



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-040715-016)

In The Matter Of:

ERIC SHAWN YOUNGBLOOD

10380 Rischel Road

Wadsworth, Ohio 44281

(D.O.B. 07/11/84)

INTRODUCTION

THE MATTER OF ERIC SHAWN YOUNGBLOOD CAME FOR HEARING ON JANUARY 4, 2005, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: LAWRENCE J. KOST, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

ERIC SHAWN YOUNGBLOOD WAS REPRESENTED BY RONALD SCOTT SPEARS AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Thomas Miksch, Ohio State Board of Pharmacy

Respondent's Witnesses

1. Eric Shawn Youngblood, Respondent

State's Exhibits

1. Proposal to Deny/Notice of Opportunity For Hearing letter [07-15-04]
1A-1B. Procedurals
2. Summons and Complaint No. 0901 and Minor Misdemeanor Citation No. 0902, State of Ohio vs. Eric S. Youngblood, Case No. 03CRB01112, Medina Municipal Court [08-20-03]
3. Montville Township Police Incident Report, No. 03-1797 [08-19-03]
4. Waiver of Trial By Jury; Waiver of Attorney; Waiver of Reading of the Facts/Circumstances, State of Ohio vs. Youngblood, Eric S., Case No. 03CRB01112, Medina Municipal Court [08-25-03]
5. Dismissal of Minor Misdemeanor Possession of Marijuana Charge [11-21-03]
6. Judgment Entry and Sentence [11-26-03]
7. Letter from Eric Youngblood [04-26-04]; Application for Pharmacy Intern Registration submitted by Eric Youngblood [04-28-04]

Respondent's Exhibits

- A. Summons and Complaint No. 0901 and Minor Misdemeanor Citation No. 0902, State of Ohio vs. Eric S. Youngblood, Case No. 03CRB01112, Medina Municipal Court [08-19-03]
- B. Charge: Drug Paraphernalia; and Waiver of Trial By Jury; Waiver of Attorney; Waiver of Reading of the Facts/Circumstances [08-25-03] State of Ohio vs. Eric S. Youngblood, Case No. 03CRB01112, Medina Municipal Court
- C. Dismissal of Minor Misdemeanor Possession of Marijuana Charge [11-21-03]
- D. Judgment Entry and Sentence [11-26-03]; Judgment Entry and Order [12-29-04]; Receipt No. 294289, Medina Municipal Court showing zero balance due [11-26-03]
- E. Proposal to Deny/Notice of Opportunity for Hearing letter [07-15-04]
- F. Hearing Request letter from Ronald Scott Spears [08-12-04]
- G. Hearing Schedule letter [08-16-04]
- H. Ohio Northern University Profession of Pharmacy 9, PPHR 303 curriculum requirements [not dated]
- I. Ohio Northern University Raabe College of Pharmacy Learning Objectives for The Profession of Pharmacy, PPHR 303 [2005]
- J. Letter from Eric Youngblood [04-26-04]; Application for Pharmacy Intern Registration submitted by Eric Youngblood [04-28-04]; Drug Screen Report [11-26-03]
- K. Two letters of support [12-27-04 and 12-30-04]

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 State Board of Pharmacy indicate that Eric Shawn Youngblood applied to the Board for registration as a pharmacy intern in Ohio on April 28, 2004.
- (2) Eric Shawn Youngblood did, on or about August 18, 2003, knowingly possess a Schedule I controlled substance when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Eric Shawn Youngblood possessed less than 200 gm of marijuana for his own personal abuse. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (3) Eric Shawn Youngblood did, on or about August 18, 2003, possess with purpose to use drug paraphernalia, to wit: Eric Shawn Youngblood possessed a glass smoking device and a pill bottle containing marijuana. Eric Shawn Youngblood pled guilty to Possession of Drug Paraphernalia, a misdemeanor of the fourth degree, in violation of Section 2925.14 of the Ohio Revised Code, and was sentenced to a fine and court costs. State of Ohio vs. Eric Youngblood, Case No. 03 CRB 01112, Medina Municipal Court.

CONCLUSION OF LAW

The State Board of Pharmacy concludes that paragraph (3) of the Findings of Fact constitutes being convicted of violating any state or federal pharmacy or drug law as provided in paragraph (B) 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 after consideration of the record as a whole, the State Board of Pharmacy hereby approves the Application for Pharmacy Intern Registration submitted by Eric Shawn Youngblood.

Further, the Board places Eric Shawn Youngblood on probation for one year beginning on the effective date of this Order. The terms of probation are as follows:

- (A) Eric Shawn Youngblood must notify his employer in writing, within thirty days of the effective date of this Order, of his marijuana possession and conviction. A copy of the letter must be submitted to the Board.
- (B) Eric Shawn Youngblood must notify Ohio Northern University in writing, within thirty days of the effective date of this Order, of his marijuana possession and conviction. A copy of the letter must be submitted to the Board.
- (C) Eric Shawn Youngblood must not violate the drug laws of Ohio, any other state, or the federal government.
- (D) Eric Shawn Youngblood must abide by the rules of the State Board of Pharmacy.
- (E) Eric Shawn Youngblood must comply with the terms of this Order.
- (F) Eric Shawn Youngblood's license is deemed not in good standing until successful completion of the probationary period.
- (G) 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.

Eric Shawn Youngblood 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.

It is hereby certified by this Board that the preceding 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: FEBRUARY 10, 2005

CERTIFIED MAIL / Return Receipt
7003 0500 0002 4347 2870

WTW/lf

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

c: Sally Ann Steuk, Assistant Attorney General
Ronald Scott Spears, Attorney for Respondent; Marco, Marco & Bailey;
52 Public Square; Medina, Ohio 44256