



**STATE OF
OHIO**
BOARD OF PHARMACY

ORDER OF THE STATE BOARD OF PHARMACY
(Case Number 2014-1976)

In The Matter Of:

Jerry Liliestedt, R.Ph.
643 Rotunda Avenue
Akron, Ohio 44333
(R.Ph. Number 03-1-24428)

INTRODUCTION

The Matter of Jerry Liliestedt came for hearing on February 3, 2016, before the following members of the State of Ohio Board of Pharmacy (Board): Kilee S. Yarosh, R.Ph. (presiding); Edward T. Cain, Public Member; Megan E. Marchal, R.Ph.; Michael A. Moné, R.Ph.; Curtis L. Passafume, Jr., R.Ph.; and Shawn C. Wilt, R.Ph.

Fred M. Weaver, R.Ph.; Recused.

Jerry Liliestedt was not represented by Counsel. The State of Ohio was represented by Matthew J. Lampke, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Jerry Liliestedt, R.Ph., Respondent

Respondent's Witnesses:

None

State's Exhibits:

- | | |
|---|------------|
| 1. Notice of Opportunity for Hearing | 09-30-2015 |
| 2. Request for Hearing | 10-06-2015 |
| 3. Notice of Hearing | 10-09-2015 |
| 4. TDDD Applications; Devon Oaks, Eliza Jennings, The Renaissance Health Center | 09-15-2014 |
| 5. Conviction and Arrest Record | 03-11-2015 |
| 6. Statement of Jerry Liliestedt | 10-23-2014 |

Respondent's Exhibits:

None

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the Board finds the following to be fact:

77 South High Street, 17th Floor, Columbus, Ohio 43215



-THIS IS A RED INK STAMP-
I certify this to be a true and exact copy of
the original document on file with the
Ohio State Board of Pharmacy.
Steven W. Schierholt
Steven W. Schierholt, Esq., Executive Dir.
Date: 3/2/16
-MUST HAVE BOARD SEAL TO BE OFFICIAL-

1. Jerry Liliestedt submitted three (3) applications for a Terminal Distributor of Dangerous Drugs License on September 15, 2014.
 - a. Absolute Pharmacy, Inc. dba Devon Oaks Assisted Living, 2345 Crocker Road Westlake, OH 44145, license number 022455650;
 - b. Absolute Pharmacy, Inc. dba Eliza Jennings 10603 Detroit Avenue Cleveland, OH 44102, license number 022455550;
 - c. Absolute Pharmacy, Inc. dba The Renaissance Health Center 26376 John Road Olmstead Falls, OH 44138, license number 022455600
2. On the applications submitted on or about September 15, 2014, Jerry Liliestedt falsely answered "No" to the question inquiring whether, within the last 18 months, the responsible person or owner(s), or any agent or any employee of the location being licensed, or any officer of the corporation, have a record of arrest or criminal charges pending or have a conviction of a felony, misdemeanor, or traffic violation (even if sealed or expunged).
3. Upon further investigation by an Agent of the Board, it was discovered:
 - a. On or about September 6, 2014, Jerry Liliestedt was arrested and charged with "Resisting Arrest," "Disorderly Conduct," and "Failure to Comply."
 - b. On or about March 11, 2015, Jerry Liliestedt was convicted of "Disorderly Conduct," a misdemeanor in the fourth degree by the Franklin County Municipal Court. The accompanying criminal charges were dismissed as a result of the plea. Case Number 2014CRB22587.
 - c. On or about October 23, 2014, Jerry Liliestedt was interviewed by an Agent of the Board and confirmed knowledge of the pending criminal charges and the submission of the applications after he was charged.

CONCLUSIONS OF LAW

1. Such conduct, as set forth in paragraph (1) through (3) of the Findings of Fact constitutes the following violations of the ORC,:
 - a. Guilty of dishonesty and unprofessional conduct in the practice of pharmacy, ORC Section 4729.16(A)(2); and
 - b. Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter, ORC Section 4729.16(A)(10)

DECISION OF THE BOARD

1. Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the Board hereby imposes a monetary penalty of \$900 on Jerry Liliestedt and payment in full is due no later than thirty days from the effective date of this Order. The remittance 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.

Ms. Marchal moved for Findings of Fact; Mr. Moné seconded the motion. Motion passed (Aye-5/Nay-0).

Mr. Wilt moved for Conclusions of Law; Mr. Passafume seconded the motion. Motion passed (Aye-5/Nay-0).

Ms. Marchal moved for Action of the Board; Mr. Passafume seconded the motion. Motion passed (Aye-5/Nay-0).

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.

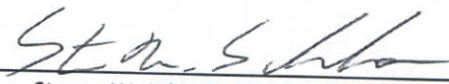
Section 119.12 of the Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place 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: March 2, 2016

By:


Steven W. Schierholt, Esq., Executive Director

SWS/rlc

CMRRR:7005 0390 0001 8577 1331



**NOTICE OF OPPORTUNITY FOR HEARING
PROPOSAL TO TAKE DISCIPLINARY ACTION AGAINST LICENSEE**

IN THE MATTER OF:

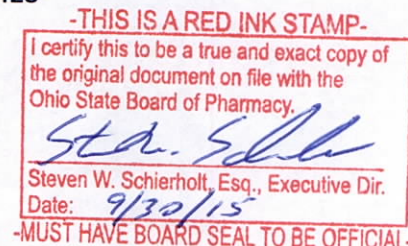
CASE NO. 2014-1976

Jerry Liliestedt, R.Ph.
643 Rotunda Avenue
Akron, OH 44333

License No. 03124428

September 30, 2015

Dear Jerry Liliestedt,



You are hereby notified, in accordance with the provisions of Section 119.07 of the Ohio Revised Code the state of Ohio Board of Pharmacy (Board) proposes to take action against your license for violations of Chapter 4729. of the Revised Code and Section 4729 of the Administrative Code under authority of Section 4729.16 of the Revised Code.

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code (ORC) and the rules adopted thereunder, the Board has the authority to revoke, suspend, limit, place on probation, or refuse to grant or renew an identification card issued to a pharmacist or pharmacist applicant for reciprocal registration in the state of Ohio. Additionally, Section 4729.16 of the Revised Code grants the Board the Authority to impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or \$500 if the acts committed have not been classified as an offense by the Revised Code.
2. Rule 4729-05-04 of the Ohio Administrative Code (OAC) provides that the Board may deny the issuance of a certificate of registration or an identification card to practice pharmacy as a pharmacist in Ohio.
3. Jerry Liliestedt is a licensed pharmacist in the state of Ohio under license number 03124428.

ALLEGATIONS

1. You submitted three (3) applications for a Terminal Distributor of Dangerous Drugs License on September 15, 2014.
 - a. Absolute Pharmacy, Inc. dba Devon Oaks Assisted Living, 2345 Crocker Road Westlake, OH 44145, license number 02455650;
 - b. Absolute Pharmacy, Inc. dba Eliza Jennings 10603 Detroit Avenue Cleveland, OH 44102, license number 02455550;

77 South High Street, 17th Floor, Columbus, Ohio 43215



- c. Absolute Pharmacy, Inc. dba The Renaissance Health Center 26376 John Road Olmstead Falls, OH 44138, license number 02455600
2. On the applications submitted on or about September 15, 2014, you falsely answered "No" to the question inquiring whether the responsible person or owner(s) or any agent or employee of the location being licensed, or any officer of the corporation has been the subject of disciplinary action by any state or federal agency.
3. Upon further investigation by an Agent of the Board, it was discovered:
 - a. On or about September 6, 2014, you were arrested and charged with "Resisting Arrest," "Disorderly Conduct," and "Failure to Comply."
 - b. On or about March 11, 2015, you were convicted of "Disorderly Conduct," a misdemeanor in the fourth degree by the Franklin County Municipal Court. The accompanying criminal charges were dismissed as a result of the plea. Case Number 2014CRB22587.
 - c. On or about October 23, 2014, you were interviewed by an Agent of the Board and confirmed knowledge of the pending criminal charges and the submission of the applications after you were charged.

POTENTIAL VIOLATIONS OF LAW

1. Such conduct as set forth in paragraphs (1)(a), (2) and (3) of the Allegation section, if proven, constitutes Falsification, in violation of Section 2921.13(A)(5) of the ORC, a misdemeanor of the first degree, punishable by a fine of up to \$1,000.
2. Such conduct as set forth in paragraphs (1)(b), (2) and (3) of the Allegation section, if proven, constitutes Falsification, in violation of Section 2921.13(A)(5) of the ORC, a misdemeanor of the first degree, punishable by a fine of up to \$1,000.
3. Such conduct as set forth in paragraphs (1)(c), (2) and (3) of the Allegation section, if proven, constitutes Falsification, in violation of Section 2921.13(A)(5) of the ORC, a misdemeanor of the first degree, punishable by a fine of up to \$1,000.
4. Such conduct, as set forth in paragraph (1) through (3) of the Allegations Section, if proven, constitutes the following violations of the ORC, each being a minor misdemeanor, each punishable by a maximum fine of \$150:
 - a. Guilty of a felony or gross immorality, ORC Section 4729.16(A)(1); and/or
 - b. Guilty of dishonesty or unprofessional conduct in the practice of pharmacy, ORC Section 4729.16(A)(2); and/or
 - c. Guilty of willfully violating...any rule adopted by the board, ORC Section 4729.16(A)(5); and/or
 - d. Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter, ORC Section 4729.16(A)(10)
5. Finally, such conduct, as set forth in paragraph (1) through (3), if proven, constitutes a violation of 4729-5-04(C) of the OAC, not being of good moral character and habits, punishable by a maximum fine of \$500.

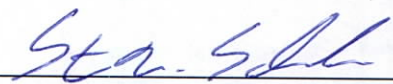
YOU ARE FURTHER NOTIFIED, in accordance with the provisions of Chapters 119. and 4729. of the Ohio Revised Code, that you are entitled to a hearing before the Ohio State Board of Pharmacy, if you request such a hearing within thirty 30 days of the date of the mailing of this notice.

IF YOU DESIRE A HEARING, such request shall either be mailed to the State of Ohio Board of Pharmacy, Attn: Legal, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126 or an e-mail request may be sent to legal@pharmacy.ohio.gov (please note faxes will not be accepted). **YOUR REQUEST MUST BE RECEIVED ON OR PRIOR TO THE 30TH DAY FOLLOWING THE MAILING DATE OF THIS NOTICE.** You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you. **If you are a corporation, you must be represented at the hearing by an attorney licensed to practice in the state of Ohio.**

YOU ARE FURTHER ADVISED that if there is no request for such a hearing received by the Board on or prior to the 30th day following the mailing of this notice, the Ohio State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

If you have questions regarding the Chapter 119. Administrative Hearing process, please e-mail your questions to legal@pharmacy.ohio.gov or call the Board office at 614-466-4143 and ask for the legal department.

BY ORDER OF THE STATE BOARD OF PHARMACY



Steven W. Schierholt, Esq., Executive Director

SWS/rlc

CMRRR: 7015 0640 0002 4627 7924



OHIO STATE BOARD OF PHARMACY

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

-Equal Opportunity Employer and Service Provider-

PHONE: 614/466-4143

FAX: 614/752-4836

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

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

URL: <http://www.state.oh.us/pharmacy/>

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-001227-029)

In The Matter Of:

JERRY NEIL LILIESTEDT

509 Werstler Avenue N.W.

North Canton, Ohio 44720

(D.O.B. 02/04/76)

INTRODUCTION

THE MATTER OF JERRY NEIL LILIESTEDT CAME FOR HEARING ON APRIL 2, 2001, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER AND JAMES E. TURNER, R.Ph.

JERRY NEIL LILIESTEDT WAS REPRESENTED BY BRADLEY P. KOFFEL AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Thomas Miksch, Ohio State Board of Pharmacy
- (2) Ronald Fithen, Gahanna Police Department

Respondent's Witnesses:

- (1) Jerry Neil Liliestedt, Respondent
- (2) Kevin Daley, R.Ph.
- (3) Gregory Wood, R.Ph.
- (4) David Brudapest, R.Ph.
- (5) Wendy Arnold, R.Ph.
- (6) Jerry N. Liliestedt, Father of Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of three-page Proposal To Deny/Notice of Opportunity for Hearing letter dated December 27, 2000.

JERRY NEIL LILIESTEDT

Page 2

Order of the Board

- (2) Exhibit 1A--Copy of Intern Computer File Front Page of Jerry Neil Liliestedt showing original date of registration as July 15, 1997.
- (3) Exhibit 1B--Copy of Hearing Request letter dated January 24, 2001.
- (4) Exhibit 1C--Copy of Hearing Schedule letter dated January 26, 2001.
- (5) Exhibit 1D--Copy of Hearing Schedule letter dated February 12, 2001.
- (6) Exhibit 1E--Copy of Hearing Schedule letter dated March 27, 2001.
- (7) Exhibit 2--Copy of two-page Violation Report from Jerry Neil Liliestedt dated September 25, 2000.
- (8) Exhibit 3--Copy of Gahanna Traffic Ticket No. A104630 dated January 28, 2000.
- (9) Exhibit 4--Copy of "Statement of Fact: Arrest of Jerry N. Liliestedt" by Ptl. R. Fithen notarized November 6, 2000.
- (10) Exhibit 5--Copy of fourteen-page Statement of Jerry N. Liliestedt notarized November 14, 2000.
- (11) Exhibit 6--Copy of Gahanna Police Department Constitutional Rights form for Jerry N. Liliestedt dated January 28, 2000.
- (12) Exhibit 7--Copy of Franklin County Municipal Court Arrest Warrant/Complaint No. 614884, State of Ohio vs. Jerry N. Liliestedt, notarized January 28, 2000.
- (13) Exhibit 8--Copy of Franklin County Municipal Court Complaint No. 614885, State of Ohio vs. Jerry N. Liliestedt, notarized January 28, 2000.

Respondent's Exhibits:

- (1) Exhibit A--Copy of Franklin County Municipal Court Entry for Case No. 00/125233, State of Ohio vs. Jerry N. Liliestedt, filed February 14, 2001.
- (2) Exhibit B--Copy of Franklin County Municipal Court Receipt No. 1318482 for Case No. 2000 TR C 125233, City of Gahanna vs. Jerry Liliestedt, dated February 14, 2001.
- (3) Exhibit C--Copy of letter from Gerald L. Cable, R.Ph. dated January 29, 2001.
- (4) Exhibit D--Copy of letter from Douglas J. Donaldson, R.Ph. dated January 31, 2001.
- (5) Exhibit E--Copy of letter from Nathan Capaldi dated March 26, 2001.
- (6) Exhibit F--Copy of letter from Nickyah Dondrye Hazly, not dated.
- (7) Exhibit G--List of Witnesses, not dated.
- (8) Exhibit H--Copy of letter from Matthew E. Erick, R.Ph., 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 State Board of Pharmacy indicate that Jerry Neil Liliestedt submitted an Application for Examination as a Pharmacist on or about October 10, 2000.
- (2) Records further indicate that Jerry Neil Liliestedt was originally licensed to practice pharmacy as an intern in the state of Ohio on July 15, 1997.

JERRY NEIL LILIESTEDT

Page 3

Order of the Board

- (3) Jerry Neil Liliestedt did, on or about January 27, 2000, commit acts equivalent to operating a motor vehicle while under the influence of alcohol in violation of Section 333.01 of the Gahanna Codified Ordinances, a misdemeanor of the first degree.
- (4) Jerry Neil Liliestedt did, on or about January 27, 2000, commit acts equivalent to Failure to Control (a motor vehicle) in violation of Section 331.34 of the Gahanna Codified Ordinances, a misdemeanor of the first degree.
- (5) Jerry Neil Liliestedt did, on or about January 27, 2000, commit acts equivalent to Resisting Arrest in violation of Section 2921.33 of the Ohio Revised Code, a misdemeanor of the first degree; and Assault (on a police officer) in violation of Section 2903.13, a felony of the fourth degree.

ACTION OF THE BOARD

Upon consideration of the record as a whole, the State Board of Pharmacy hereby approves the Application for Examination as a Pharmacist submitted by Jerry Neil Liliestedt. Further, upon successful completion of the pharmacist licensure examination, Jerry Neil Liliestedt's license will be placed on probation for four years effective on the date the pharmacist identification card to practice pharmacy in the state of Ohio is issued. The terms of probation are as follows:

- (A) The State Board of Pharmacy hereby declares that, upon issuance, Jerry Neil Liliestedt's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.
- (B) Jerry Neil Liliestedt may not serve as a responsible pharmacist.
- (C) Jerry Neil Liliestedt must not violate the drug laws of the state of Ohio, any other state, or the federal government.
- (D) Jerry Neil Liliestedt must abide by the rules of the State Board of Pharmacy.
- (E) Jerry Neil Liliestedt must comply with the terms of this order.

Jerry Neil Liliestedt 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-6/Nay-1).

MOTION CARRIED.

SO ORDERED.

JERRY NEIL LILIESTEDT

Page 4

Order of the Board

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 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

VIA CERTIFIED MAIL

#7099 3400 0006 4919 6270

Return Receipt Requested

ORDER MAILED

AND EFFECTIVE: MAY 18, 2001

WTW/sb

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

cc: Sally Ann Steuk, Assistant Attorney General

Bradley P. Koffel, Attorney for Respondent; Koffel & Jump; 2130 Arlington Avenue;
Columbus, Ohio 43221



OHIO STATE BOARD OF PHARMACY

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

-Equal Opportunity Employer and Service Provider-

PHONE: 614/466-4143

FAX: 614/752-4836

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

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

URL: <http://www.state.oh.us/pharmacy/>

PROPOSAL TO DENY/NOTICE OF OPPORTUNITY FOR HEARING

December 27, 2000

Jerry N. Liliestedt
509 Werstler Avenue N.W.
North Canton, Ohio 44720

Re: Application for Registration
by Examination

Dear Mr. Liliestedt:

YOU ARE HEREBY NOTIFIED, in accordance with the provisions of Section 119.07 of the Ohio Revised Code, that your application for registration as a pharmacist by examination pursuant to Sections 4729.07, 4729.08, 4729.11, and 4729.16 of the Revised Code has been proposed to be denied, and that you may request a hearing in this matter.

The reason for this proposal is that the Board has evidence which leads it to believe that you do not meet the requirements for licensure by examination, as set forth in Division (B) of Section 4729.08 of the Revised Code which states in part: "Every applicant for examination and registration as a pharmacist shall: . . . Be of good moral character and habits; . . ." The specific evidence in support of this action is as follows:

- (1) Records of the Board of Pharmacy indicate that you submitted an application for examination as a pharmacist on or about October 10, 2000.
- (2) Records further indicate that you were originally licensed to practice pharmacy as an intern in the state of Ohio on July 15, 1997.
- (3) You did, on or about January 27, 2000, commit acts equivalent to operating a motor vehicle while under the influence of alcohol in violation of Section 333.01 of the Gahanna codified ordinances, a misdemeanor of the first degree. Such conduct, if proven constitutes not being of good moral character and habits and/or abusing liquor within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.
- (4) You did, on or about January 27, 2000, commit acts equivalent to Failure to Control (a motor vehicle) in violation of Section 331.34 of the Gahanna codified ordinances, a misdemeanor of the first degree. Such conduct, if proven constitutes not being of good moral character and habits and/or abusing liquor within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.

- (5) You did, on or about January 27, 2000, commit acts equivalent to resisting arrest in violation of Section 2921.33 of the Ohio Revised Code, a misdemeanor of the first degree; and assault (on a police officer) in violation of Section 2903.13, a felony of the fourth degree. Such conduct, if proven constitutes not being of good moral character and habits and/or abusing liquor within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.

For these reasons, the State Board of Pharmacy will determine whether to take action pursuant to Section 4729.08 of the Ohio Revised Code.

YOU ARE HEREBY ADVISED that Rule 4729-5-04 of the Ohio Administrative Code, states that:

The board of pharmacy may consider as evidence of a person not meeting the requirements provided in division (B) of section 4729.08, division (B) of section 4729.09, and sections 4729.11 and 4729.12 of the Revised Code, and may deny a person admission to the licensure examination, or may deny the issuance of a certificate of registration or an identification card to practice pharmacy as a pharmacist or intern in Ohio if such person:

- (A) Has been convicted of a felony;
- (B) Has been convicted of violating any state or federal pharmacy or drug law;
- (C) Is not of good moral character and habits;
- (D) Is addicted to or abusing liquor or drugs;
- (E) Has been disciplined by the Ohio State Board of Pharmacy pursuant to section 4729.16 of the Revised Code; or
- (F) Has been disciplined by any board of pharmacy.

IF YOU DESIRE A HEARING, such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

YOU ARE HEREBY ADVISED that if you do not request such a hearing within thirty (30) days of the mailing of this notice, the State Board of Pharmacy, upon consideration of the aforementioned evidence, may take action without such a hearing.

BY ORDER OF THE STATE BOARD OF PHARMACY

Timothy J. Benedict, R.Ph.
Assistant Executive Director

DLR: If (D-001227-029)

CERTIFIED MAIL
7099 3400 0013 9263 9151
Return Receipt

cc: Sally Ann Steuk, Assistant Attorney General



OHIO STATE BOARD OF PHARMACY

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

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(Docket No. D-001227-029)

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North Canton, Ohio 44720
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JERRY NEIL LILIESTEDT WAS REPRESENTED BY BRADLEY P. KOFFEL AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Thomas Miksch, Ohio State Board of Pharmacy
- (2) Ronald Fithen, Gahanna Police Department

Respondent's Witnesses:

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- (1) Exhibit A--Copy of Franklin County Municipal Court Entry for Case No. 00/125233, State of Ohio vs. Jerry N. Liliestedt, filed February 14, 2001.
- (2) Exhibit B--Copy of Franklin County Municipal Court Receipt No. 1318482 for Case No. 2000 TR C 125233, City of Gahanna vs. Jerry Liliestedt, dated February 14, 2001.
- (3) Exhibit C--Copy of letter from Gerald L. Cable, R.Ph. dated January 29, 2001.
- (4) Exhibit D--Copy of letter from Douglas J. Donaldson, R.Ph. dated January 31, 2001.
- (5) Exhibit E--Copy of letter from Nathan Capaldi dated March 26, 2001.
- (6) Exhibit F--Copy of letter from Nickyah Dondrye Hazly, not dated.
- (7) Exhibit G--List of Witnesses, not dated.
- (8) Exhibit H--Copy of letter from Matthew E. Erick, R.Ph., 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 State Board of Pharmacy indicate that Jerry Neil Liliestedt submitted an Application for Examination as a Pharmacist on or about October 10, 2000.
- (2) Records further indicate that Jerry Neil Liliestedt was originally licensed to practice pharmacy as an intern in the state of Ohio on July 15, 1997.

- (3) Jerry Neil Liliestedt did, on or about January 27, 2000, commit acts equivalent to operating a motor vehicle while under the influence of alcohol in violation of Section 333.01 of the Gahanna Codified Ordinances, a misdemeanor of the first degree.
- (4) Jerry Neil Liliestedt did, on or about January 27, 2000, commit acts equivalent to Failure to Control (a motor vehicle) in violation of Section 331.34 of the Gahanna Codified Ordinances, a misdemeanor of the first degree.
- (5) Jerry Neil Liliestedt did, on or about January 27, 2000, commit acts equivalent to Resisting Arrest in violation of Section 2921.33 of the Ohio Revised Code, a misdemeanor of the first degree; and Assault (on a police officer) in violation of Section 2903.13, a felony of the fourth degree.

ACTION OF THE BOARD

Upon consideration of the record as a whole, the State Board of Pharmacy hereby approves the Application for Examination as a Pharmacist submitted by Jerry Neil Liliestedt. Further, upon successful completion of the pharmacist licensure examination, Jerry Neil Liliestedt's license will be placed on probation for four years effective on the date the pharmacist identification card to practice pharmacy in the state of Ohio is issued. The terms of probation are as follows:

- (A) The State Board of Pharmacy hereby declares that, upon issuance, Jerry Neil Liliestedt's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.
- (B) Jerry Neil Liliestedt may not serve as a responsible pharmacist.
- (C) Jerry Neil Liliestedt must not violate the drug laws of the state of Ohio, any other state, or the federal government.
- (D) Jerry Neil Liliestedt must abide by the rules of the State Board of Pharmacy.
- (E) Jerry Neil Liliestedt must comply with the terms of this order.

Jerry Neil Liliestedt 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.

MOTION CARRIED.

SO ORDERED.