



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-070809-007)

In The Matter Of:

NICHOLAS MATTHEW TAFLAN, R.Ph.

55951 Key-Bellaire Road

Bellaire, Ohio 43906

(R.Ph. No. 03-3-12662)

INTRODUCTION

THE MATTER OF NICHOLAS MATTHEW TAFLAN CAME FOR HEARING ON DECEMBER 3, 2007, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: GREGORY BRAYLOCK, R.Ph. (presiding); ELIZABETH I. GREGG, R.Ph.; RICHARD F. KOLEZYNSKI, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; HEATHER L. PASQUALE, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; JAMES E. TURNER, R.Ph.; AND JEROME J. WIESENHAHN, R.Ph.

NICHOLAS MATTHEW TAFLAN WAS NOT REPRESENTED BY COUNSEL. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. William L. Padgett, Ohio State Board of Pharmacy
2. Nicholas Matthew Taflan, R.Ph., Respondent

Respondent's Witnesses

1. Patricia Louise Taflan
2. Loren Travis Ricer, R.Ph.
3. Antonio Nieves, R.Ph.
4. Nicholas Matthew Taflan, II

State's Exhibits

1. Notice of Opportunity For Hearing letter [08-09-07]
1A-1D. Procedurals
2. Renewal Application for Pharmacist License of Nicholas Matthew Taflan [08-11-06]
3. Indictment, State of Ohio v. Nicholas Matthew Taflan, Case No. 2:06CR066, United States District Court for the Southern District of Ohio Eastern Division [03-09-06]; Judgment in a Criminal Case [10-04-06]

Respondent's Exhibits

- A. Statement of Nicholas T. Taflan, R.Ph. [not dated]

- B. Seventeen Letters of Support [04-09-06 to 12-03-07]
- C1. Payment Schedule for Court-Ordered Monetary Penalties [04-11-07]
- C2. Department of Justice Notice of Lien [12-27-06]
- C3. Records of Restitution Compliance [11-20-06 to 11-02-07]
- D1. Department of the Treasury - Internal Revenue Service Installment Agreement [06-25-07]
- D2. Department of the Treasury - Internal Revenue Service Certificate of Release of Federal Tax Lien [04-18-07]
- D3. Compliance Update for Federal Taxes [05-08-06 to 11-02-07]
- E1. Office of Ohio Attorney General Payment Agreement [03-24-07]
- E2. Compliance Update for State Taxes [05-17-06 to 11-16-07]

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds the following to be fact:

(1) Records of the State Board of Pharmacy indicate that Nicholas Matthew Taflan was originally licensed by the State of Ohio as a pharmacist on September 27, 1978, pursuant to reciprocity, and is currently licensed to practice pharmacy in the State of Ohio.

(2) Nicholas Matthew Taflan was convicted in the United States District Court, Southern District of Ohio, of Income Tax Evasion in violation of Title 26: Section 7201, United States of America v. Nicholas Matthew Taflan, Case No. CR2-06-066, United States District Court, Southern District of Ohio (Eastern Division). Nicholas Matthew Taflan was placed on house arrest and a period of probation, and he was ordered to pay \$44,840.00 to the United States Government.

CONCLUSION OF LAW

The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby adjudicates the matter of Nicholas Matthew Taflan as follows:

(A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends for six months the pharmacist identification card, No. 03-3-12662, held by Nicholas Matthew Taflan effective as of the date of the mailing of this Order. Further, the Board stays the suspension and places Nicholas Matthew Taflan on probation for three years with the following conditions:

- (1) The State Board of Pharmacy hereby declares that Nicholas Matthew Taflan's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns

pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.

- (2) Nicholas Matthew Taflan may not serve as a responsible pharmacist.
- (3) Nicholas Matthew Taflan must not violate the drug laws of Ohio, any other state, or the federal government.
- (4) Nicholas Matthew Taflan must abide by the rules of the State Board of Pharmacy.
- (5) Nicholas Matthew Taflan must comply with the terms of this Order.
- (6) Nicholas Matthew Taflan's license is deemed not in good standing until successful completion of the probationary period.
- (7) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Nicholas Matthew Taflan is hereby advised that the Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-8/Nay-0).
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.

Section 119.12 of the Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of 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 the ORIGINAL Notice of Appeal with the State Board of Pharmacy and a copy with the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY
ORDER MAILED & EFFECTIVE: January 11, 2008

By: _____
William T. Winsley, M.S., R.Ph., Executive Director