



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-911001-063)

In The Matter Of:

AZAM MOJTABAEI-SOLIMANI
8389 Cottownwood Dr. #1
Cincinnati, Ohio 45231
(Intern No. 06-0-02312)

Introduction

THE MATTER OF AZAM MOJTABAEI-SOLIMANI CAME TO HEARING ON DECEMBER 10, 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.

AZAM MOJTABAEI-SOLIMANI WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

Summary Of Evidence

(A) Testimony

State's Witnesses:

- (1) Azam Mojtabaei-Solimani, Respondent

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated October 1, 1991.
- (2) Exhibit B - Hearing Request letter dated October 14, 1991.
- (3) Exhibit C - Hearing Schedule letter dated October 24, 1991.
- (4) Exhibit 1 - Intern File Front Sheet of Azam Mojtabaei-Solimani showing original date of registration as October 15, 1990.
- (5) Exhibit 2 - Practical Experience Affidavit of Azam Mojtabaei-Solimani for experience obtained between the weeks of December 29, 1990 to March 9, 1991 signed and notarized on August 30, 1991.
- (6) Exhibit 2A - Statement of Preceptor of Azam Mojtabaei showing Caron A. Sue as preceptor dated August 28, 1991.

- (7) Exhibit 3 - Practical Experience Affidavit of Azam Mojtabaei-Solimani for experience obtained between the weeks of March 16, 1991 and June 22, 1991; and Practical Experience Affidavit of Azam Mojtabaei-Solimani for experience obtained between weeks of July 13, 1991 and August 17, 1991.
- (8) Exhibit 3A - Statement of Preceptor of Azam Mojtabaei-Solimani showing Dewey I. Kawamoto as preceptor dated August 28, 1991.

Respondent's Exhibits:

- (1) Exhibit 1 - Letter from Caron A. Sue, University of Cincinnati Medical Center dated August 28, 1991.
- (2) Exhibit 2 - Letter from Azam Mojtabaei-Solimani dated August 30, 1991.

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that Azam Mojtabaei-Solimani has been an intern registered by the Board since October 15, 1990.
- (2) From the evidence presented, the State Board of Pharmacy finds that on September 3, 1991, Azam Mojtabaei-Solimani submitted a Practical Experience Affidavit for having worked a total of 388 hours during the time period between the week ending December 29, 1990, and the week ending March 9, 1991, under the supervision of Caron A. Sue, R.Ph.; however, Azam Mojtabaei-Solimani did not file her Statement of Preceptor form until the same September 3, 1991.
- (3) From the evidence presented, the State Board of Pharmacy finds that on September 3, 1991, Azam Mojtabaei-Solimani submitted Practical Experience Affidavits for having worked a total of 572 hours during the time period between the week ending March 16, 1991 and the week ending June 21, 1991; and for having worked a total of 133 hours during the time period between the week ending July 13, 1991 and the week ending August 17, 1991, under the supervision of Dewey I. Kawamoto, R.Ph.; however, Azam Mojtabaei-Solimani did not file her Statement of Preceptor form until the same September 3, 1991.
- (4) From the evidence presented, the State Board of Pharmacy finds that Azam Mojtabaei-Solimani failed to file the Statement of Preceptor forms within thirty days of beginning training as required by paragraph (G) of Rule 4729-3-01 of the Ohio Administrative Code.
- (5) From the evidence presented, the State Board of Pharmacy finds that Azam Mojtabaei-Solimani has not submitted evidence of extraordinary circumstances as required by paragraph (G)(1) of Rule 4729-2-01 of the Ohio Administrative Code.

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Conclusion Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (5) of the Findings Of Fact constitute failure to meet the exemption clause as provided in paragraph (G)(1) of Rule 4729-3-01 of the Ohio Administrative Code.

Action Of The Board

Pursuant to Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby refuses to accept an earlier filing date for the Statement of Preceptor forms submitted by Azam Mojtabaei-Solimani on September 3, 1991, and therefore refuses to grant internship credit for practical experience obtained under the supervision of Caron A. Sue and Dewey I. Kawamoto prior to September 3, 1991.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-6/Nay-1).

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 749 728 839

ORDER MAILED: January 31, 1992

FZW/so

By


Franklin Z. Wickham, Executive Director

cc: Ronda Anderson, Assistant Attorney General