

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-020128-034)

In The Matter Of:

KEVIN M. RILEY, R.Ph.
3862 W 1400 S
Kokomo, Indiana 46901
(R.Ph. No. 03-3-18795)

INTRODUCTION

THE MATTER OF KEVIN M. RILEY CAME FOR HEARING ON JUNE 4, 2002, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ANN D. ABELE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

KEVIN M. RILEY WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

None

Respondent's Witnesses

1. Kevin M. Riley, R.Ph., Respondent
2. Susan Riley

State's Exhibits

1. Copy of Reinstatement Hearing Request letter from Kevin M. Riley [01-24-2002]
1A-1B. Procedurals
2. State Board of Pharmacy Order in re Kevin M. Riley, R.Ph. [04-24-1997]
3. State Board of Pharmacy Order in re Kevin M. Riley, R.Ph. [03-15-1996]
4. Hearing Notice, State of Indiana v. Kevin Riley, R.Ph., Cause No. 2002 IBP 002, Indiana Board of Pharmacy [02-21-2002]
- 4A. Findings of Fact, Conclusions of Law and Order, State of Indiana v. Kevin Riley, R.Ph., Cause No. 2002 IBP 002, Indiana Board of Pharmacy [03-19-2002]
5. Thriftway-63 Pharmacist's Statement (Patient Profile) of Kevin Riley [01-01-1994 thru 01-30-1995]
- 5A. Thriftway-63 Pharmacist's Statement (Patient Profile) of Amanda Riley [01-01-1994 thru 01-30-1995]
- 5B. Thriftway-63 Pharmacist's Statement (Patient Profile) of Heather Riley [01-01-1994 thru 01-30-1995]
- 5C. Thriftway-63 Pharmacist's Statement (Patient Profile) of Marlene Riley [01-01-1994 thru 01-30-1995]
6. Offense Report and Investigative Report by John W. Osborne re Kevin M. Riley [02-01-1995]

7. Report by Specialist George Rudemiller, Cincinnati Police Division, Pharmaceutical Diversion Unit [02-01-1995]
8. Statement by Kevin M. Riley [02-03-1995]
9. Letter from John W. Osborne to Kevin M. Riley [02-10-1995]
10. Indictment for Deception To Obtain A Dangerous Drug, State of Ohio vs. Kevin M. Riley, Case No. 95-CR-005064, Clermont County Common Pleas Court [03-01-1995]
11. Written Plea of Guilty, State of Ohio vs. Kevin M. Riley, Case No. 95-CR-005064, Clermont County Common Pleas Court [04-19-1995]
12. Judgment Entry Sentencing Defendant, Suspending Sentence and Granting Probation, State of Ohio vs. Kevin M. Riley, Case No. 95-CR-005064, Clermont County Common Pleas Court [05-22-1995]
13. Mandatory Fine Entry, State of Ohio vs. Kevin M. Riley, Case No. 95-CR-005064, Clermont County Common Pleas Court [05-22-1995]
14. Entry Mitigating Mandatory Fine, State of Ohio vs. Kevin M. Riley, Case No. 95-CR-005064, Clermont County Common Pleas Court [12-05-1995]

Respondent's Exhibits

- A. Continuing Pharmaceutical Education Certificates [01-13-2001 to 06-03-2002]
- B. State of Pennsylvania Pharmacist License of Kevin Mark Riley, License No. RP034826L, Expires 09-30-2002; and State of Indiana Pharmacist License of Kevin M. Riley, License No. 26017192A, Expires 06-30-2002
- C. Indiana State Police Limited Criminal History re Kevin Riley [03-07-2002]
- D. Letters of support for Kevin M. Riley from Randall S. Miller, R.Ph. [03-01-2002]; Sean P. Kinney [03-08-2002]; William J. Netkowicz [03-08-2002]; and Terry Beckemeyer [02-18-2002]
- E. Copy of money order and certified mail receipt for restitution to Thriftway [05-31-2002]; copy of Continuing Pharmaceutical Education Certificate [04-26-2001]

FINDING 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 that Kevin M. Riley has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-950613-066, effective March 15, 1996.

DECISION OF THE BOARD

After consideration of the record as a whole, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-3-18795, held by Kevin M. Riley to practice pharmacy in the state of Ohio and places Kevin M. Riley on probation for two years from the date the identification card is issued with the following conditions:

- (1) The State Board of Pharmacy hereby declares that Kevin M. Riley'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) Kevin M. Riley may not serve as a responsible pharmacist.

- (3) Kevin M. Riley may not fill prescriptions for family members.
- (4) Kevin M. Riley must not violate the drug laws of the State of Ohio, any other state, or the federal government.
- (5) Kevin M. Riley must abide by the rules of the State Board of Pharmacy.
- (6) Kevin M. Riley must comply with the terms of this Order.

Kevin M. Riley 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-7/Nay-0).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE JULY 11, 2002

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-960507-059)

In The Matter Of:

KEVIN M. RILEY, R.Ph.
1729 S. Washington Street
Kokomo, Indiana 46902
(R.Ph. No. 03-3-18795)

INTRODUCTION

THE MATTER OF KEVIN M. RILEY CAME TO HEARING ON MARCH 3, 1997, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; JOSEPH J. MASLAK, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

KEVIN M. RILEY WAS NOT PRESENT, NOR WAS HE REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) David Rowland, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Hearing Request letter from Kevin M. Riley dated May 1, 1996.
- (2) Exhibit 1A--Hearing Schedule letter dated May 7, 1996, and copy of Ohio State Board of Pharmacy change of address form.
- (3) Exhibit 1B--Hearing Schedule letter dated June 26, 1996.
- (4) Exhibit 2--Four-page Order of the State Board of Pharmacy, Docket No. D-950613-066, in the matter of Kevin M. Riley

Respondent's Exhibits:

- (1) None

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) On March 15, 1996, Kevin M. Riley was notified regarding the status of his license to practice pharmacy in the state of Ohio by Order pursuant to Section 4729.16 of the Ohio Revised Code. The Order, Docket No. D-950613-066, indefinitely suspended the license of Kevin M. Riley. Further, Kevin M. Riley was to petition the Board for reinstatement to determine whether or not his license would be reinstated and, if so, under what conditions.
- (2) Kevin M. Riley requested a hearing on or about May 1, 1996, and a hearing was scheduled by letter dated May 7, 1996, in accordance with Chapter 119. of the Ohio Revised Code; however, the hearing was rescheduled by the Board to be held March 3, 1997, in accordance with Chapter 119. of the Ohio Revised Code by letter dated June 26, 1996.
- (3) As demonstrated by return receipt of June 29, 1996, Kevin M. Riley received the letter of June 26, 1996, informing him of the date of his hearing.
- (4) Kevin Riley and/or his wife responded three times by telephone on March 3, 1996; and the hearing was held.
- (5) Kevin M. Riley did not appear before the Board, and did not provide evidence to convince the Board that his license to practice pharmacy in the state of Ohio should be reinstated.

CONCLUSION OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the Findings of Fact constitute that Kevin M. Riley does not qualify for reinstatement.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and on the basis of the foregoing Findings of Fact and Conclusion of Law, the State Board of Pharmacy hereby denies the reinstatement of Kevin M. Riley's license, No. 03-3-18795, to practice pharmacy in Ohio.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-6/Nay-0).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE APRIL 24, 1997

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-950613-066)

In The Matter Of:

KEVIN M. RILEY, R.Ph.
2550 Augusta Blvd., #103
Fairfield, Ohio 45014
(R.Ph. No. 03-3-18795)

INTRODUCTION

THE MATTER OF KEVIN M. RILEY CAME ON FOR CONSIDERATION ON JANUARY 25, 1996, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: PAUL F. LAMPING, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; WAYNE C. MILLER, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

KEVIN M. RILEY WAS NOT PRESENT NOR WAS HE REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Timothy J. Benedict, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Summary Suspension Order/Notice of Opportunity letter dated June 13, 1995.
- (2) Exhibit 1A--Pharmacist File Front Sheet of Kevin M. Riley showing original date of registration as April 23, 1991.
- (3) Exhibit 1B--Renewal Application for Pharmacist License, No. 03-3-18795, for a license to practice pharmacy in Ohio from September 15, 1994, to September 15, 1995, of Kevin M. Riley dated August 11, 1994.
- (4) Exhibit 2--Copy of four Thriftway #63 Pharmacist's Statements dated January 30, 1995; and copy of two Thriftway #77 Pharmacist's Statements dated February 3, 1995.
- (5) Exhibit 3--Copy of Thriftway Offense Report, Case No. 95-666-E, regarding Kevin M. Riley dated February 1, 1995; and two-page Investigative Report of J. W. Osborne dated January 31, 1995.

- (6) Exhibit 4--Report of Specialist George Rudemiller regarding Kevin Riley, not dated.
- (7) Exhibit 5--Copy of statement of Kevin M. Riley dated February 3, 1995.
- (8) Exhibit 6--Copy of letter from John W. Osborne dated February 10, 1995.
- (9) Exhibit 7--Certified Written Plea of Guilty in the Clermont County Common Pleas Court, Case No. 95-CR-005064, of Kevin M. Riley dated April 19, 1995.

Respondent's Exhibits:

- (1) None

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) On June 13, 1995, Kevin M. Riley was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.
- (2) As demonstrated by personal delivery receipt of July 27, 1995, Kevin M. Riley received the letter of June 13, 1995, informing him of the allegations against him, and his rights.
- (3) Kevin M. Riley has not responded in any manner to the letter of June 13, 1995, and has not requested a hearing in this matter.
- (4) Kevin M. Riley was originally licensed to practice pharmacy in the state of Ohio on April 23, 1991, pursuant to reciprocity; and, on June 13, 1995, Kevin M. Riley's license was suspended in accordance with Section 3719.121(C) of the Ohio Revised Code.
- (5) On April 19, 1995, Kevin M. Riley pled guilty in the Common Pleas Court of Clermont County, Ohio, to three felony drug abuse offenses under Section 2925.22 of the Ohio Revised Code.
- (6) Kevin M. Riley did, on or about the following dates, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Thriftway Food and Drug (store number as indicated), beyond the express or implied consent of Thriftway:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Thriftway Store</u>
322701	08/19/94	Amoxicillin 250mg capsules	Store #77
322701	08/30/94	Amoxicillin 250mg capsules	Store #77
324279	09/19/94	Amoxicillin 250mg chewable tablets	Store #77
324979	09/30/94	Amoxicillin 250mg chewable tablets	Store #77
324910	09/30/94	Cephalexin 250mg capsules	Store #77
325856	10/18/94	Erythromycin 400mg/5ml	Store #77
326336	10/25/94	Amoxicillin 250mg/5ml suspension	Store #77
326334	10/25/94	Antibiotic Ear suspension	Store #77

29475?	11/19/94	Cephalexin 250mg capsules	Store #63
294??8	11/19/94	Amoxicillin 250mg/5ml suspension	Store #63
29571?	12/03/94	Doxycycline 100mg tablets	Store #63
296???	12/16/94	Amoxil 250mg chewable tablets	Store #63
296??5	12/18/94	Sulfamethoxazole w/TMP suspension	Store #63
297??6	01/04/95	AK-Spore Eye Ointment AKO	Store #63
29807?	01/07/95	Amoxicillin 500mg	Store #63
298??6	01/07/95	Amoxicillin 125mg/5ml suspension	Store #63
29771?	01/02/95	Nicorette 2mg Chewing Gum	Store #63
298??6	01/29/95	Amoxil 125mg/5ml suspension	Store #63

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (7) Kevin M. Riley did, on various dates from on or about August 1994, through January 1995, with the purpose to deprive, knowingly obtain or exert control over the property of the insurer of Thriftway Food and Drug by deception, to wit: Kevin M. Riley billed unauthorized prescriptions in the amount of \$97.10, and after demand by Thriftway Loss Prevention Department, Mr. Riley has failed to make reimbursement. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (5) of the Findings of Fact constitutes being guilty of a felony as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (5) through (7) of the Findings of Fact constitute being guilty of unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (5) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ACTION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued June 13, 1995.

Pursuant to Section 4729.16 of the Ohio Revised Code, and on the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-3-18795, held by Kevin M. Riley effective as of the date of the mailing of this Order. Further, Kevin M. Riley must petition the Board for reinstatement to determine whether or not his license will be reinstated and if so, any conditions the Board may set.

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.

ORDER EFFECTIVE MARCH 15, 1996

SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR A HEARING

June 13, 1995

KEVIN M. RILEY, R.Ph.
2550 Augusta Blvd., #103
Fairfield, Ohio 45014

Re: Ohio Registered Pharmacist
Number 03-3-18795

Dear Pharmacist:

Records of the Board indicate that you are a pharmacist registered by this Board to practice pharmacy in the state of Ohio.

In accordance with Section 2929.17 of the Ohio Revised Code, the office of the Prosecuting Attorney of Clermont County, Ohio, has submitted to this Board information which indicates that on April 19, 1995, you pled guilty in the Common Pleas Court of Clermont, Ohio, to three felony drug abuse offenses under Section 2925.22 of the Ohio Revised Code.

YOU ARE HEREBY NOTIFIED that Section 3719.121(C) of the Ohio Revised Code states, in pertinent part:

(C) On receiving notification pursuant to Section 2929.17 or 3719.12 of the Revised Code, the Board under which ... Pharmacist ... has been licensed or registered shall immediately suspend the license or registration of that person on his plea of guilty to, or a judicial finding of, a felony drug abuse offense ...

WHEREFORE, PURSUANT TO SECTION 3719.121(C) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO IS HEREBY SUSPENDED. FURTHER, PURSUANT TO RULE 4729-9-01(F) OF THE OHIO ADMINISTRATIVE CODE, DURING THIS TERM OF SUSPENSION YOU MAY NOT BE EMPLOYED BY OR WORK IN ANY FACILITY LICENSED BY THE BOARD OF PHARMACY TO POSSESS OR DISTRIBUTE DANGEROUS DRUGS. This suspension shall remain in effect until an adjudicatory hearing is held by the Board under Chapter 119. of the Revised Code, during which time you may not engage in the practice of pharmacy. If you request a hearing within 30 days of the time of the mailing of this notice, such will be afforded. You may appear at such hearing in person, by or with your attorney, or you may present your position, arguments, or contentions in writing; and at this hearing, you may present evidence and examine any witnesses appearing for and against you.

YOU ARE FURTHER NOTIFIED that the Board of Pharmacy will consider the following allegations:

(1) You did, on or about the following dates, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Thriftway Food and Drug (store number as indicated), beyond the express or implied consent of Thriftway:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Thriftway Store</u>
322701	08/19/94	Amoxicillin 250mg capsules	Store #77
322701	08/30/94	Amoxicillin 250mg capsules	Store #77
324279	09/19/94	Amoxicillin 250mg chewable tablets	Store #77
324979	09/30/94	Amoxicillin 250mg chewable tablets	Store #77
324910	09/30/94	Cephalexin 250mg capsules	Store #77
325856	10/18/94	Erythromycin 400mg/5ml	Store #77
326336	10/25/94	Amoxicillin 250mg/5ml suspension	Store #77
326334	10/25/94	Antibiotic Ear suspension	Store #77
29475?	11/19/94	Cephalexin 250mg capsules	Store #63
294??8	11/19/94	Amoxicillin 250mg/5ml suspension	Store #63
29571?	12/03/94	Doxycycline 100mg tablets	Store #63
296???	12/16/94	Amoxil 250mg chewable tablets	Store #63
296??5	12/18/94	Sulfamethoxazole w/TMP suspension	Store #63
297??6	01/04/95	AK-Spore Eye Ointment AKO	Store #63
29807?	01/07/95	Amoxicillin 500mg	Store #63
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29771?	01/02/95	Nicorette 2mg Chewing Gum	Store #63
298??6	01/29/95	Amoxil 125mg/5ml suspension	Store #63

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(2) You did, on various dates from on or about August, 1994, through January, 1995, with the purpose to deprive, knowingly obtain or exert control over the property of the insurer of Thriftway Food and Drug by deception, to wit: you billed unauthorized prescriptions in the amount of \$97.10, and after demand by Thriftway Loss Prevention Department, you have failed to make reimbursement. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

YOU ARE FURTHER NOTIFIED that Section 4729.16 of the Ohio Revised Code states, in pertinent part:

(A) The state board of pharmacy, after notice and hearing in accordance with sections 119.01 to 119.13 of the Revised Code, may revoke, suspend, place on probation, or refuse to grant or renew an identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense, or in the case of a violation of a section of the Revised Code that does not bear a penalty, a monetary penalty or forfeiture of not more than five hundred dollars, if the board finds a pharmacist or pharmacy intern:

- (1) Guilty of a felony or gross immorality;
- (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
- (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy;

(4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;

(5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code;

(6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;

(7) Guilty of knowingly lending his name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy; or

(8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, a practitioner or any owner, manager, or employee of a health care facility, rest home, or nursing home.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "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.

(D-950613-066)

BY ORDER OF THE STATE BOARD OF PHARMACY

SUMMARY SUSPENSION EFFECTIVE JUNE 13, 1995

*This remains in effect until an Order is issued by the Board or a Settlement Agreement is signed.
(Order Effective March 15, 1996)*