



OHIO STATE BOARD OF PHARMACY

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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-040810-019)

In The Matter Of:

STEPHEN PAUL BONFIGLIO, R.Ph.

6818 White Springs Drive

Greenville, Ohio 45331

(R.Ph. No. 03-3-15801)

This Settlement Agreement is entered into by and between Stephen Paul Bonfiglio 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 Paul Bonfiglio 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 Paul Bonfiglio 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 Paul Bonfiglio is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about August 10, 2004 and January 19, 2005, pursuant to Chapter 119. of the Ohio Revised Code, Stephen Paul Bonfiglio 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 Paul Bonfiglio requested a hearing; it was scheduled and continued. The August 10, 2004, Notice of Opportunity for Hearing and January 19, 2005, Amendment contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Stephen Paul Bonfiglio was originally licensed in the State of Ohio on March 1, 1985, pursuant to examination and is currently licensed to practice pharmacy in the State of Ohio. Records further reflect that Stephen Paul Bonfiglio was previously disciplined by the Board on August 13, 1993.

- (2) Stephen Paul Bonfiglio did, on or about July 9, 2002, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Stephen Paul Bonfiglio indicated on his pharmacist license renewal application that he had not been charged with a crime when in fact he had been charged with operating a motor vehicle while under the influence of alcohol and/or drugs in the State of Indiana, on May 18, 2002. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.
- (3) Stephen Paul Bonfiglio did, on or about August 25, 2003, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Stephen Paul Bonfiglio indicated on his pharmacist license renewal application that he had not been charged with a crime when in fact he had been convicted of operating a motor vehicle while under the influence of alcohol and/or drugs in the State of Indiana, on September 24, 2002. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.

Whereas, 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 Paul Bonfiglio knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Stephen Paul Bonfiglio agrees to the imposition of a monetary penalty of two thousand dollars (\$2,000.00), 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 Paul Bonfiglio 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 Paul Bonfiglio 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 Paul Bonfiglio 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 Paul Bonfiglio 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.

<u>/s/ Stephen Paul Bonfiglio RPh</u> Stephen Paul Bonfiglio, R.Ph., Respondent	<u>/d/ 2-20-05</u> Date of Signature
<u>/s/ Ralph E Breitfeller</u> Ralph E. Breitfeller, Attorney for Respondent	<u>/d/ 2/24/05</u> Date of Signature
<u>/s/ Lawrence J. Kost</u> Lawrence J. Kost, President, Ohio State Board of Pharmacy	<u>/d/ 3/7/05</u> Date of Signature
<u>/s/ Sally Ann Steuk</u> Sally Ann Steuk, Ohio Assistant Attorney General	<u>/d/ 3-8-05</u> Date of Signature