

THE STATE BOARD OF PHARMACY

VS

BRUCE STOVER

THE MATTER OF THE STATE BOARD OF PHARMACY VERSUS BRUCE STOVER, DOCKET 6-29-2 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 BRUCE STOVER DID VIOLATE SECTION 4729.16(A) OHIO REVISED CODE IN THAT HE WAS FOUND GUILTY OF A FELONY BY THE HONORABLE FRED J. SHOEMAKER, COURT OF COMMON PLEAS OF FRANKLIN COUNTY OHIO ON APRIL 12, 1978, TO WIT: ATTEMPTED TRAFFICKING IN DRUGS (LESS THAN BULK AMOUNT) IN VIOLATION OF SECTION 2929.03(A)(1) AND ILLEGAL PROCESSING OF DRUG DOCUMENTS IN VIOLATION OF SECTION 2925.23 OHIO REVISED CODE.
2. FURTHER THAT BRUCE STOVER VIOLATED:
 - (A) SECTION 3719.05(A) REVISED CODE IN THAT HE DISPENSED A SCHEDULE II DRUG WITHOUT HAVING A WRITTEN PRESCRIPTION GIVEN BY A PRACTITIONER, TO WIT: ESKATROL, QUAALUDE, BIPHETAMINE-20, DEXEDRINE, SECONAL, PAREST, TUINAL, SOPOR, DILAUDID AND DEMEROL BETWEEN THE DATES OF DECEMBER 8, 1975 AND JULY 11, 1977.
 - (B) SECTION 2925.03(A)(2) REVISED CODE IN THAT HE DISTRIBUTED A CONTROLLED SUBSTANCE KNOWING SUCH DRUG WAS INTENDED FOR SALE BY ANOTHER, TO WIT: ESKATROL, QUAALUDE, BIPHETAMINE-20, DEXEDRINE, SECONAL, PAREST, TUINAL, SOPOR, DILAUDID, AND DEMEROL BETWEEN THE DATES OF DECEMBER 8, 1975 AND JULY 11, 1977.
 - (C) SECTION 2925.03(A)(5) REVISED CODE IN THAT HE DID SELL A CONTROLLED SUBSTANCE IN AN AMOUNT EQUAL TO OR EXCEEDING THE BULK AMOUNT BUT IN AN AMOUNT LESS THAN THREE TIMES THAT AMOUNT, TO WIT: QUAALUDE, TUINAL, SOPOR, SECONAL, AND PAREST BETWEEN THE DATES OF DECEMBER 8, 1975 AND JULY 7, 1977.
 - (D) SECTION 2925.03(A)(7) REVISED CODE IN THAT HE DID SELL A CONTROLLED SUBSTANCE IN AN AMOUNT EQUAL TO OR EXCEEDING THREE TIMES THE BULK AMOUNT, TO WIT: BIPHETAMINE-20, PAREST, AND DILAUDID BETWEEN THE DATES OF DECEMBER 8, 1975 AND JULY 7, 1977.
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
 - (C) GUILTY OF WILLFULLY VIOLATING MORE THAN ONE TIME ANY OF THE PROVISIONS OF CHAPTER 2925., OF THE REVISED CODE.

4. THE STATE BOARD OF PHARMACY FINDS THAT BRUCE STOVER WAS CONVICTED OF A FELONY VIOLATION: TO WIT: ATTEMPTED TRAFFICKING IN DRUGS AND THE STATE BOARD OF PHARMACY FINDS THAT MR. STOVER IS GUILTY OF SUCH OFFENSE.
5. THE STATE BOARD OF PHARMACY FINDS THAT BRUCE STOVER IS GUILTY OF WILLFULLY VIOLATING MORE THAN ONE TIME THE PROVISIONS OF CHAPTER 2925., OF THE REVISED CODE.
6. THE STATE BOARD OF PHARMACY HEREBY REVOKES THE IDENTIFICATION CARD OF BRUCE STOVER, 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)