



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
Telephone: 614/466-4143

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-910906-040)

In The Matter Of:

DANIEL EUGENE ERDELJOHN, R.Ph.
6704 Grace Avenue
Cincinnati, Ohio 45236
(R.Ph. No. 03-3-12901)

Introduction

THE MATTER OF DANIEL EUGENE ERDELJOHN CAME TO HEARING ON OCTOBER 23, 1991 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: BETTY J. NICHOL, R.Ph. (presiding); METTA LOU HENDERSON, R.Ph.; PAUL F. LAMPING, R.Ph.; NORMAN D. LEIBOW, R.Ph.; TIMOTHY D. MOORE, R.Ph.; RUTH A. PLANT, R.Ph.; JOSEPH R. SABINO, R.Ph.; AND ROBERT W. VALENTINE, R.Ph.

DANIEL EUGENE ERDELJOHN WAS REPRESENTED BY DAVID L. KERR, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

Summary Of Evidence

(A) Testimony

State's Witnesses:

- (1) Daniel E. Erdeljohn, Respondent
- (2) Michael D. Clemen
- (3) James Swauger, Drug Enforcement Administration

Respondent's Witnesses:

- (1) Daniel E. Erdeljohn, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated September 6, 1991.
- (2) Exhibit B - Hearing Request letter dated September 17, 1991.
- (3) Exhibit C - Hearing Schedule letter dated September 20, 1991.

- (4) Exhibit 1 - Statement of Search of Pharmacy Board Records signed by Franklin Z. Wickham, Executive Director-Secretary, Ohio State Board of Pharmacy and notarized on September 9, 1991.
- (5) Exhibit 2 - Renewal Application for Pharmacist License, number 03-3-12901, of Daniel E. Erdeljohn dated June 19, 1991.
- (6) Exhibit 3 - Certified Judgment Entry in The State of Ohio, Court of Common Pleas, number B883932, in the matter of The State of Ohio vs. Daniel Erdeljohn dated November 17, 1988.
- (7) Exhibit 4 - Certified Judgment Entry in The State of Ohio, Court of Common Pleas, number B874544, in the matter of The State of Ohio vs. Daniel Erdeljohn dated November 17, 1991.
- (8) Exhibit 5 - Two-page copy of Warrant on an Indictment in the matter of The State Of Ohio vs. Daniel Erdeljohn, Case No. B874544, dated October 14, 1987; and two-page copy of indictment, Case No. B874544, The State of Ohio, Hamilton County, Court of Common Pleas dated October 14, 1987.

Respondent's Exhibits:

- (1) None

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board indicate that Daniel Eugene Erdeljohn was originally licensed in the state of Ohio on August 8, 1979, pursuant to examination; that he allowed his license to practice pharmacy in Ohio to lapse on September 15, 1988; and, that Mr. Erdeljohn has applied for renewal of his license.
- (2) From the evidence presented, the State Board of Pharmacy finds that Daniel Eugene Erdeljohn was, on or about November 17, 1988, convicted in the Hamilton County Court of Common Pleas of Attempted Unlicensed Manufacture of Fireworks in violation of Section 2923.02 of the Ohio Revised Code as it relates to Section 3743.60 of the Ohio Revised Code, a felony of the second degree.
- (3) From the evidence presented, the State Board of Pharmacy finds that Daniel Eugene Erdeljohn was, on or about November 17, 1988, convicted in the Hamilton County Court of Common Pleas of Complicity to the Preparation for Distribution of Drugs in violation of Section 2923.03 of the Ohio Revised Code.

Conclusion Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) 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.

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Order of the Board

Action Of The Board

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby refuses to grant an identification card, and therefor denies the Application For Renewal For Pharmacist License submitted by Daniel Eugene Erdeljohn.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/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 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
#P 497 578 957

ORDER MAILED: December 19, 1991

FZW/so

By


Franklin Z. Wickham, Executive Director

cc: Ronda Anderson, Assistant Attorney General
David L. Kerr, Attorney for Respondent; Ritter & Randolph; Suite
700; 105 East Fourth Street; Cincinnati, Ohio 45202