



# OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143

E-MAIL: [exec@bop.state.oh.us](mailto:exec@bop.state.oh.us)

FAX: 614/752-4836

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

URL: <http://www.pharmacy.ohio.gov>

## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-071228-025)

In The Matter Of:

**GARY HOWARD MANN, R.Ph.**

5007 Great Oaks Parkway

Independence, Ohio 44131

(R.Ph. No. 03-3-17150)

### INTRODUCTION

THE MATTER OF GARY HOWARD MANN CAME FOR HEARING ON FEBRUARY 4, 2008, 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.

GARY HOWARD MANN 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. Christopher K. Reed, Ohio State Board of Pharmacy
2. Gary Howard Mann, R.Ph., Respondent

#### Respondent's Witness

1. Deborah Brown, R.N.

#### State's Exhibits

1. Proposal to Deny/Notice of Opportunity for Hearing Letter [12-28-07]  
1A-1C. Procedurals
2. Notice of Opportunity for Hearing Letter [11-20-87]
3. Ohio State Board of Pharmacy Order in re Gary Howard Mann [01-29-88]
4. Certification, Notice and Consent Order, State of Illinois Department of Registration and Education v. Arrow Discount Drugs, Case No. 86-19-X [10-06-87]
5. Journal Entry, State of Ohio vs. Gary H Mann, Case No. CR-238572, Cuyahoga County Common Pleas Court; Agreed Journal Entry [07-10-89]
6. Journal Entry [08-07-89]
7. Application For Examination As A Pharmacist Submitted with Attachment by Gary H Mann [12-13-07]

Respondent's Exhibits

- A. Letter from Gary Mann [not dated]; Copy of Jarrett's © The Prayer of a Pharmacist [not dated]; Thirteen Letters of Support [01-27-07 to 01-27-08]; Extraordinary Minister of Holy Communion Certificate of Commission Issued to Gary Mann [12-11-05]

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 Board of Pharmacy indicate that Gary Howard Mann submitted an application for examination as a pharmacist on or about December 13, 2007.

(2) Records further indicate that Gary Howard Mann was originally licensed to practice pharmacy as a pharmacist in the State of Ohio on December 1, 1987, by reciprocity, and his license lapsed on September 15, 1989.

(3) Records of the Board of Pharmacy indicate that Gary Howard Mann's application for reciprocity from the State of Illinois was approved but his license was placed on probation on January 29, 1988, through January 1, 1989, for having been found by the Illinois Department of Registration and Education to commit the following acts:

(a) from October 1, 1984, through May 10, 1985, Gary Howard Mann sold 4,600 tablets of Dilaudid 4 mg and 1,600 tablets of Preludin 75 mg, Schedule II controlled substances, without prescriptions;

(b) from October 1, 1984, through May 10, 1985, Gary Howard Mann sold 60 gallons of hydrocodone/Hycodan cough syrup, a Schedule III controlled substance, without prescriptions.

(4) Gary Howard Mann was, on or about July 10, 1989, convicted in the Cuyahoga County Common Pleas Court of six (6) counts of Trafficking in Drugs in violation of Section 2925.03(A)(1) of the Ohio Revised Code, two (2) counts of Illegal Sale of Dangerous Drugs in violation of Section 4729.51(C) of the Ohio Revised Code, and one (1) count of Forgery in violation of Section 2913.31 of the Ohio Revised Code. The conduct giving rise to these convictions constitutes violating your probation.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraph (4) 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 and paragraph (A) of Rule 4729-5-04 of the Ohio Administrative Code.

(2) The State Board of Pharmacy concludes that paragraph (4) of the Findings of Fact constitutes being guilty of a felony and gross immorality as provided in paragraph (B) of Rule 4729-5-04 of the Ohio Administrative Code.

(3) The State Board of Pharmacy concludes that paragraph (4) of the Findings of Fact constitutes not being of good moral character and habits as provided in paragraph (C) of Rule 4729-5-04 of the Ohio Administrative Code.

(4) The State Board of Pharmacy concludes that paragraph (3) of the Findings of Fact constitutes having been disciplined by any board of pharmacy as provided in paragraph (F) of Rule 4729-5-04 of the Ohio Administrative Code.

DECISION OF THE BOARD

Pursuant to Section 4729.07 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the Application For Examination As A Pharmacist submitted by Gary Howard Mann on December 13, 2007.

Upon successful completion of the licensing examinations and issuance of his pharmacist identification card, the Board places Gary Howard Mann on probation for five years beginning on the date of the issuance of his pharmacist identification card. The terms of probation are as follows:

(A) Gary Howard Mann must, during the first 1,500 hours of practice, be directly supervised by another pharmacist whose license is in good standing. Gary Howard Mann must submit to the Board documentation attesting to the hours supervised.

(B) Gary Howard Mann must not violate the drug laws of Ohio, any other state, or the federal government.

(C) Gary Howard Mann must abide by the rules of the State Board of Pharmacy.

(D) Gary Howard Mann must comply with the terms of this Order.

(E) Gary Howard Mann's license is deemed to be not in good standing until successful completion of the probationary period.

(F) 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.

Gary Howard Mann 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-6/Nay-2).

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

**GARY HOWARD MANN, R.PH.**

Page 4

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: **MARCH 6, 2008**

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

WTW/lf

CERTIFIED MAIL/Return Receipt  
7004 2510 0006 4509

c: Sally Ann Steuk, Assistant Attorney General

---

OHIO STATE BOARD OF PHARMACY

---

THE STATE BOARD OF PHARMACY  
(Docket No. D-871120-086)

In The Matter Of:

GARY HOWARD MANN  
5876 Ogilby  
Hudson, Ohio 44236

INTRODUCTION

THE MATTER OF GARY HOWARD MANN CAME TO HEARING ON DECEMBER 1, 1987 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.; ROBERT VALENTINE, R.Ph.; JEROME WIESENHAHN, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

GARY HOWARD MANN WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY CHRISTOPHER CULLEY, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Exhibits

- (1) Exhibit #A - Notice of Opportunity dated November 20, 1987 in the matter of Gary Howard Mann.
- (2) Exhibit #B - Letter dated November 21, 1987 requesting a hearing.
- (3) Exhibit #C - Hearing schedule letter dated November 25, 1987.
- (4) Exhibit #D - Application for Reciprocal Registration of Gary Howard Mann received October 8, 1987.
- (5) Exhibit #E - Certified copies of the Notice and Consent Order from the Illinois Department of Registration and Education.
- (6) Exhibit #F - Copies of DEA Form 222 from Arrow Drug Co., Inc., Chicago, Illinois.

Respondent's Exhibits

(None)

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that Gary Howard Mann, between the dates of October 1, 1984 through on or about May 10, 1985, was the registered pharmacist in charge at Arrow Discount Drugs, 1145 West Bryn Mawr, Chicago, Illinois 60640.
- (2) From the evidence presented, the State Board of Pharmacy finds that the records of the Ohio Board of Pharmacy indicate that on or about June 6, 1986 Gary Howard Mann did enter into a Consent Order with the Department of Registration and Education of the State of Illinois wherein the pharmacy and controlled substance

---

OHIO STATE BOARD OF PHARMACY

---

license of Arrow Discount Drugs, 1145 West Bryn Mawr, Chicago, Illinois 60640 was revoked and Mr. Mann's license to practice pharmacy in the state of Illinois was suspended for six months. The records further reflect the fact that Mr. Mann's license to practice pharmacy in Illinois was placed on probation until approximately January, 1989, and that he may not serve as the pharmacist in charge at any drug store or pharmacy in Illinois without first obtaining the approval of the Illinois Board of Pharmacy. The Ohio Board of Pharmacy records further reflect the fact that Mr. Mann has not practiced pharmacy in Illinois or any state since sometime in 1985 when he became an employee of the General Computer Corporation located in Twinsburg, Ohio.

- (3) From the evidence presented, the State Board of Pharmacy finds that the action of the Department of Registration and Education of the State of Illinois was based on the following:
- (a) Between the dates of October 1, 1984 and May 10, 1985, 4,600 tablets of Dilaudid-4mg and 1,600 tablets of Preludin-75mg, both of which are Schedule II controlled substances and prescription drugs in amounts equal to or exceeding three times the bulk amount as that term is defined in Section 2925.01 of the Ohio Revised Code, were sold without prescriptions at Arrow Discount Drugs.
  - (b) Between the dates of October 1, 1984 and May 10, 1985, 60 gallons of Hydrocodone/Hycodan cough syrup, a Schedule III controlled substance in an amount equal to or exceeding three times the bulk amount as that term is defined in Section 2925.01 of the Ohio Revised Code, was sold without a prescription at Arrow Discount Drugs.

CONCLUSION OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (3)(a) and (3)(b) of the Findings Of Fact constitutes unprofessional conduct in the practice of pharmacy.

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusion Of Law, the State Board of Pharmacy hereby approves the reciprocity application of Gary Howard Mann with the stipulation that Mr. Mann's Ohio pharmacist identification be placed on probation until January 1, 1989 and that Mr. Mann cannot be the responsible pharmacist for a drug distributor license until he appears before the Board.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.