



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-000711-002)

In The Matter Of:

DENNIS PAUL THOMPSON

343 Trumbull Drive

Niles, Ohio 44446

(D.O.B. 07/26/1943)

INTRODUCTION

THE MATTER OF DENNIS PAUL THOMPSON CAME FOR HEARING ON SEPTEMBER 5, 2000, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); ANN D. ABELE, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

DENNIS PAUL THOMPSON WAS NOT PRESENT, NOR WAS HE REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) George Pavlich, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of two-page Proposal to Deny/Notice of Opportunity for Hearing letter dated July 11, 2000.
(2) Exhibit 1A--Two-page letter from Dennis Paul Thompson dated August 1, 2000.
(3) Exhibit 1B--Copy of Hearing Schedule letter dated August 10, 2000.

- (4) Exhibit 1C--Application for Examination as a Pharmacist of Dennis Paul Thompson signed and notarized on May 30, 2000, and attached statement of Dennis Paul Thompson regarding Section 5 of the application.
- (5) Exhibit 2--Copy of seven-page Order of the State Board of Pharmacy, Docket No. D-870604-119, dated August 21, 1987.
- (6) Exhibit 3--Copy of seven-page Order of the State Board of Pharmacy, Docket No. D-880517-223, in the matter of Dennis Paul Thompson dated August 22, 1988.
- (7) Exhibit 4--Copy of six-page Order of the State Board of Pharmacy, Docket No. D-890309-103, in the matter of Dennis Paul Thompson dated June 30, 1989.
- (8) Exhibit 5--Copy of six-page Order of the State Board of Pharmacy, Docket No. D-900227-064, in the matter of Dennis Paul Thompson dated June 29, 1990.
- (9) Exhibit 6--Copy of six-page Order of the State Board of Pharmacy, Docket No. D-911220-086, in the matter of Dennis Paul Thompson dated July 1, 1992.
- (10) Exhibit 7--Copy of three-page Order of the State Board of Pharmacy, Docket No. D-940902-014, in the matter of Dennis Paul Thompson dated April 27, 1995.

Respondent's Exhibits:

- (1) None

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witness, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds the following to be fact:

- (1) On July 11, 2000, Dennis Paul Thompson 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 July 19, 2000, Dennis Paul Thompson received the letter of July 11, 2000, informing him of the allegations against him, and his rights.
- (3) Dennis Paul Thompson responded to the letter of July 11, 2000, by submitting his contentions in writing, letter dated August 1, 2000.
- (4) Records of the State Board of Pharmacy indicate that Dennis Paul Thompson submitted an application for examination as a pharmacist on or about June 1, 2000. Dennis Paul Thompson included a note with his application regarding Section 5 of the application which states: "On December 10, 1986, I was convicted of 16 counts of aggravated drug trafficking, a third degree felony, and two counts of illegal processing of drug documents, third and fourth degree felonies. The jurisdiction was Court of Common Pleas of Mahoning County, Case number 86-CR-223. On July 9, 1991, records of convictions were expunged by the Court of Common Pleas of Mahoning County." Such conduct constitutes being convicted of a felony, being convicted of violating any state or federal pharmacy or drug law; and/or not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.
- (5) Records further indicate that Dennis Paul Thompson was originally licensed to practice pharmacy in the State of Ohio on June 21, 1971; and, on August 21, 1987, Dennis Paul Thompson's license was revoked. Such conduct constitutes having been

disciplined by the Ohio State Board of Pharmacy pursuant to Section 4729.16 of the Revised Code within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.

- (6) Since the revocation of his license in August of 1987, Dennis Paul Thompson has applied for licensure by examination on five separate occasions and his applications were denied on each occasion.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (4) of the Findings of Fact constitutes having been convicted of a felony as provided in paragraph (A) of Rule 4729-5-04 of the Ohio Administrative Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (4) of the Findings of Fact constitutes having been convicted of violating any state or federal pharmacy or drug law as provided in paragraph (B) of Rule 4729-5-04 of the Ohio Administrative Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (4) of the Findings of Fact constitutes not being of good moral character and habits as provided in paragraph (C) of Rule 4729-5-04 of the Ohio Administrative Code.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (5) of the Findings of Fact constitutes having been disciplined by the Ohio State Board of Pharmacy pursuant to Section 4729.16 of the Revised Code as provided in paragraph (E) of Rule 4729-5-04 of the Ohio Administrative Code.

ACTION OF THE BOARD

Pursuant to Section 4729.08 of the Ohio Revised Code and Rule 4729-5-04 of the Ohio Administrative Code, and on the basis of the foregoing Findings of Fact and Conclusions of Law, the State Board of Pharmacy hereby denies the issuance of a certificate of registration or an identification card and, therefore, denies the Application for Examination as a Pharmacist submitted by Dennis Paul Thompson on or about June 1, 2000. Further, Dennis Paul Thompson may not submit an Application for Examination as a Pharmacist prior to twenty-five years from the effective date of this Order.

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

MOTION CARRIED.

SO ORDERED.



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-940902-014)

In The Matter Of:

DENNIS PAUL THOMPSON

343 Trumbull Drive

Niles, Ohio 44446

(D.O.B. 7/26/43)

INTRODUCTION

THE MATTER OF DENNIS PAUL THOMPSON CAME TO HEARING ON MARCH 7, 1995, BEFORE

THE FOLLOWING MEMBERS OF THE BOARD: RUTH A. PLANT, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; WAYNE C. MILLER, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

DENNIS PAUL THOMPSON WAS REPRESENTED BY RONALD SNYDER, AND THE STATE OF OHIO WAS REPRESENTED BY ROBERT J. McCLAREN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Dennis Paul Thompson, Respondent

Respondent's Witnesses:

- (1) Dennis Paul Thompson, Respondent
(2) Philip Monteneri, R.Ph.

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Notice of Opportunity letter dated September 2, 1994.
(2) Exhibit 1A--Hearing Request letter dated September 25, 1994.
(3) Exhibit 1B--Hearing Schedule letter dated September 28, 1994.

- (4) Exhibit 1C--Hearing Schedule letter dated February 6, 1995.
- (5) Exhibit 2--Application for Examination as a Pharmacist of Dennis Paul Thompson dated July 25, 1994.
- (6) Exhibit 3--Pharmacist File Front Sheet of Dennis Paul Thompson showing original date of registration as June 21, 1971.
- (7) Exhibit 4--Order of the State Board of Pharmacy, Docket No. D-870604-119, in the matter of Dennis P. Thompson, R.Ph. dated August 21, 1987.
- (8) Exhibit 5--Order of the State Board of Pharmacy, Docket No. D-880517-223, of Dennis Paul Thompson dated August 22, 1988.
- (9) Exhibit 6--Order of the State Board of Pharmacy, Docket No. D-890309-103, of Dennis Paul Thompson dated June 30, 1989.
- (10) Exhibit 7--Order of the State Board of Pharmacy, Docket No. D-900227-064, of Dennis Paul Thompson dated June 29, 1990.
- (11) Exhibit 8--Order of the State Board of Pharmacy, Docket No. D-911220-086, of Dennis Paul Thompson dated July 1, 1992.

Respondent's Exhibits:

- (1) Exhibit A--Copy of Journal Entry in the Mahoning County Common Pleas Court, Case No. 86 CR 223, of Dennis Paul Thompson dated January 4, 1988.
- (2) Exhibit B--Copy of Order to Expunge Record in the Mahoning County Common Pleas Court, Case No. 86 CR-223, dated July 9, 1991.
- (3) Exhibit C--Letter from Joseph R. Timko dated March 2, 1995.
- (4) Exhibit D--Letter from Philip Monteneri dated March 2, 1995.
- (5) Exhibit E--Letter from Mark Richmond not dated.

FINDINGS OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the Board of Pharmacy indicate that on or about July 26, 1994, Dennis Paul Thompson submitted an application for examination as a pharmacist.
- (2) Dennis Paul Thompson was originally licensed to practice pharmacy in the state of Ohio on June 21, 1971, pursuant to examination.
- (3) Dennis Paul Thompson was, on or about October 2, 1986, found to be guilty of three felonies.
- (4) On or about August 21, 1987, the Board revoked Dennis Paul Thompson's license to practice pharmacy in the state of Ohio due, in part, to being convicted of three felonies.
- (5) On four separate occasions Dennis Paul Thompson was denied the ability to sit for examination as a pharmacist, to wit: on or about August 22, 1988; June 30, 1989; June 29, 1990; and July 1, 1992, the Ohio State Board of Pharmacy denied the exam applications due, in part, to being convicted of three felonies.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (4) of the Findings of Fact constitutes having been convicted of a felony as provided in paragraph (A) of Rule 4729-5-04 of the Ohio Administrative Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (3) of the Findings of Fact constitute being having been disciplined by the Board as provided in paragraph (E) of Rule 4729-5-04 of the Ohio Administrative Code.

ACTION OF THE BOARD

Pursuant to Rule 4729-5-04 of the Ohio Administrative Code, the State Board of Pharmacy hereby denies the issuance of a certificate of registration or identification card, and therefore denies the Application for Examination as a Pharmacist submitted by Dennis Paul Thompson.

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

MOTION CARRIED.

SO ORDERED.

OHIO STATE BOARD OF PHARMACY

BEFORE THE STATE BOARD OF PHARMACY
(Docket No. D-870604-119)

In The Matter Of:

DENNIS P. THOMPSON, R.Ph.
343 Trumbull Drive
Niles, Ohio 44446

INTRODUCTION

THE MATTER OF DENNIS P. THOMPSON CAME TO HEARING ON JUNE 25, 1987 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: GERALD CLOUSE, R.Ph. (presiding); NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; JEROME WIESENHAHN, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

DENNIS P. THOMPSON WAS REPRESENTED BY JAMES A. PHILOMENA, AND THE STATE OF OHIO WAS REPRESENTED BY YVETTE MCGEE, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Exhibits

- (1) Exhibit #A - Notice of Opportunity dated June 4, 1987.
- (2) Exhibit #B - Request for hearing dated June 12, 1987.
- (3) Exhibit #C - Hearing schedule letter dated June 19, 1987.
- (4) Exhibit #1 - Application for annual license renewal as a pharmacist dated July 16, 1986.
- (5) Exhibit #2 - Application for licensure as a distributor of dangerous drugs for Parmalee Drug showing Dennis Thompson as President of the corporation and showing Dennis Thompson as responsible pharmacist.
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OHIO STATE BOARD OF PHARMACY

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Respondent's Exhibits

(None)

FINDINGS OF FACT

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OHIO STATE BOARD OF PHARMACY

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OHIO STATE BOARD OF PHARMACY

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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 (11) of the Findings Of Fact constitutes willful violations of Chapters 2925., 3715., 3719., and 4729. of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (11) 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 (2) through (12) of the Findings Of Fact constitutes gross immorality.
- (4)

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-3-09788, held by Dennis P. Thompson.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, ..., 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.

MOTION CARRIED.

SO ORDERED.