



OHIO STATE BOARD OF PHARMACY

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

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143

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

FAX: 614/752-4836

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

URL: <http://www.pharmacy.ohio.gov>

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-060512-079)

In The Matter Of:

ABDALLAH D. ABUKHALIL, R.Ph.

16544 North White Oaks

Strongsville, Ohio 44136

(R.Ph. No. 03-3-23964)

This Settlement Agreement is entered into by and between Abdallah D. Abukhalil 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.

Abdallah D. Abukhalil 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. Abdallah D. Abukhalil 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, Abdallah D. Abukhalil is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about May 14, 2002, pursuant to Chapter 119. of the Ohio Revised Code, Abdallah D. Abukhalil 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. Abdallah D. Abukhalil requested a hearing; it was scheduled and continued. The May 14, 2002, Notice of Opportunity for Hearing contains the following allegations or charges, as amended:

- (1) Records of the Board of Pharmacy indicate that Abdallah D. Abukhalil was originally licensed by the State of Ohio as a pharmacist on February 11, 2000, pursuant to examination, and is currently licensed to practice in Ohio.
- (2) On June 5, 2001, Abdallah D. Abukhalil pled no contest to Arson, a fourth degree felony under Section 2909.03 of the Ohio Revised Code. State of Ohio vs. Abdallah Abukhalil, Case No. 389148, Cuyahoga County Common Pleas Court. Such conduct

indicates that Abdallah D. Abukhalil is guilty of a felony or gross immorality within the meaning of Section 4729.16 of the Ohio Revised Code.

Abdallah D. Abukhalil herein admits that he pled no contest to one count of Arson, a felony of the fourth degree and was found guilty.

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

- (A) The State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-3-23964, held by Abdallah D. Abukhalil. Further, the Board STAYS the revocation and hereby places on probation for two years the pharmacist identification card, No. 03-3-23964, held by Abdallah D. Abukhalil.
- (B) Terms of probation are as follows:

Abdallah D. Abukhalil shall have no convictions for violation of criminal law; no significant violation of any laws or regulations under enforcement jurisdiction of the Board.
- (C) Abdallah D. Abukhalil agrees to the imposition of a monetary penalty of five thousand dollars (\$5,000.00) due and owing within thirty days from the effective date of this Agreement. Check should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the Ohio State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.
- (D) Abdallah D. Abukhalil agrees to waive his right to appeal and also agrees he will not file a second motion for legal fees with any court. Abdallah D. Abukhalil agrees that he is not a "prevailing party" as defined in Chapter 119. of the Ohio Revised Code, and he will not request an award of attorney's fees from the Board or from any court of competent jurisdiction for any reason.

If, in the judgment of the Board, Abdallah D. Abukhalil 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. Any future action would be subject to the provisions of Chapter 119. of the Ohio Revised Code.

Abdallah D. Abukhalil 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.

Abdallah D. Abukhalil 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. Abdallah D. Abukhalil 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.

Abdallah D. Abukhalil, R.Ph., Respondent

06/26/2006
Date of Signature

Elizabeth Y. Collis, Attorney for Respondent

06/29/2006
Date of Signature

James E. Turner, President, Ohio State Board of Pharmacy

08/07/2006
Date of Signature

Sally Ann Steuk, Ohio Assistant Attorney General

08/07/2006
Date of Signature



OHIO STATE BOARD OF PHARMACY

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

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143

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

FAX: 614/752-4836

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

URL: <http://www.pharmacy.ohio.gov>

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-020514-057)

In The Matter Of:

ABDALLAH D. ABUKHALIL, R.Ph.

16544 North White Oaks Drive
Strongsville, Ohio 44136
(R.Ph. No. 03-3-23964)

INTRODUCTION

THE MATTER OF ABDALLAH D. ABUKHALIL CAME FOR HEARING ON JUNE 4, 2003, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: DIANE C. ADELMAN, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

ABDALLAH D. ABUKHALIL WAS REPRESENTED BY ELIZABETH Y. COLLIS AND JOSEPH A. DUBYAK AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

None

Respondent's Witnesses

1. Abdallah D. Abukhalil, R.Ph., Respondent
2. Andrew Sperling, R.Ph.

State's Exhibits

1. Copy of Notice of Opportunity For Hearing letter [05-14-02]
1A-1H. Procedurals
2. Indictment, State of Ohio vs. Abdalah Abukhalil, Case No. CR 389148, Cuyahoga County Common Pleas Court [03-30-00]
3. Journal Entry of Plea [06-12-01]
4. Journal Entry of Sentencing [07-30-01]
5. Copy of Report of Investigation [12-31-99] and three Follow-up Investigation reports [01-04-00, 01-07-00, and 01-18-00], Incident No. 55899, Cleveland Fire Department

6. Copy of Statement of Debbie Smith [01-14-00]
7. Copy of Statement of Latoya Mitchell [01-14-00]
8. Copy of Statement of Carrie James [01-18-00]

Respondent's Exhibits

- A. Copy of Revco Pharmacist Performance Evaluation Form re Abdallah Abukhalil [July 2001 to July 2002]
- B. Copy of Dangerous Drug Distributor Inspection Report for CVS Pharmacy #4803 [01-16-02]
- C. Letter from Ziad Malzoum and Andy Sperling [09-23-02]
- E. Letter from Fred H. Schill [09-30-02]
- F. Copy of letter from Steve Barney, R.Ph. [10-15-02]
- G. Copy of letter from Baltek S. Randbawa, R.Ph. [10-03-02]
- H. Copy of Journal Entry of Sentencing, State of Ohio vs. Abdalah Abukhalil, Case No. CR389148, Cuyahoga County Common Pleas Court [07-30-01]
- I. Copy of Motion To Terminate Probation [01-03-03]
- J. Copy of Journal Entry of Decision [03-19-03]
- K. Copy of Stipulated Dismissal Entry, State Farm Fire & Casualty Company, et al vs. Mohammahd D. Mohammad, et al, Case No. CR448882, Cuyahoga County Common Pleas Court [01-08-03]
- L. Copy of Release Of All Claims Form re Abdallah Abukhalil [11-21-02]
- M. Copy of University of Florida Proof of Enrollment Form re Abdallah Abukhalil [not dated]
- N. Copies of Continuing Pharmaceutical Education Certificates [01-26-01 to 02-20-02]

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 Abdallah D. Abukhalil was originally licensed by the State of Ohio as a pharmacist on February 11, 2000, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.

(2) On June 5, 2001, Abdallah D. Abukhalil pled no contest to Arson, a fourth degree felony under Section 2909.03 of the Ohio Revised Code. State of Ohio vs. Abdalah Abukhalil, Case No. 389148, Cuyahoga County Common Pleas Court.

CONCLUSION OF LAW

The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-3-23964, held by Abdallah D. Abukhalil effective as of the date of the mailing of this Order.

Pursuant to Section 4729.16(B) of the Ohio Revised Code, Abdallah D. Abukhalil must return his identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-4/Nay-3).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE JULY 21, 2003