



OHIO STATE BOARD OF PHARMACY

65 S. Front Street, Room 504
Columbus, Ohio 43266-0320
Telephone: 614/466-4143

THE STATE BOARD OF PHARMACY
(Docket No. D-871023-076)

In The Matter Of:

THOMAS R. STEWART, R.Ph.
300 Whittlesey Drive
Tallmadge, Ohio 44278

INTRODUCTION

THE MATTER OF THOMAS R. STEWART CAME TO HEARING ON APRIL 22, 1988 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: NORMAN LEIBOW, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; JEROME WIESENHAHN, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

THOMAS R. STEWART WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY CHRISTOPHER COSTANTINI, ASSISTANT ATTORNEY GENERAL.

FINDINGS OF FACT

- (1) On October 23, 1987, Thomas R. Stewart 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 26, 1987, Thomas R. Stewart received the letter of October 23, 1987 informing him of the allegations regarding the late renewal of his license, and his rights.
- (3) Thomas R. Stewart submitted a letter, received November 10, 1987, setting forth his position and contentions in writing, and has not requested a hearing in this matter.
- (4) The State Board of Pharmacy finds that Thomas R. Stewart failed to renew his identification card on the fifteenth day of September, as required by Section 4729.12 of the Ohio Revised Code, for 1988, when he did not renew until October 13, 1987.
- (5) The State Board of Pharmacy finds that Thomas R. Stewart failed to renew his identification card on the fifteenth day of September, as required by Section 4729.12 of the Ohio Revised Code, for 1980, when he did not renew until October 2, 1979.

- (6) The State Board of Pharmacy finds that Thomas R. Stewart failed to renew his identification card on the fifteenth day of September, as required by Section 4729.12 of the Ohio Revised Code, for 1979, when he did not renew until October 17, 1978.
- (7) The State Board of Pharmacy finds that Thomas R. Stewart 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.

CONCLUSION OF LAW

- (1) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (4) through (7) of the Findings Of Fact constitutes willful violations of the provisions of Chapter 4729. of the Ohio Revised Code.

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist identification card held by Thomas R. Stewart:

(A) The State Board of Pharmacy hereby imposes a monetary penalty of five hundred dollars (\$500.00).

(B) Further, the Board suspends four hundred dollars of the five hundred dollar monetary penalty imposed above provided that Thomas R. Stewart:

- (1) does not violate the drug laws of the state of Ohio, any other state, or the federal government; and
- (2) abides by the rules of the State Board of Pharmacy.

The one hundred dollar (\$100.00) monetary penalty that was not suspended in paragraph (B) above 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.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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Order of the Board

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.

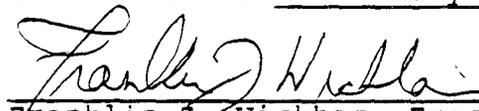
BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt

ORDER ISSUED: July 26, 1988

FZW/sb

By


Franklin E. Wickham, Executive Director

cc: Christopher Costantini, Assistant Attorney General