



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143

E-MAIL: exec@bop.state.oh.us

FAX: 614/752-4836

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

www.pharmacy.ohio.gov

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-920424-136)

In The Matter Of:

CHEH LIN, R.Ph.

26598 Lakeshore Boulevard

Euclid, Ohio 44132

(R.Ph. No. 03-3-10365)

INTRODUCTION

THE MATTER OF CHEH LIN CAME ON FOR CONSIDERATION ON MARCH 8, 1994, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH R. SABINO, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; WAYNE C. MILLER, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE., PUBLIC MEMBER.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Frank J. Bodi, Ohio State Board of Pharmacy
Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Summary Suspension Order/Notice of Opportunity letter dated April 24, 1992.
- (2) Exhibit 2 - Three-page certified copy of the United States District Court, Northern District of Ohio, Judgment in a Criminal Case, No. 1:92 cr 0213, of Cheh Lin, d/b/a French's Pharmacy dated October 9, 1992.
- (3) Exhibit 3 - Certified copy of Cuyahoga County Court of Common Pleas Journal Entry, Case No. CR 286242, of Cheh Lin dated April 7, 1993.
- (4) Exhibit 4 - Seventy-four 4"x6" color photographs of French's Pharmacy.
- (5) Exhibit 5 - White stock bottle with label reading 1,000 Carisoprodol tablets, USP 350mg and a Sears bag inside a sealed, clear plastic bag labeled Federal

Bureau of Investigation evidence showing Date of Seizure or Purchase on February 27, 1992.

- (6) Exhibit 6 - 4oz bottle of Cheracol Cough Syrup inside a sealed, clear plastic bag labeled Federal Bureau of Investigation evidence showing Date of Seizure or Purchase on March 3, 1992.
- (7) Exhibit 7 - White stock bottle with label reading 1,000 Diazepam tablets, USP 10mg inside a sealed, clear plastic bag labeled Federal Bureau of Investigation evidence showing Date of Seizure or Purchase on March 3, 1992.
- (8) Exhibit 8 - White stock bottle of 100 Acetaminophen 300mg/Codeine Phosphate 60mg tablets inside a sealed, clear plastic bag labeled Federal Bureau of Investigation evidence showing Date of Seizure or Purchase on March 13, 1992.
- (9) Exhibit 9 - 4oz bottle of Cheracol Cough Syrup inside a sealed, clear plastic bag labeled Federal Bureau of Investigation evidence showing Date of Seizure or Purchase on April 7, 1992.
- (10) Exhibit 10 - Brown paper bag containing 50 Acetaminophen 300mg/-Codeine Phosphate 60mg tablets inside a sealed, clear plastic bag labeled Federal Bureau of Investigation evidence showing Date of Seizure or Purchase on April 7, 1992.
- (11) Exhibit 11 - Cassette tape recording of illegal sales transactions on February 27, 1992, and March 3, 1992.

Respondent's Exhibits:

- (1) None

FINDINGS OF FACT

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

- (1) On April 24, 1992, Cheh Lin 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 April 29, 1992, Cheh Lin received the letter of April 24, 1992, informing him of the allegations against him and his rights.
- (3) Cheh Lin has not responded in any manner to the letter of April 24, 1992, and has not requested a hearing in this matter.
- (4) Records of the Board indicate that Cheh Lin is a pharmacist registered by the Board to practice pharmacy in the state of Ohio and on April 24, 1992, his identification card was summarily suspended due to the following committed offenses:
 - (a) Trafficking in Drugs in violation of Section 2925.03 of the Ohio Revised Code concerning the drug Diazepam, a schedule IV controlled substance;
 - (b) Trafficking in Drugs in violation of Section 2925.03 of the Ohio Revised Code concerning the drug Cheracol, a schedule V controlled substance;

- (c) Trafficking in Drugs in violation of Section 2925.03 of the Ohio Revised Code concerning the drug Acetaminophen with Codeine #4, a schedule III controlled substance;
 - (d) Trafficking in Drugs in violation of Section 2925.03 of the Ohio Revised Code concerning the drug Acetaminophen with Codeine #4, a schedule III controlled substance;
 - (e) Trafficking in Drugs in violation of Section 2925.03 of the Ohio Revised Code concerning the drug Cheracol, a schedule V controlled substance; and
 - (f) Sale of Dangerous Drugs without a prescription, in violation of Section 3715.52 of the Ohio Revised Code.
- (5) Cheh Lin did, on or about April 7, 1993, in the Common Pleas Court of Cuyahoga County, Ohio, plea guilty to Trafficking in Drugs, a third degree felony, in violation of Section 2925.03 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (4a) through (4f) and (5) of the Findings of Fact constitute being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (4a) through (4f) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) The State Board of Pharmacy concludes that paragraphs (4a) through (4f) and (5) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ACTION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued April 24, 1992.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Cheh Lin:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Cheh Lin, No. 03-3-10365, effective as of the date of the mailing of this Order.

- (B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Cheh Lin, No. 03-3-10365, effective as of the date of the mailing of this Order.
- (C) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Cheh Lin, No. 03-3-10365, effective as of the date of the mailing of this Order.

Division (B) of Section 4729.16 of the Revised Code provides that: "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." 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.