

THE STATE BOARD OF PHARMACY

VS

FRANCIS A. SPERDUTE, R.Ph.

03-3-10224

THE MATTER OF FRANCIS A. SPERDUTE, R.Ph., DOCKET NO. 6-56-3, CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON TUESDAY, JUNE 28, 1983. MOTIONS WERE MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

ORDER

- (1) On February 18, 1983, a Notice of Opportunity for a hearing was forwarded by the State Board of Pharmacy by certified mail, return receipt requested, to Francis A. Spurdute, R.Ph.; 6805 Mayfield Road; Mayfield, Ohio 44124.
- (2) As demonstrated by certified letter P32-4767097, which was returned by the postal service marked "unclaimed" and which was received by the Board of Pharmacy office on March 23, 1983 at 11:28 a.m., the Board was unable to deliver the Notice required by Section 119.07 of the Ohio Revised Code.
- (3) As demonstrated by a certified letter dated April 15, 1983, the State Board of Pharmacy requested the Cleveland Plain Dealer to publish a "Notice of Opportunity for a Public Hearing" in the legal notices section once per week for a period of three weeks beginning Wednesday, April 20, 1983 and the following two Wednesdays in accordance with the provisions of Section 119.07 of the Ohio Revised Code.
- (4) As demonstrated by the return receipt of April 21, 1983, the Cleveland Plain Dealer; 1801 Superior Street, NE; Cleveland, Ohio 44114, received the request for publication of the "Notice of Opportunity for a Public Hearing" regarding Francis A. Spurdute, R.Ph.
- (5) As demonstrated by the notarized proof of publication received from the Cleveland Plain Dealer by the State Board of Pharmacy on May 9, 1983, the "Notice of Opportunity for a Public Hearing", as required by Sections 119.01 through 119.13 of the Revised Code, was published once a week for three weeks in a newspaper of general circulation in Cuyahoga County, the county where the last known place of residence of Francis A. Spurdute, R.Ph. is located.
- (6) As demonstrated by receipt No. P32-4767036 for certified mail, Xerox copy of the legal notice marked, "Plain Dealer 04-20-83", and the return receipt of June 10, 1983; a copy of the newspaper, with the first publication of said notice marked, was mailed to Francis A. Spurdute pursuant to Section 119.07 of the Ohio Revised Code.

- (7) As of Tuesday, June 28, 1983, Francis A. Sperdute, R.Ph., has not responded in any way to the "Notice of Opportunity for a Public Hearing" which was published in the Cleveland Plain Dealer on the 20th and 27th of April, and May 4, 1983 informing him of the allegations against him.
- (8) Upon consideration of the allegations against Francis A. Sperdute, R.Ph., and his failure to request a hearing, submit his position, contentions, or arguments in writing, or to otherwise deny the allegations against him, the State Board of Pharmacy concludes that Francis A. Sperdute did engage in the conduct alleged in the Notice of Opportunity for a Public Hearing, and the Board further concludes that:
- (a) Said conduct constitutes gross immorality within the meaning of Section 4729.16(A) of the Revised Code; and,
 - (b) Said conduct constitutes willful violation of more than one time of the provisions of Sections 3715.52 to 3715.72 and Chapters 2925., 3719., and 4729. of the Revised Code.

Pursuant to divisions (A) and (C) of Section 4729.16 of the Revised Code, the State Board of Pharmacy hereby revokes the pharmacist identification card of Francis A. Sperdute, effective immediately.

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

MOTION CARRIED.

SO ORDERED.