

OHIO STATE BOARD OF PHARMACY

RE: ROBERT D. POLING, R.Ph. :
1915 S.R. 59, Lot 29
Kent, OH 44240 :

May 6, 1986

OHIO REGISTERED PHARMACIST :
LICENSE NO. 03-3-11943

REPORT AND RECOMMENDATION

To The Ohio State Board of Pharmacy:

This matter was considered by me on Wednesday, April 30, 1986.

The following are my Findings Of Fact, which you may choose to adopt or reject, my Conclusions Of Law, which you may adopt or reject, and my Recommendation for action, which again you may adopt or reject.

Findings Of Fact

- (1) On February 19, 1986, Robert D. Poling was notified by a hand-delivered letter in the offices of the State Board of Pharmacy of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.
- (2) As demonstrated by the signed and dated copy of the letter of February 19, 1986, Robert D. Poling received the letter informing him of the allegations, and his rights.
- (3) Robert D. Poling has not responded in any manner to the letter of February 19, 1986 informing him of the allegations.
- (4) From the records reviewed, I find that Robert D. Poling failed to renew his identification card on the fifteenth day of September, as required by Section 4729.12 of the Ohio Revised Code, for 1983, when he did not renew until September 21, 1982.
- (5) From the records reviewed, I find that Robert D. Poling failed to renew his identification card on the fifteenth day of September, as required by Section 4729.12 of the Ohio Revised Code, for 1986, when he did not renew until February 19, 1986.
- (6) From the records reviewed, I find that Robert D. Poling 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.

REPORT AND RECOMMENDATION

Page Two

Robert D. Poling, R.Ph.

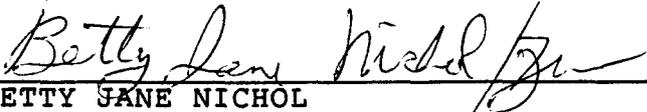
Conclusions Of Law

- (1) Upon consideration of the record as a whole, I conclude that the conduct set forth in paragraphs (4) and (5) of the Findings Of Fact constitutes violating the provisions of Section 4729.12 of the Revised Code.
- (2) Upon consideration of the record as a whole, I conclude that the conduct set forth in paragraph (6) of the Findings of Fact constitutes violating the provisions of Section 4729.28 of the Revised Code.

Recommendation

Therefore, I RECOMMEND that a monetary penalty of one hundred dollars (\$100) be imposed for not renewing his identification card as required by Section 4729.12 of the Revised Code, and a monetary penalty of five hundred dollars (\$500) be imposed for practicing pharmacy without a current identification card as required by Section 4729.28 of the Revised Code.

I FURTHER RECOMMEND that the one hundred dollar monetary penalty imposed for violating Section 4729.12 of the Revised Code and that four hundred dollars of the five hundred dollar monetary penalty imposed for violating Section 4729.28 of the Revised Code be suspended; provided Mr. Poling does not violate any drug laws of the state of Ohio, any other state, or the federal government, and abides by the rules of the State Board of Pharmacy.


BETTY JANE NICHOL
Board Member, Acting as Hearing Officer

BJN/sb

cc: Robert D. Poling, R.Ph.
John Breen, Assistant Attorney General