

# ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-881221-085)

In The Matter Of:

**WARREN L. BERTRAM, R.Ph.**

(R.Ph. No. 03-2-16472)

## INTRODUCTION

THE MATTER OF WARREN L. BERTRAM CAME TO HEARING ON APRIL 3, 1989 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JEROME WIESENHAHN, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; ROBERT VALENTINE, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

WARREN L. BERTRAM WAS REPRESENTED BY MICHAEL IGOE, AND THE STATE OF OHIO WAS REPRESENTED BY CHRISTOPHER COSTANTINI, ASSISTANT ATTORNEY GENERAL.

## SUMMARY OF EVIDENCE

### (A) Testimony

State's Witnesses:

- (1) Detective Bruce Wilson - Massillon Police Department
- (2) Robert Amiet - Board of Pharmacy

Respondent's Witnesses:

- (1) Rick Seifer - Jackson Police Department
- (2) Donald Wertz
- (3) Warren L. Bertram - Respondent

### (B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated December 21, 1989.
- (2) Exhibit B - Request for Hearing letter dated January 16, 1989.
- (3) Exhibit C - Hearing Schedule letter dated January 25, 1989.
- (4) Exhibit D - Request for Continuance letter dated February 1, 1989.
- (5) Exhibit E - Hearing Schedule letter dated February 6, 1989.
- (6) Exhibit 1 - Pharmacist Renewal Applications for Warren L. Bertram from July 31, 1961 to September 1, 1988.
- (7) Exhibit 2 -
- (8) Exhibit 3 -
- (9) Exhibit 4 -
- (10) Exhibit 5 -
- (11) Exhibit 6 -
- (12) Exhibit 7 -

Respondent's Exhibits:

- (1) Exhibit 1 - Several (12) Character Witness letters from Richard A. Mallonn dated March 29, 1989, Frank Grosse dated February 15, 1989, John E. Frutschy dated March 29, 1989, Shelly G. Arkow dated March 30, 1989, William Ferguson dated March 20, 1989, Daniel F. Sciury dated March 29, 1989, Albert Artimez dated March 29, 1989, Melvin J. Gravely dated March 21, 1989, Edward L. Coleman dated March 29, 1989, Steve Geier dated March 25, 1989, Norma Jean Gialluca dated March 31, 1989, and Tony Biasella dated March 21, 1989.
- (2) Exhibit 2 -
- (3) Exhibit 3 -
- (4) Exhibit 4 - Page 5 of unknown document.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that Warren L. Bertram has been a licensed pharmacist in the state of Ohio since July 31, 1958.
- (2)
- (3)
- (4)
- (5)

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 (2) through (4) of the Findings Of Fact constitutes being guilty of \_\_\_\_\_ and gross immorality.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (4) of the Findings Of Fact constitutes dishonesty and unprofessional conduct in the practice of pharmacy.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (3) through (5) of the Findings Of Fact constitutes willfully violating, conspiring to violate, attempting to violate, and aiding and abetting the violation of the provisions of Chapters 2925. and 3715. of the Ohio Revised Code.

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-3-06696, held by Warren L. Bertram:

- (A) On the basis of paragraphs (1) and (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Warren L. Bertram for five years, effective February 3, 1988.

- (B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby places on probation the pharmacist identification card held by Warren L. Bertram for five years, effective February 3, 1988.
- (C) Further, the Board will suspend three years of the five-year suspension imposed in paragraph (A) above on condition that Warren L. Bertram successfully completes a Jurisprudence examination offered by the Board.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is ..., suspended, ..., 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-6/Nay-1).

MOTION CARRIED.

SO ORDERED.

**ORDER EFFECTIVE JUNE 30, 1989**