



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket Number D-050317-053)

In The Matter Of:

MATTHEW J. BROWN
4131 Carter Avenue #2
Cincinnati, Ohio 45212

INTRODUCTION

THE MATTER OF MATTHEW J. BROWN CAME FOR HEARING ON SEPTEMBER 13, 2005, 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.

MATTHEW J. BROWN WAS NOT REPRESENTED BY COUNSEL. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witness:

1. Rick Haun, Ohio State Board of Pharmacy

Respondent's Witnesses:

1. Matthew J. Brown, Respondent
2. Sara K. Brown

State's Exhibits:

1. Proposal to Deny/Notice of Opportunity For Hearing letter [03-17-05]
1A-1B. Procedurals
2. Application for Pharmacy Intern Registration with attachment submitted by Matthew J. Brown [11-26-04]
3. Hamilton County Law Enforcement Citation No. 952742 [08-17-03]; Hamilton County Municipal Court Journal Entry, Case No. 03-CRB-31594 [10-15-03]

Respondent's Exhibits:

- A.
- B.
- C. University of Cincinnati Transcript for Matthew J. Brown [2001-2005]; two Dean's List Certificates [12-28-04 and 03-29-05]; Plough Scholarship Recipient letter [05-26-05]

- D. University of Utah School on Alcoholism and Other Drug Dependencies Conference Registration for Matthew J. Brown [2005]; copy of check No. 509 to the University of Utah School on Alcoholism and Drugs [06-20-05]
- E. University of Cincinnati REACH Assessment letter of Matthew Brown [08-23-05]; Alcoholism Council of the Cincinnati Area, NCADD Appointment Card [09-21-05]
- F. Four Letters of Support [08-30-05 to 09-06-05]; letter from the Boy Scouts of America, Troop 400 [04-05-04]

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 Board of Pharmacy indicate that Matthew J. Brown applied to the Board for registration as an intern in the State of Ohio on November 26, 2004.
- (2) Matthew J. Brown was, on or about October 15, 2003, convicted of Disorderly Conduct, in violation of Section 2917.11 of the Ohio Revised Code, a minor misdemeanor. State of Ohio v Matthew Brown, Case No. 03 CRB 31594 in the Hamilton County Municipal Court. Such conviction indicates that Matthew J. Brown is not of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Revised Code.
- (3)
- (4)
- (5) Matthew J. Brown did, on or about October 26, 2004, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Matthew J. Brown indicated on his pharmacy intern registration application that he _____, but when divulging the specific information Matthew J. Brown failed to indicate the facts as set forth in Paragraph 4 above. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.

CONCLUSION OF LAW

The State Board of Pharmacy concludes that paragraphs (2), (4) and (5) of the Findings of Fact constitute 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 after consideration of the record as a whole, the State Board of Pharmacy hereby approves the Application for Pharmacy Intern Registration submitted by Matthew J. Brown on November 26, 2004.

MATTHEW J. BROWN, R.Ph.

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Order of 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 filing the original Notice of Appeal with the State Board of Pharmacy and a copy with 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 13, 2005

CERTIFIED MAIL / Return Receipt
7003 0500 0002 4340 9906

WTW/lf

William T. Winsley, M.S., R.Ph., Executive Director

cc: Sally Ann Steuk, Assistant Attorney General