

THE STATE BOARD OF PHARMACY

VS

BERT SANDERS

THE MATTER OF THE STATE BOARD OF PHARMACY VERSUS BERT SANDERS, DOCKET 6-29-1 WAS CONSIDERED PURSUANT TO CHAPTERS 4729. AND 119., OF THE REVISED CODE. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTION WAS MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

ORDER

1. THE STATE BOARD OF PHARMACY FINDS BERT SANDERS DID VIOLATE SECTION 2925.11 OHIO REVISED CODE IN THAT HE KNOWINGLY USED A CONTROLLED SUBSTANCE, TO WIT: PAREST, PERCODAN, DEMEROL, QUAALUDE AND SOPOR WHICH ARE INCLUDED IN SCHEDULE II PURSUANT TO SECTION 3719.41 OHIO REVISED CODE, BETWEEN THE DATES OF FEBRUARY 18, 1978 AND JUNE 5, 1978.

VIOLATION OF SECTION 2925.11 IS A FELONY OF THE FOURTH DEGREE.

2. THE BOARD FURTHER FINDS THAT BERT SANDERS VIOLATED SECTION 3719.07(C) OHIO REVISED CODE IN THAT HE, BEING THE OWNER OF THRIFTY C DRUGS, 1575 PENNSYLVANIA AVENUE, EAST LIVERPOOL, OHIO, FAILED TO KEEP RECORDS OF ALL CONTROLLED SUBSTANCES DISPENSED IN ACCORDANCE WITH SECTION 3719.07(G) OHIO REVISED CODE, TO WIT: PAREST, PERCODAN, DEMEROL, QUAALUDE AND SOPOR BETWEEN THE DATES OF FEBRUARY 18, 1978 AND JUNE 5, 1978.

3. THE STATE BOARD OF PHARMACY FINDS UNDER SECTION 4729.16, REVISED CODE:

"THE STATE BOARD OF PHARMACY, AFTER NOTICE AND HEARING IN ACCORDANCE WITH SECTIONS 119.01 TO 119.13 OF THE REVISED CODE, MAY REVOKE, SUSPEND OR REFUSE TO GRANT AN IDENTIFICATION CARD OR RENEWAL IDENTIFICATION CARD UNDER THIS CHAPTER, OR MAY IMPOSE A MONETARY PENALTY OR FORFEITURE NOT TO EXCEED IN SEVERITY ANY FINE DESIGNATED UNDER THE REVISED CODE FOR A SIMILAR OFFENSE, IF A MAJORITY OF THE MEMBERS OF THE BOARD FINDS A PHARMACIST:

(A) GUILTY OF A FELONY."

4. THE STATE BOARD OF PHARMACY FINDS THAT BERT SANDERS IS GUILTY OF A FELONY VIOLATION AS ENUMERATED IN PARAGRAPH (1).
5. THE STATE BOARD OF PHARMACY HEREBY REVOKES THE IDENTIFICATION CARD OF BERT SANDERS, EFFECTIVE IMMEDIATELY.

SECTION 4729.16 OHIO REVISED CODE PROVIDES:

"ANY INDIVIDUAL WHOSE IDENTIFICATION CARD IS REVOKED, SUSPENDED, OR REFUSED, 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."

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

MOTION CARRIED.

SO ORDERED.

(10/3/78)