



65 S. FRONT STREET, ROOM 504 * COLUMBUS, OHIO 43266-0320 * 614/466-4143

THE STATE BOARD OF PHARMACY
(Docket No. D-861028-063)

In The Matter Of:

JOSEPH M. LAUBENTHAL, R.Ph. 03-3-08598
158 Greenmount Blvd.
Dayton, Ohio 45419

THE MATTER OF JOSEPH M. LAUBENTHAL CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON APRIL 30, 1987. MOTIONS WERE MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

- (1) On October 28, 1986, Joseph M. Laubenthal, R.Ph. No. 03-3-08598, 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 October 29, 1986, Joseph M. Laubenthal received the letter of October 28, 1986 informing him of the allegations regarding the late renewal of his pharmacist identification card, his continual practice without a current identification card, and his rights.
- (3) Joseph M. Laubenthal has not responded in any manner to the letter of October 28, 1986 and has not requested a hearing in the matter.
- (4) The State Board of Pharmacy finds that Joseph M. Laubenthal failed to renew his identification card on the fifteenth day of September, 1986 as required by Section 4729.12 of the Ohio Revised Code, for 1987, when he did not renew until October 21, 1986.
- (5) The State Board of Pharmacy finds that Joseph M. Laubenthal failed to renew his identification card on the fifteenth day of September, 1982 as required by Section 4729.12 of the Ohio Revised Code, for 1983, when he did not renew until December 9, 1982.
- (6) The State Board of Pharmacy finds that Joseph M. Laubenthal failed to renew his identification card on the fifteenth day of September, 1979 as required by Section 4729.12 of the Ohio Revised Code, for 1980, when he did not renew until September 28, 1979.

- (7) The State Board of Pharmacy finds that Joseph M. Laubenthal failed to renew his identification card on the fifteenth day of September, 1976 as required by Section 4729.12 of the Ohio Revised Code, for 1977, when he did not renew until October 7, 1976.
- (8) The State Board of Pharmacy finds that Joseph M. Laubenthal 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

- (1) The State Board of Pharmacy concludes that Joseph M. Laubenthal did fail to renew his identification card to practice pharmacy in Ohio, as required by Section 4729.12 of the Revised Code, more than one time. Said conduct violates Section 4729.16(A)(5) of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that Joseph M. Laubenthal did willfully dispense and sell dangerous drugs more than one time during the lapsed dates of his pharmacist license, in violation of the provisions of Section 4729.28 of the Revised Code. Said conduct violates Section 4729.16(A)(2) of the Ohio 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 pharmacist license, No. 03-3-08598, held by Joseph M. Laubenthal:

(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. The one hundred dollar (\$100.00) monetary penalty is due and owing within thirty (30) days of the issuance of this Order. The 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.

JOSEPH M. LAUBENTHAL, R.Ph.

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Order of the Board

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

ORDER ISSUED: JUNE 29, 1987

FZW/sb

By

Franklin Z. Wickham
Franklin Z. Wickham, Executive Director

cc: Yvette McGee, Assistant Attorney General