
STATE BOARD OF PHARMACY

THE STATE BOARD OF PHARMACY

vs

FRANK F. DeDOMENICO, R.Ph.

03-3-06848

THE MATTER OF FRANK F. DeDOMENICO, DOCKET NO. 6-147-3, CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON FRIDAY, JUNE 27, 1986 AS A RESULT OF THE REPORT AND RECOMMENDATION SUBMITTED TO THE BOARD BY HEARING OFFICER AND BOARD MEMBER BETTY J. NICHOL. 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 J. Nichol, as follows:

- (1) On February 18, 1986, Frank F. DeDomenico 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) As demonstrated by return receipt of February 24, 1986, Frank F. DeDomenico received the letter of February 18, 1986 informing him of the allegations, and his rights.
- (3) Frank F. DeDomenico has not responded in any manner to the letter of February 18, 1986 informing him of the allegations.
- (4) Frank F. DeDomenico failed to renew his identification card on the fifteenth day of September, as required by Section 4729.12 of the Ohio Revised Code, for 1983, when he did not renew until October 14, 1982.
- (5) Frank F. DeDomenico failed to renew his identification card on the fifteenth day of September, as required by Section 4729.12 of the Ohio Revised Code, for 1986, when he did not renew until January 14, 1986.
- (6) Frank F. DeDomencio did dispense and sell dangerous drugs while not being a registered pharmacist during the lapsed dates of his pharmacist license; in violation of the provisions of Section 4729.28 of the Revised Code.

Conclusions Of Law

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

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- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (4) and (5) of the Findings Of Fact constitutes violating the provisions of Section 4729.12 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 paragraph (6) of the Findings Of Fact constitutes violating the provisions of Section 4729.28 of the Revised Code.

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusions Of Law set forth above, 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 J. Nichol. Therefore, the State Board of Pharmacy takes the following actions concerning the pharmacist license held by Frank F. DeDomenico:

(A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of one hundred dollars (\$100.00).

(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 hundred dollars (\$500.00).

(C) Further, the Board suspends the one hundred dollar monetary penalty imposed in paragraph (A) above, and four hundred dollars of the five hundred dollar monetary penalty imposed in paragraph (B) above, on condition that Frank F. DeDomenico:

- (1) does not violate any drug laws of the state of Ohio, any other state, or the federal government; and
- (2) abides by the rules of the State Board of Pharmacy.

The one hundred dollar (\$100.00) monetary penalty that was not suspended in paragraph (C) above is 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 43266-0320, with the enclosed form.

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

MOTION CARRIED.

SO ORDERED.