
OHIO STATE BOARD OF PHARMACY

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-950503-057)

In The Matter Of:

JOHN ALLEN DZIECH, R.Ph.

2155 Landman Mill Road

Piqua, Ohio 45356

(R.Ph. No. 03-3-11853)

INTRODUCTION

THE MATTER OF JOHN ALLEN DZIECH CAME TO HEARING ON APRIL 24, 1996, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: PAUL F. LAMPING, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, 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.

JOHN ALLEN DZIECH WAS REPRESENTED BY RALPH E. BREITFELLER, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) David Henry, District Manager, Revco Loss Prevention
- (2) Max Myers, R.Ph., M & R Drugs
- (3) Gregory C. Berquist, formerly with the Regional Narcotics Unit
- (4) David Avery, Ohio State Board of Pharmacy
- (5) Jack P. Steinhilber, M.D.
- (6) Mary Steinhilber

Respondent's Witnesses:

- (1) Amy R. DeCamp, Ohio Adult Parole Authority, Miami County
- (2) John A. Dziech, Father of Respondent
- (3) John Allen Dziech, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Notice of Opportunity for Hearing letter dated May 3, 1995.
- (2) Exhibit 1A--Hearing Request letter dated May 30, 1995.
- (3) Exhibit 1B--Hearing Schedule letter dated June 1, 1995.

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- (4) Exhibit 1C--Pharmacist File Front Sheet of John Allen Dziech showing original date of registration as August 4, 1976.
- (5) Exhibit 1D--Renewal Application for Pharmacist License, No. 03-3-11853, for a license to practice pharmacy in Ohio from September 15, 1995, to September 15, 1996 of John Allen Dziech dated July 30, 1995.
- (6) Exhibit 1E--Hearing Schedule letter dated November 8, 1995.
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Respondent's Exhibits:

- (1) Exhibit A--Affidavit of Yang Guu Chen, M.D. signed and notarized on October 10, 1995.
- (2) Exhibit B--Two-page Affidavit of Jack P. Steinhilber, M.D. signed and notarized on October 5, 1995.

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 John Allen Dziech was originally licensed in the state of Ohio on August 4, 1976, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio.

(2)

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CONCLUSIONS OF LAW

(1)

(2)

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of John Allen Dziech:

- (A) 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 suspends the pharmacist identification card, No. 03-3-11853, held by John Allen Dziech for three months, effective as of the date of the mailing of this Order.
- (B) 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 imposes a monetary penalty of five thousand dollars (\$5,000.00) due and owing within thirty days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320.

Division (B) of Section 4729.16 of the 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." 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 (Aye-7/Nay-0).

MOTION CARRIED.

SO ORDERED.