



OHIO STATE BOARD OF PHARMACY

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-Equal Opportunity Employer and Service Provider-

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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-041214-039)

In The Matter Of:

STEPHEN O. DALEY, R.Ph.

2131 Denise Drive N.E.

New Philadelphia, Ohio 44663

(R.Ph. No. 03-1-12190)

This Settlement Agreement is entered into by and between Stephen O. Daley and the Ohio State Board of Pharmacy, a state agency charged with enforcing the Pharmacy Practice Act and Dangerous Drug Distribution Act, Chapter 4729. of the Ohio Revised Code.

Stephen O. Daley voluntarily enters into this Agreement being fully informed of his rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Stephen O. Daley acknowledges that by entering into this agreement he has waived his rights under Chapter 119. of the Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Stephen O. Daley is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about December 14, 2004, pursuant to Chapter 119. of the Ohio Revised Code, Stephen O. Daley was notified of the allegations or charges against him, his right to a hearing, his rights in such hearing, and his right to submit contentions in writing. Stephen O. Daley requested a hearing; it was scheduled. The December 14, 2004, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Stephen O. Daley was originally licensed by the State of Ohio as a pharmacist on August 10, 1977, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.
- (2) Stephen O. Daley did, on or about July 18, 1996, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Stephen O. Daley indicated on his pharmacist license renewal application, September 15, 1996 to September 15, 1997, that he had not been charged with a crime when in fact he had been charged with, and subsequently convicted of, Soliciting for Prostitution in violation of Section 2907.24 of the Ohio Revised Code. State of Ohio vs. Stephen O.

Daley, Case No. 95-CRB-03274, Canton Municipal Court. These facts came to light during an unrelated investigation by a Board agent in 2004. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.

Stephen O. Daley neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated December 14, 2004; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Stephen O. Daley knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Stephen O. Daley agrees to the imposition of a monetary penalty of one thousand dollars (\$1,000.00), due and owing within thirty (30) days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126.

If, in the judgment of the Board, Stephen O. Daley appears to have violated or breached any terms or conditions of this Agreement, the Ohio State Board of Pharmacy reserves the right to, at any time, revoke probation, modify the conditions of probation, and reduce or extend the period of probation, and/or the Board may institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violation of the laws of Ohio occurring before the effective date of this Agreement.

Stephen O. Daley acknowledges that he has had an opportunity to ask questions concerning the terms of this agreement and that all questions asked have been answered in a satisfactory manner. Any action initiated by the Board based on alleged violation of this Agreement shall comply with the Administrative Procedure Act, Chapter 119. of the Ohio Revised Code.

Stephen O. Daley waives any and all claims or causes of action he may have against the State of Ohio or the Board, and members, officers, employees, and/or agents of either, arising out of matters which are the subject of this Agreement. Stephen O. Daley waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

This Settlement Agreement shall be considered a public record, as that term is used in Section 149.43 of the Ohio Revised Code, and shall become effective upon the date of the Board President's signature below.

_____ Stephen O. Daley, R.Ph., Respondent	_____ 04/25/2005 Date of Signature
_____ James Lindon, Attorney for Respondent	_____ 04/06/2005 Date of Signature
_____ Lawrence J. Kost, President, Ohio State Board of Pharmacy	_____ 05/04/2005 Date of Signature
_____ Sally Ann Steuk, Ohio Assistant Attorney General	_____ 05/04/2005 Date of Signature