



# OHIO STATE BOARD OF PHARMACY

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-030606-076)

In The Matter Of:

### **ZACHARY JAMES BLAKE**

203 Depot Street, P.O. Box 38

Castalia, Ohio 44824

(D.O.B. 08/01/78)

### INTRODUCTION

THE MATTER OF ZACHARY JAMES BLAKE CAME FOR CONSIDERATION ON SEPTEMBER 9, 2003, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT P. GIACALONE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

ZACHARY JAMES BLAKE WAS NOT PRESENT NOR WAS HE REPRESENTED BY COUNSEL AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

#### State's Witnesses

1. Dale Fritz, Jr., Ohio State Board of Pharmacy

#### Respondent's Witnesses

None

#### State's Exhibits

1. Copy of Proposal to Deny/Notice of Opportunity For Hearing letter [06-06-03]
2. Statement of Zachary James Blake [07-04-98]
3. Sandusky Police Department Complaint Report No. 9217 [07-04-98]
4. History Information File, City of Sandusky vs. Zachary J. Blake, Case No. CRB-9803223-A, Sandusky Municipal Court [07-06-98]
5. History Information File, City of Sandusky vs. Zachary J. Blake, Case No. CRB-9803223-B, Sandusky Municipal Court [07-06-98]
6. History Information File, City of Sandusky vs. Zachary J. Blake, Case No. CRB-9803200-A, Sandusky Municipal Court [07-06-98]
7. History Information File, City of Sandusky vs. Zachary J. Blake, Case No. CRB-9803200-B, Sandusky Municipal Court [07-06-98]
8. Statement of Zachary James Blake [01-10-99]
9. Sandusky Police Department Complaint Report No. 331 [01-10-99]

10. History Information File, City of Sandusky vs. Zachary J. Blake, Case No. CRB-9900084-A, Sandusky Municipal Court [06-04-99]
11. History Information File, City of Sandusky vs. Zachary J. Blake, Case No. CRB-9900084-B, Sandusky Municipal Court [06-04-99]
12. Statement of Zachary James Blake [01-06-01]
13. Perkins Police Department Incident Report CR# 01-000183 [01-06-01]
14. History Information File, City of Sandusky vs. Zachary J. Blake, Case No. CRB-0100131, Sandusky Municipal Court [01-12-01]
15. Statement of Zachary James Blake [05-10-02]
16. Bowling Green Police Division Incident Report No. 02-007060 [12-18-02]
17. Court Entry Record, Bowling Green Police Dept. vs. Zachary J. Blake, Case No. 02CRB-00783-A, Bowling Green Municipal Court [05-10-02]

### Respondent's Exhibits

None

### FINDINGS OF FACT

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

- (1) On June 6, 2003, Zachary James Blake 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 return receipt dated June 7, 2003, Zachary James Blake received the letter of June 6, 2003, informing him of the allegations against him, and his rights.
- (3) Zachary James Blake has not responded in any manner to the letter of June 6, 2003, and has not requested a hearing in this matter.
- (4) Records of the Ohio Board of Pharmacy indicate that Zachary James Blake applied to the Board for registration as a pharmacy intern in Ohio on October 23, 2002.
- (5) Zachary James Blake was, on or about July 4, 1998, stopped by a Sandusky police officer for drinking from an open container of beer after leaving a bar. Zachary James Blake was arrested after the officer discovered he had an altered driver's license. On July 6, 1998, Zachary James Blake was found guilty of Misrepresentation of Person Under 21, a misdemeanor of the first degree under Section 4301.634 of the Ohio

Revised Code; Consuming Under Age, a misdemeanor of the first degree under Section 4301.632 of the Ohio Revised Code, and two counts of Open Flask in Public, minor misdemeanors under the City of Sandusky Ordinance No. 139.04. Zachary James Blake received a fine, suspended jail time, and was required to attend an alcohol program. City of Sandusky vs. Zachary J. Blake, Case Nos. 9003200A, 9803200B, 98CRB03223A, and 98CRB03223B, Sandusky Municipal Court. Such conduct constitutes not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code and thus not meeting the requirements of the Board within the meaning of Section 4729.11 of the Ohio Revised Code.

- (6) Zachary James Blake was, on or about January 10, 1999, observed by a Sandusky police officer walking down the street at 2:43 a.m. Zachary James Blake was intoxicated and in possession of an altered driver's license. Zachary James Blake was tested to have a .182 blood alcohol content. On June 4, 1999, Zachary James Blake was found guilty of Consuming Under Age, a misdemeanor of the first degree under Section 4301.632 of the Ohio Revised Code; and Misrepresentation of Person Under 21, a misdemeanor of the first degree under Section 4301.64 of the Ohio Revised Code. Zachary James Blake received a fine and suspended jail time. City of Sandusky vs. Zachary J. Blake, Case No. 9900084A and 9900084B, Sandusky Municipal Court. Such conduct constitutes not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code and thus not meeting the requirements of the Board within the meaning of Section 4729.11 of the Ohio Revised Code.
- (7) Zachary James Blake was, on or about January 6, 2001, arrested by a Perkins Police Department officer after being involved in a fight. On January 12, 2001, Zachary James Blake was found guilty of and fined for Disorderly Conduct, a minor misdemeanor under Section 2917.11 of the Ohio Revised Code. City of Sandusky vs. Zachary J. Blake, Case No. CRB 0100131, Sandusky Municipal Court. Such conduct constitutes not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code and thus not meeting the requirements of the Board within the meaning of Section 4729.11 of the Ohio Revised Code.
- (8) Zachary James Blake was, on or about April 15, 2002, arrested by a Bowling Green police officer after being observed carrying an open container of beer on the street. On May 10, 2002, Zachary James Blake was found guilty of and fined for having an Open Container of Alcohol, a minor misdemeanor under Section 96.03 of the Bowling Green Codified Ordinance. Bowling Green Police Department vs. Zachary J. Blake, Case No. 02CRB00783-A, Bowling Green Municipal Court. Such conduct constitutes not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code and thus not meeting the requirements of the Board within the meaning of Section 4729.11 of the Ohio Revised Code.

#### CONCLUSION OF LAW

The State Board of Pharmacy concludes that paragraphs (5) through (8) 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.

#### DECISION OF THE BOARD

Pursuant to Section 4729.11 of the Ohio Revised Code, and Rule 4729-5-04 of the Ohio Administrative Code, the State Board of Pharmacy hereby refuses to grant a license and, therefore, denies the Application for Pharmacy Intern Registration submitted by Zachary James Blake on October 23, 2002.

Further, the Board will not consider any new application submitted by Zachary James Blake until Mr. Blake appears before the Board.

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 a Notice of Appeal with both the State Board of Pharmacy and 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: OCTOBER 16, 2003

CERTIFIED MAIL / Return Receipt  
#7099 3400 0013 9263 8932

WTW/lf

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