State Board of Pharmacy concludes that paragraph (5) of the Findings of Fact constitutes 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.

### DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy adjudicates the matter of Richard W. Johnson as follows:

- (A) Based on the foregoing Findings of Fact and Conclusion of Law, the State Board of Pharmacy hereby reprimands Richard W. Johnson for his conduct in this matter.
- (B) On the basis of the Findings of Fact and Conclusion of Law set forth above, the State Board of Pharmacy hereby imposes on Richard W. Johnson a monetary penalty of one hundred fifty dollars (\$150.00) due and owing within thirty days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-6/Nay-1).

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 Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of 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 both the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

**BY ORDER OF THE STATE BOARD OF PHARMACY**

ORDER MAILED & EFFECTIVE: NOVEMBER 10, 2004

CERTIFIED MAIL / Return Receipt  
# 7003 0500 0002 4347 2702

WTW/lf

By: \_\_\_\_\_  
William T. Winsley, M.S., R.Ph., Executive Director

c: Sally Ann Steuk, Assistant Attorney General