



OHIO STATE BOARD OF PHARMACY

65 S. FRONT STREET, ROOM 504
COLUMBUS, OHIO 43215
TELEPHONE: 614/466-4143

03-3-05933

THE STATE BOARD OF PHARMACY

VS

DANIEL A. SEIGER, R.Ph.

THE MATTER OF DANIEL A. SEIGER, DOCKET NO. 6-70-2, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE ON MARCH 27, 1984. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTIONS WERE MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that on January 27, 1981, the Cuyahoga County Court of Common Pleas found Daniel A. Seiger guilty of twenty violations of Section 2925.03(A)(1), said violations being felonies of the fourth degree.
- (2) From the evidence presented, the State Board of Pharmacy finds that Daniel A. Seiger did appear before the Board of Pharmacy on March 7, 1967 regarding the sale of Ortho-Novum without a prescription issued by a physician, dentist, or veterinarian, and that such appearance resulted in a Cease and Desist Order.
- (3) From the evidence presented, the State Board of Pharmacy finds that on September 28, 1962, the United States District Court, Northern District of Ohio, Eastern Division, found Daniel A. Seiger guilty of a felony, to wit: knowingly and unlawfully deposited and cause to be deposited in the United States mails for delivery, mail matter giving information as to where or from whom obscene matter could be obtained.
- (4) From the evidence presented, the State Board of Pharmacy finds that Daniel A. Seiger's license to practice pharmacy in Ohio was suspended for a period of two years on April 15, 1964.
- (5) From the evidence presented, the State Board of Pharmacy finds that Daniel A. Seiger was charged by the Cuyahoga County Grand Jury on January 7, 1980 with at least fifty-one counts of aggravated trafficking, four counts of drug trafficking, fifty-two counts of illegal sale of a dangerous drug, one count of illegal dispensing of a controlled substance, one count of corrupting another with drugs, and six counts of altering a record.

- (6) From the evidence presented, the State Board of Pharmacy finds that Daniel A. Seiger, as the responsible pharmacist for EJBL Leader Rexall Drug, 7008 Broadway, Cleveland, Ohio 44127, did knowingly possess false prescriptions, to wit: Prescription Numbers 852378 and 982007 for Darvon Compound 65, and Prescription Number 982008 for Soma 350mg tablets.
- (7) From the evidence presented, the State Board of Pharmacy finds that Daniel A. Seiger did on one or more occasions between May 19, 1977 and November 12, 1979 make sales totaling approximately 13,626 capsules of Darvon Compound 65, a Schedule IV controlled substance and prescription drug, without valid prescriptions, and that such sales were not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code.
- (8) From the evidence presented, the State Board of Pharmacy finds that Daniel A. Seiger did on one or more occasions between May 19, 1977 and November 12, 1979, make sales totaling approximately 17,390 tablets of Soma Compound, a prescription drug, without valid prescriptions and that such sales were not in accordance with Chapter 3715. of the Revised Code.
- (9) From the evidence presented, the State Board of Pharmacy finds that Daniel A. Seiger did knowingly furnish another a controlled substance and thereby cause serious physical harm to another person by conduct not in accordance with Chapter 3719. of the Revised Code, to wit: the illegal sale of Darvon Compound 65 to Patricia J. Bednarz, which ultimately resulted in her death due to chemical intoxication.

Conclusions Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (3) and (6) through (9) of the Findings Of Fact constitutes being guilty of a felony and gross immorality, within the meaning of Section 4729.16(A) of the Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2), (6), (7), and (8) of the Findings Of Fact constitutes willful violations of more than one time of the provisions of Sections 3715.52 to 3715.72, Chapters 2925., 3719., and 4729. of the Revised Code.

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusions Of Law, the State Board of Pharmacy takes the following actions concerning the registered pharmacist license of Daniel A. Seiger, No. 03-3-05933:

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Order of the Board

(A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the registered pharmacist identification card held by Daniel A. Seiger.

(B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of five thousand dollars (\$5,000), due and owing within thirty (30) days of the issuance of this Order. Said monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 65 S. Front Street, Room 504, Columbus, Ohio 43215, with the enclosed form.

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 Requested

ORDER ISSUED: May 20, 1984

FZW/sb

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

cc/John E. Breen, Assistant Attorney General
David Nittskoff, Attorney; 2121 S. Green Road; S. Euclid, OH 44121