



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143

E-MAIL: exec@bop.state.oh.us

FAX: 614/752-4836

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

URL: <http://www.pharmacy.ohio.gov>

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-070508-048)

In The Matter Of:

EVAN ADAM MILLER
8430 Parkdale Drive
North Royalton, Ohio 44133

INTRODUCTION

THE MATTER OF EVAN ADAM MILLER CAME FOR HEARING ON SEPTEMBER 12, 2007, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: GREGORY BRAYLOCK, R.Ph. (presiding); ELIZABETH I. GREGG, R.Ph.; RICHARD F. KOLEZYNSKI, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; HEATHER L. PASQUALE, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JEROME J. WIESENHAHN, R.Ph.

EVAN ADAM MILLER WAS NOT REPRESENTED BY COUNSEL. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Evan Miller, Respondent
2. Gerald W. Miller

Respondent's Witnesses

None

State's Exhibits

1. Proposal to Deny/Notice of Opportunity For Hearing letter [05-08-07]
1A-1C. Procedurals
2. Application for Pharmacy Intern Registration with attachment submitted by Evan Adam Miller [02-23-07]
3. Case Summary, Parma Heights vs. Evan A. Miller, Case No. 05CRB00529, Parma Heights Mayor's Court [09-09-05]
4. Certified Journal Report, City of Toledo vs. Evan A. Miller, Case No. CRB-05-21833-0101, Toledo Municipal Court [01-19-07]
5. Three Uniform Traffic Citations, State of Florida vs. Evan A. Miller, Citation No. 2491-XBA, Citation No. 1230-SER, and Citation No. 1231-SER [03-08-07]

Respondent's Exhibits

- A. Letter from Pamela Zuban, LISW to Dale R. Fritz, Jr. [08-23-07]
- B. Institutional Coursework Credit [Fall 2004 to Fall 2006]
- C. Support Group Attendance Records [03-20-07 to 06-21-07]
- D1-D5. Five Letters of Support [08-21-07 to 09-10-07]

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 Evan Adam Miller applied to the Board for registration as an intern in the State of Ohio on February 23, 2007.
- (2) Evan Adam Miller was, on or about September 9, 2005, convicted of Underage Possession/Consumption in violation of Section 619.02 of the Parma Municipal Code. Evan Adam Miller was fined \$250.00 and assessed \$80.00 in court costs. Parma Heights vs. Evan A. Miller, Case No. 05CRB00529, Parma Heights Mayor's Court.
- (3) Evan Adam Miller was, on or about December 9, 2005, after having been charged with Underage Consumption, convicted of Disorderly Conduct in violation of Section 509.03 of the Toledo Municipal Court. Evan Adam Miller was fined \$50.00 and assessed \$79.00 in court costs. City of Toledo vs. Miller, Evan A., Case No. CRB-05-21833-010, Toledo Municipal Court.
- (4) Evan Adam Miller was, on or about March 8, 2007, arrested and charged with Driving Under the Influence (B.A.C. test .232), Failure to Yield to an Emergency Vehicle, and Driving through a Construction Zone by the Florida Highway Patrol. Though he spent 1½ days in jail prior to being bonded out, these charges are still pending.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) through (4) 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 abusing liquor or drugs as provided in paragraph (D) 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 Evan Adam Miller on or about February 23, 2007.

Further, the Board places Evan Adam Miller on probation for the duration of his Internship. The terms of probation are as follows:

EVAN ADAM MILLER

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Order of the Board

(A) Evan Adam Miller must not violate the drug laws of the State of Ohio, any other state, or the federal government.

(B) Evan Adam Miller must abide by the rules of the State Board of Pharmacy.

(C) Evan Adam Miller must comply with the terms of this Order.

(D) Evan Adam Miller'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.

Evan Adam Miller 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 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 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 11, 2007

WTW/lf

CERTIFIED MAIL/Return Receipt
7004 2510 0006 9804 5131

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

c: Sally Ann Steuk, Assistant Attorney General