



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-050803-011)

In The Matter Of:

PATRICK BRICE FINNEGAN

495 Hornwood Drive
Springfield, Ohio 45504
(Pharmacy Intern No. 06-0-04837)

INTRODUCTION

THE MATTER OF PATRICK BRICE FINNEGAN CAME FOR HEARING ON APRIL 3, 2006, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE R. EASTMAN, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

PATRICK BRICE FINNEGAN WAS REPRESENTED BY DAVID W. GRAUER. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witness

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

Respondent's Witnesses

1. Patrick B. Finnegan, Respondent
2. Robert B. Kimmel, R.Ph.

State's Exhibits

1. Proposal to Deny/Notice of Opportunity For Hearing letter [08-03-05]
1A-1D. Procedurals
2. Ohio University Police Department Incident Report Case No. 020440 [03-10-02]
3. Application for Pharmacy Intern Registration with attachment submitted by Patrick Brice Finnegan [03-29-04]
4. Letter from Patrick B. Finnegan [03-28-05]
5. Citation, State of Ohio vs. Patrick B. Finnegan, Case No. 01-TRC-15640, Clark County Municipal Court [11-04-01]; Judgment Entry [12-13-01]
6. Summons, State of Ohio vs. Patrick B. Finnegan, Case No. CRB-0200206 A, Hardin County Municipal Court [05-06-02]; Receipt No. 85505 [03-18-04]
7. State of Ohio vs. Patrick B. Finnegan, Case No. 04-TRC-12377, Clark County Municipal Court [02-25-05]; Springfield-Clark County Law Enforcement Arrest Report [12-12-04]

Respondent's Exhibits

- A. Letter from Mark Schweikert, MRC, PCC, LICDC [03-24-06]
- B. Letter from Cheryl Abston-Line, AAS, CCDC-1 [08-17-05]; McKinley Hall Brochure [not dated]
- C. Two Letters of Support [03-29-06]
- D. Name and Address of Character Witness, Robert D. Kimmel [not dated]

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 Patrick Brice Finnegan applied to the Board for registration as an intern in the State of Ohio on March 29, 2004.

(2) Patrick Brice Finnegan did, on or about March 10, 2002, engage in conduct whereby he was arrested for Underage Consumption of Alcohol and Public Intoxication. Though Patrick Brice Finnegan admitted to police officers that he had consumed "nine beers" and was under the legal age for consumption, he was belligerent and combative with the officers. Patrick Brice Finnegan's conduct, during the time of arrest, vacillated between being mildly cooperative to extremely aggressive. Though Patrick Brice Finnegan's conviction for his conduct was sealed, this inquiry into his conduct is permitted under Section 2953.33(B) of the Ohio Revised Code. Patrick Brice Finnegan's conduct constitutes not being of good moral character and habits and/or addicted or abusing liquor or drugs within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.

(3) Patrick Brice Finnegan did, on or about March 29, 2004 and March 28, 2005, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: when requested to explain Patrick Brice Finnegan's criminal convictions and activity causing them, Patrick Brice Finnegan omitted pertinent material facts so as to mislead the Board. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.

(4) Patrick Brice Finnegan was, on or about December 13, 2001, convicted of Driving Under the Influence, in violation of Section 4511.19 of the Ohio Revised Code, a minor misdemeanor. State of Ohio vs. Patrick B. Finnegan, Case No. 01-TRC 15640, Clark County Municipal Court of Springfield, Ohio.

(5) Patrick Brice Finnegan was, on or about May 6, 2002, convicted of Disorderly Conduct, in violation of Section 2917.11 of the Ohio Revised Code, a minor misdemeanor. State of Ohio vs. Patrick B. Finnegan, Case No. CRB 0200206A, Hardin County Municipal Court of Kenton, Ohio.

(6) Patrick Brice Finnegan was, on or about February 25, 2005, convicted of Driving Under the Influence, in violation of Section 4511.19 of the Ohio Revised Code, a minor misdemeanor. State of Ohio vs. Patrick B. Finnegan, Case No. 04-TRC 12377, Clark County Municipal Court of Springfield, Ohio.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (2) through (6) of the Findings of Fact constitute not being of good moral character and habits as set forth in paragraph (C) of Rule 4729-5-04 of the Ohio Administrative Code.

(2) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs as provided in paragraph (D) of Rule 4729-5-04 of the Ohio Administrative Code.

(3) The State Board of Pharmacy concludes that paragraph (3) of the Findings of Fact constitutes being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 4729.11 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the Application for Pharmacy Intern Registration submitted by Patrick B. Finnegan on or about March 29, 2004.

Further, the Board places Patrick B. Finnegan on probation for the duration of his Internship. The terms of probation are as follows:

(A) Patrick B. Finnegan must not violate the drug laws of the State of Ohio, any other state, or the federal government.

(B) Patrick B. Finnegan must abide by the rules of the State Board of Pharmacy.

(C) Patrick B. Finnegan must comply with the terms of this Order.

(D) Patrick B. Finnegan's license is deemed not in good standing until successful completion of the probationary period.

(E) 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.

Patrick B. Finnegan 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-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

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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: _____

CERTIFIED MAIL/Return Receipt
7003 0500 0002 4340 8794

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

WTW/lf

cc: Sally Ann Steuk, Assistant Attorney General
David W. Grauer, Attorney for Respondent; Squire, Sanders & Dempsey L.L.P.;
1300 Huntington Center; 41 South High Street; Columbus, Ohio 43215