



# 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-940922-017)

In The Matter Of:

**CONSTANCE B. ACCONCIA, R.Ph.**

111 Jacobs Drive

Wapakoneta, Ohio 45895

(R.Ph. No. 03-3-12045)

This SETTLEMENT AGREEMENT is entered into by and between CONSTANCE B. ACCONCIA (hereinafter "MS. ACCONCIA") and the OHIO STATE BOARD OF PHARMACY (hereinafter "THE BOARD"), a state agency charged with enforcing the Pharmacy Practice Act and Dangerous Drug Distribution Act, Chapter 4729. of the Ohio Revised Code.

MS. ACCONCIA voluntarily enters into this AGREEMENT being fully informed of her 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 considered herein, and the right to appeal. MS. ACCONCIA acknowledges that by entering into this AGREEMENT she has waived her rights under Chapter 119. of the Revised Code.

WHEREFORE, the parties, in consideration of the mutual covenants and promises contained herein, and in lieu of any further formal proceedings at this time, and intending to be bound by said covenants, agree as follows:

- (1) 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 of R.C. 4729.16.
- (2) MS. ACCONCIA is licensed to practice pharmacy in the state of Ohio.
- (3) On or about September 22, 1994, pursuant to Chapter 119. of the Ohio Revised Code, MS. ACCONCIA was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Further, a hearing was requested and scheduled for December 9, 1994; however, the hearing was continued by THE BOARD. A copy of the September 22, 1994, Notice of Opportunity for Hearing is attached hereto and incorporated herein by this reference as Exhibit A (hereinafter, the "Notice of Opportunity for Hearing").

- (4) MS. ACCONCIA admits and acknowledges that she is not a "prevailing eligible party" for purposes of Revised Code Sections 119.092 and 2335.39. Further, MS. ACCONCIA waives any rights she may have under Revised Code Sections 119.09 and 2335.39.
- (5) MS. ACCONCIA, with intention of binding herself and her successors in interest and assigns, hereby RELEASES, and holds harmless from liability and forever discharges the State of Ohio, THE BOARD, the Ohio Attorney General, and any and all of their present and former members, officers, attorneys, agents and employees, personally and in their official capacities, from any and all claims, demands, causes of actions, judgments, or executions that MS. ACCONCIA ever had, or now has or may have, known or unknown, or that anyone claiming through or under her may have or claims to have, created by or arising out of the allegations or charges filed by THE BOARD against MS. ACCONCIA, set forth in the Notice of Opportunity for Hearing.
- (6) THE BOARD hereby DISMISSES the Notice of Opportunity for Hearing, with prejudice.
- (7) MS. ACCONCIA acknowledges that she 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.
- (8) This AGREEMENT embodies the entire agreement between and of the parties. There are no express or implied promises, guarantees, terms, covenants, conditions, or obligations other than those contained herein; and this AGREEMENT supersedes all previous communications, representations or agreements, either verbal or written, between the parties.
- (9) The parties hereto acknowledge that this AGREEMENT shall be considered a public record as that term is used in Section 149.43 of the Ohio Revised Code.

In witnesses thereof, the parties have set their hands to this AGREEMENT this 27 th day of

February, 1995 and shall become effective on the last date of signature below.

/s/ Constance B. Acconcia  
Constance B. Acconcia, Respondent

/d/ 2 -16 -95  
Date of Signature

/s/ William Kluge  
William Kluge, Attorney for Respondent

/d/ 2 -23 -95  
Date of Signature

/s/ Ruth A Plant  
Ruth Plant, President, Ohio State Board of Pharmacy

/d/ 2 -27 -95  
Date of Signature

/s/ Robert J. McClaren  
Robert J. McClaren, Ohio Assistant Attorney General

/d/ 2 -27 -95  
Date of Signature