



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-930212-060)

In the Matter of:

DAVID LAWRENCE AMATO, R.Ph.

P.O. Box 379

Bolivar, Ohio 44612

(R.Ph. No. 03-3-09567)

This Settlement Agreement is entered into by and between David Lawrence Amato 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).

David Lawrence Amato 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 and the right to a formal adjudication hearing on the issues contained herein.

David Lawrence Amato is knowingly and voluntarily acknowledging that, in order to reconcile the disciplinary charges that have been filed by the Board against David Lawrence Amato in the Notice of Opportunity letter dated February 12, 1993, and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against David Lawrence Amato's license to practice pharmacy in the state of Ohio, this Agreement is entered into on the basis of the following stipulations, admissions, and understandings:

1. The Ohio State Board of Pharmacy 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 impose a monetary penalty on the license holder for violation of any of the enumerated grounds.
2. On February 12, 1993, David Lawrence Amato was notified, pursuant to Chapter 119. of the Ohio Revised Code, by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing. Attached hereto and incorporated with this Agreement is the Notice of Opportunity letter dated February 12, 1993, marked as Exhibit A .
3. As demonstrated by return receipt of February 16, 1993, David Lawrence Amato received the letter of February 12, 1993, informing him of the allegations against him and his rights.

4. David Lawrence Amato, by and through his counsel, requested a hearing and a hearing was scheduled in accordance with Chapter 119. of the Ohio Revised Code.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, David Lawrence Amato knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

1. The Ohio State Board of Pharmacy and David Lawrence Amato stipulate that David Amato's license to practice pharmacy in the state of Ohio will be placed on probation for five years from the effective date of this Agreement. The terms of probation are as follows:
 - (a) David Lawrence Amato must not violate the drug laws of the state of Ohio, any other state, or the federal government;
 - (b) David Lawrence Amato must abide by the rules of the State Board of Pharmacy;
 - (c) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that David Lawrence Amato's pharmacist identification card is not in good standing and hereby denies him the privilege of being a preceptor of pharmacy interns for a period of five years from the effective date of this agreement; and
 - (d) David Lawrence Amato must comply with the terms of this Agreement.
2. David Lawrence Amato agrees to the imposition of a monetary penalty of \$7,500.00 to be paid in twelve consecutive monthly installments payments of \$625.00 each. The first payment is due and owing prior to April 15, 1994, with each subsequent payment due on the 15th of each month. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed forms.

If, in the judgment of the Board, David Lawrence Amato 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.

David Lawrence Amato 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).

David Lawrence Amato 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.

In the event the Board, in its discretion, does not approve this Agreement, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be

relied upon or introduced in any disciplinary action or appeal by either party. David Lawrence Amato agrees that should the Board reject this Agreement and if this case proceeds to hearing, he will assert no claim that the Board was prejudiced by its review and discussion of this Agreement or of any information relating thereto.

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 last date of signature below.

 /s/ David Lawrence Amato
Pharmacist

 /d/ 3-10-94
Date of Signature

 /s/ Geoffrey E. Webster
Pharmacist's Attorney

 /d/ 3-21-94
Date of Signature

 /s/ J R Sabino
President, Ohio State Board of Pharmacy

 /d/ 4-11-94
Date of Signature

 /s/ Gregg Thornton
Assistant Attorney General, State of Ohio

 /d/ 4-11-94
Date of Signature