



MINUTES OF THE MAY 4-6, 2020

MEETING OF THE STATE OF OHIO BOARD OF PHARMACY

Monday, May 4, 2020

9:01 a.m. Acting under the authority Section 12 of amended substitute house bill number 197, effective March 27, 2020, the State of Ohio Board of Pharmacy convened for a public meeting via skype audio/visual conference call, with the following members present:

Shawn C. Wilt, RPh, *Presiding*; Joshua M. Cox, RPh; Megan E. Marchal, RPh; Donald R. Miller, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; and Kilee S. Yarosh, RPh.

Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Blair Cathcart, *Director of Information Services*; Michael Clark, *IT Administrator*; Brenda Cooper, *Executive Assistant*; Paula Economus, *Administrative Assistant*; Chad Garner, *Director of OARRS*; Terri Ghitman, *OARRS Pharmacist*; Ashley Gilbert, *Senior Legal Counsel*; David Gonzalez, *Agent*; Eric Griffin, *Director of Compliance and Enforcement*; Joseph Koltak, *Senior Legal Counsel*; Kathryn Lewis, *Administrative Assistant*; Sharon Maerten-Moore, *Director of Medical Marijuana Operations*; Cameron McNamee, *Director of Policy and Communication*; Justin Sheridan, *Senior Legal Counsel*; Michelle Siba, *Senior Legal Counsel*; Karrie Southard, *Director of Licensing*; and Jenni Wai, *Chief Pharmacist*.

9:02 a.m. Mr. McNamee and Ms. Wai presented amendments to rule 4729-5-30.2 – Prescription requirements for chloroquine and hydroxychloroquin.

R-2020-0448 Ms. Marchal moved that the Board approve amendments to rule 4729-5-30.2 - Prescription requirements for chloroquine and hydroxychloroquin for filing with CSI and JCARR. The motion was seconded by Ms. Rudell and a roll-call vote was conducted by President Wilt as follows: Cox-yes; Marchal-yes; Miller-yes; Newlon-yes; Rudell-yes; Weaver-yes; Yarosh-yes.

9:06 a.m. The Board was joined by Crystal Zheng, intern registration no. 06-0133991. Per Ms. Zheng's May 19, 2017 Order of the State Board of Pharmacy, in order to obtain approval to take the pharmacist licensure examination, Ms. Zheng must submit a petition and appear before the full Board to obtain the Board's Approval to sit for the examination.

R-2020-0449 Ms. Rudell moved that the Board grant approval for Crystal Zheng to take the pharmacist licensure examination. The motion was seconded by Ms. Marchal and a roll-call vote was conducted by President Wilt as follows: Cox-yes; Marchal-yes; Miller-yes; Newlon-yes; Rudell-yes; Weaver-yes; Yarosh-yes.

9:31 a.m. The Board was joined by Assistant Attorney General Henry Appel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. In the Matter of **Kelsey Lee Echelbarger, Portage, Ohio.**

R-2020-0450 Ms. Rudell moved that the Board recess in order to consider the quasi-judicial matters in accordance with Chapter 119. of the Revised Code and the case precedent of Angerman v. State Medical Bd. (1990) 70 Ohio App.3d 346 and TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al. (1998) 81 Ohio St.3d 58. The motion was seconded by Ms. Marchal and a roll-call vote was conducted by President Wilt as follows: Cox-yes; Marchal-yes; Miller-yes; Newlon-yes; Rudell-yes; Weaver-yes; Yarosh-yes.

11:07 a.m. The recess ended and the hearing was opened to the public.

R-2020-0451 After votes were taken in public session, the Board adopted the following orders in the matter of **Kelsey Lee Echelbarger, Portage, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY

(A-2020-0020)

In The Matter Of:

Kelsey Lee Echelbarger, R.Ph.

10499 South Dixie Highway

Portage, OH 43451

(License No. 03-331009)

(License No. MME.05200066)

INTRODUCTION

The Matter of Kelsey Lee Echelbarger came for hearing on May 4, 2020 before the following members of the State of Ohio Board of Pharmacy (Board): Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Joshua M. Cox, RPh; Rich D. Miller, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; and Kilee S. Yarosh, RPh.

Kelsey Lee Echelbarger was represented by Levi Tkach. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. No witnesses

Respondent's Witnesses:

1. Kelsey Lee Echelbarger, R.Ph.

State's Exhibits:

- 1a. Summary Suspension/Notice of Opportunity for Hearing
- 1b. Summary Suspension/Notice of Opportunity for Hearing
- 1c. Summary Suspension/Notice of Opportunity for Hearing – Identifier Key – **Admitted Under Seal**
- 1d. Summary Suspension/Notice of Opportunity for Hearings – Proof of Service
2. Request for Hearing
3. Notice of Hearing Date – April 7, 2020
4. Notice of Hearing Date – May 4, 2020
5. Written Statement, Kelsey Lee Echelbarger, Dated January 10, 2020
6. Written Statement, Dated December 30, 2019 – **Admitted Under Seal**
7. Written Statement, Robyn Thomas, Dated July 19, 2019
8. Written Statement, Lynda Turvey, Dated January 2, 2020
9. Email, Dated December 31, 2019
10. Written Statement, Karen Bolander, Dated January 2, 2020
11. Email, Dated December 31, 2019

Respondent's Exhibits:

- A. Curriculum Vitae, Kelsey Lee Echelbarger, R.Ph.
- B. Letter of Support, Dr. Ryan Lakin
Letter of Support, Farah M. Terrill
Letter of Support, Tonya Arce-Kulakowski

Stipulations of the State and Respondent Adopted by the Board:

1. State's Exhibits 1 through 11 are accurate copies and are admissible in this proceeding
2. Respondents Exhibits A and B are accurate copies and are admissible in this proceeding
3. The Board properly served each Summary Suspension/Notice of Opportunity for Hearing on Respondent and Respondent timely requested a hearing.
4. Respondent was employed by Rise Toledo, a medical marijuana dispensary located in the city of Toledo.
5. Respondent provided one THC-containing caramel to Individual #1 as identified in the Summary Suspension/Notice of Opportunity for Hearing. Individual #1 is a coworker who also has a medical marijuana patient registration. When Respondent gave Individual #1 the edible medical marijuana product, Individual #1 had not used up her 90-day supply of medical marijuana

products. Individual #1 told Respondent that she could not afford to purchase the edible medical marijuana product.

6. Respondent placed in the employee bathroom of Rise Toledo a vaporizer cartridge that contained THC. Respondent encouraged other employees to try the vaporizer cartridge.
7. Respondent lawfully obtained all of the products identified in Stipulations 5 and 6.
8. Respondent purchased at least one of the products identified in Stipulation 5 and 6 at Rise Toledo using Respondent's medical marijuana patient registration.

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:

1. Between the dates of November 2, 2019 and December 30, 2019, while employed as a licensed dispensary key employee at Rise Toledo, located at 3157 West Sylvania Avenue, Toledo, OH 43613 ("Rise Toledo"), Kelsey Lee Echelbarger placed a vaporizer cartridge obtained from the State of California in the Rise Toledo employee bathroom and offered the product to employees of Rise Toledo.
2. Between the dates of October 1, 2019 and October 31, 2019, while employed as a licensed dispensary key employee at Rise Toledo, Kelsey Lee Echelbarger provided an edible medical marijuana product to Individual #1 at a Kroger parking lot. On January 7, 2020, Kelsey Lee Echelbarger was interviewed by a Board Agent and admitted to providing medical marijuana product to others. Additionally, Kelsey Lee Echelbarger completed a written statement admitting she shared medical marijuana products with "dispensary staff."

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of Section 2925.03(A) of the ORC, trafficking in drugs.
2. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of the following divisions of Ohio Adm.Code 3796:6-4-03:
 - a. Kelsey Lee Echelbarger violated any state or federal law or rule, regardless of jurisdiction in which acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired registration; and/or
 - b. Kelsey Lee Echelbarger demonstrates an absence of good habits, OAC 3796:6-4-03(A)(3); and/or
 - c. Kelsey Lee Echelbarger is guilty of dishonesty or unprofessional conduct over the course of her dispensary duties, OAC 3796:6-4-03(A)(4); and/or

- d. Kelsey Lee Echelbarger violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapter 2925., 3715., 3719., 3796., or 4729. of the Revised Code, or of any rule adopted by the board under those provisions, OAC 3796:6-4-03(A)(7); and/or
 - e. Kelsey Lee Echelbarger is guilty of selling, distributing, transferring in any manner, or giving medical marijuana or medical marijuana products to any unauthorized persons, OAC Rule 3796:6-4-03(A)(32); and/or
 - f. Kelsey Lee Echelbarger failed to prevent diversion, theft, or loss of medical marijuana or to notify the state board of pharmacy thereof, OAC Rule 3796:6-4-03(A)(45); and/or
 - g. Kelsey Lee Echelbarger engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under Chapter 3796. of the Revised Code or this division, OAC Rule 3796:6-4-03(A)(46).
3. Such conduct as set forth in paragraph (2) of the Findings of Fact Section constitutes a violation of OAC Rule 3796:6-3-01(D)(3), dispensary employees may dispense and sell marijuana only to a patient or caregiver, in a dispensary department, in accordance with Chapter 3796. of the Revised Code and this division.
 4. Such conduct as set forth in the Findings of Fact Section constitutes a violation of Section 4729.08(B) of the ORC, not of good habits.
 5. Such conduct as set forth in the Findings of Fact Section constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of April 8, 2019:
 - a. Kelsey Lee Echelbarger violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter 3715.75 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, ORC 4729.16(A)(2)(e); and/or
 - b. Kelsey Lee Echelbarger engaged in any conduct for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.16(A)(2)(l).
 6. Such conduct as set forth in the Findings of Fact Section constitutes a violation of each of the following divisions of Rule 4729:1-4-01(B)(2) of the OAC as effective May 1, 2018:
 - a. Kelsey Lee Echelbarger violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapter 4729. of the Revised Code, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925., 3796., 3719. or 4752. of the Revised

Code, or any rule adopted by the board under those provisions, OAC Rule 4729:1-4-01(B)(2)(e); and/or

- b. Violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations..., OAC Rule 4729:1-4-01(B)(2)(m).

The Board finds insufficient evidence to sustain the paragraphs (5)(a) and (6)(a) as set forth in the Potential Violations of Law section in the Summary Suspension/Notice of Opportunity for Hearing.

DECISION OF THE BOARD

Pursuant to Sections 4729.16 and 3796.14(B) of the Ohio Revised Code, and pursuant to Sections 4729-9-01(E) and 3796:6-1-01(K) of the Ohio Administrative Code, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy adjudicates the matter of Kelsey Lee Echelbarger as follows:

On the basis of the Findings of Fact and section (1) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently Medical Marijuana Employee license, No. MME.05200066, and hereby suspends Pharmacist license, No. 03-331009 for a period of nine months from the date of the Summary Suspension/Notice of Opportunity for Hearing, held by Kelsey Lee Echelbarger effective as of the date of the mailing of this Order. On the basis of the Findings of Fact and section (2) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently Medical Marijuana Employee license, No. MME.05200066, and hereby suspends Pharmacist license, No. 03-331009 for a period of nine months from the date of the Summary Suspension/Notice of Opportunity for Hearing, held by Kelsey Lee Echelbarger effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and section (3) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently Medical Marijuana Employee license, No. MME.05200066, and hereby suspends Pharmacist license, No. 03-331009 for a period of nine months from the date of the Summary Suspension/Notice of Opportunity for Hearing, held by Kelsey Lee Echelbarger effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and section (4) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently Medical Marijuana Employee license, No. MME.05200066, and hereby suspends Pharmacist license, No. 03-331009 for a period of nine months from the date of the Summary Suspension/Notice of Opportunity for Hearing, held by Kelsey Lee Echelbarger effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and section (5) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently Medical Marijuana Employee license, No. MME.05200066, and hereby suspends Pharmacist license, No. 03-331009 for a period of nine months from the date of the Summary Suspension/Notice of Opportunity for Hearing, held by Kelsey Lee Echelbarger effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and section (6) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently Medical Marijuana Employee license,

No. MME.05200066, and hereby suspends Pharmacist license, No. 03-331009 for a period of nine months from the date of the Summary Suspension/Notice of Opportunity for Hearing, held by Kelsey Lee Echelbarger effective as of the date of the mailing of this Order.

Further, the Board hereby orders that State's Exhibits 1c and 6 be placed under seal.

Mr. Miller moved for Findings of Fact; Ms. Yarosh seconded the motion. Motion passed (Aye-7/Nay-0) (Joshua M. Cox, RPh-Aye; Megan E. Marchal, RPh-Aye; Donald R. Miller, RPh-Aye; Richard J. Newlon, *Public Member*-Aye; Jennifer M. Rudell, RPh-Aye; Fred M. Weaver, RPh-Aye, and Kilee S. Yarosh, RPh-Aye).

Mr. Weaver moved for Conclusions of Law; Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0) (Joshua M. Cox, RPh-Aye; Megan E. Marchal, RPh-Aye; Donald R. Miller, RPh-Aye; Richard J. Newlon, *Public Member*-Aye; Jennifer M. Rudell, RPh-Aye; Fred M. Weaver, RPh-Aye, and Kilee S. Yarosh, RPh-Aye).

Mr. Cox moved for Action of the Board to permanently revoke Medical Marijuana Employee License No. MME.05200066; Ms. Yarosh seconded the motion. Motion passed (Aye-7/Nay-0) (Joshua M. Cox, RPh-Aye; Megan E. Marchal, RPh-Aye; Donald R. Miller, RPh-Aye; Richard J. Newlon, *Public Member*-Aye; Jennifer M. Rudell, RPh-Aye; Fred M. Weaver, RPh-Aye, and Kilee S. Yarosh, RPh-Aye).

Mr. Miller moved for Action of the Board to suspend Pharmacist License No. 03-331009 for a period of nine months from the date of the Summary Suspension/Notice of Opportunity for Hearing; Mr. Newlon seconded the motion. Motion passed (Aye-7/Nay-0) (Joshua M. Cox, RPh-Aye; Megan E. Marchal, RPh-Aye; Donald R. Miller, RPh-Aye; Richard J. Newlon, *Public Member*-Aye; Jennifer M. Rudell, RPh-Aye; Fred M. Weaver, RPh-Aye, and Kilee S. Yarosh, RPh-Aye).

SO ORDERED.

R-2020-0452

After votes were taken in public session, the Board adopted the following orders in the matter of **Kelsey Lee Echelbarger, Portage, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY

(A-2020-0020)

In The Matter Of:

K.E.

10499 South Dixie Highway

Portage, OH 43451

(Patient Registration No. 0050-7060-8050-5956-0752)

INTRODUCTION

The Matter of K.E. came for hearing on May 4, 2020 before the following members of the State of Ohio Board of Pharmacy (Board): Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Joshua M. Cox, RPh; Rich D. Miller, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; and Kilee S. Yarosh, RPh.

Respondent was represented by Levi Tkach. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

2. No witnesses

Respondent's Witnesses:

12. Respondent

State's Exhibits:

- 1a. Summary Suspension/Notice of Opportunity for Hearing
- 1b. Summary Suspension/Notice of Opportunity for Hearing
- 1c. Summary Suspension/Notice of Opportunity for Hearing – Identifier Key – **Admitted Under Seal**
- 1d. Summary Suspension/Notice of Opportunity for Hearings – Proof of Service
13. Request for Hearing
14. Notice of Hearing Date – April 7, 2020
15. Notice of Hearing Date – May 4, 2020
16. Written Statement, Kelsey Lee Echelbarger, Dated January 10, 2020
17. Written Statement, Dated December 30, 2019 – **Admitted Under Seal**
18. Written Statement, Robyn Thomas, Dated July 19, 2019
19. Written Statement, Lynda Turvey, Dated January 2, 2020
20. Email, Dated December 31, 2019
21. Written Statement, Karen Bolander, Dated January 2, 2020
22. Email, Dated December 31, 2019

Respondent's Exhibits:

- C. Curriculum Vitae of Respondent
- D. Letter of Support, Dr. Ryan Lakin
Letter of Support, Farah M. Terrill

Letter of Support, Tonya Arce-Kulakowski

Stipulations of the State and Respondent Adopted by the Board:

9. State's Exhibits 1 through 11 are accurate copies and are admissible in this proceeding
10. Respondents Exhibits A and B are accurate copies and are admissible in this proceeding
11. The Board properly served each Summary Suspension/Notice of Opportunity for Hearing on Respondent and Respondent timely requested a hearing.
12. Respondent was employed by Rise Toledo, a medical marijuana dispensary located in the city of Toledo.
13. Respondent provided one THC-containing caramel to Individual #1 as identified in the Summary Suspension/Notice of Opportunity for Hearing. Individual #1 is a coworker who also has a medical marijuana patient registration. When Respondent gave Individual #1 the edible medical marijuana product, Individual #1 had not used up her 90-day supply of medical marijuana products. Individual #1 told Respondent that she could not afford to purchase the edible medical marijuana product.
14. Respondent placed in the employee bathroom of Rise Toledo a vaporizer cartridge that contained THC. Respondent encouraged other employees to try the vaporizer cartridge.
15. Respondent lawfully obtained all of the products identified in Stipulations 5 and 6.
16. Respondent purchased at least one of the products identified in Stipulation 5 and 6 at Rise Toledo using Respondent's medical marijuana patient registration.

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:

3. Between the dates of October 1, 2019 and October 31, 2019, while employed as a licensed dispensary key employee at Rise Toledo, Respondent provided an edible medical marijuana product to Individual #1 at a Kroger parking lot. On January 7, 2020, Respondent was interviewed by a Board Agent and admitted to providing medical marijuana product to others. Additionally, Respondent completed a written statement admitting she shared medical marijuana products with "dispensary staff."

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact Section constitutes a violation of Section 2925.03(A) of the R.C., aggravated trafficking in drugs.

2. Such conduct, as set forth in the Findings of Fact Section constitutes a violation of the following sections of Rule 3796:7-2-08 of the O.A.C.:
 - a. K.E. failed to report knowledge of conduct in violation of the medical marijuana control program, O.A.C. Rule 3796:7-2-08(A)(12); and/or
 - b. K.E. used or maintained medical marijuana in a manner that put others at risk or failed to take reasonable precautions to avoid putting others at risk, O.A.C. Rule 3796:7-2-09(A)(13); and/or
 - c. K.E. sold marijuana to any other person, including other patients or caregivers, O.A.C. Rule 3796:7-2-09(A)(14).

DECISION OF THE BOARD

Pursuant to Section 3796.14(B) of the Ohio Revised Code, and pursuant to Section 3796:7-2-08(A) of the Ohio Administrative Code, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy adjudicates the matter of K.E. as follows:

On the basis of the Findings of Fact and section (1) of the Conclusions of Law, the State of Ohio Board of Pharmacy issues a public reprimand and reinstates Patient Registration No. 0050-7060-8050-5956-0752 effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and section (2) of the Conclusions of Law, the State of Ohio Board of Pharmacy issues a public reprimand and reinstates Patient Registration No. 0050-7060-8050-5956-0752 effective as of the date of the mailing of this Order.

Further, the Board hereby orders that State's Exhibits 1c and 6 be placed under seal.

Mr. Weaver moved for Findings of Fact; Ms. Rudell seconded the motion. Motion passed (Aye-7/Nay-0) (Joshua M. Cox, RPh-Aye; Megan E. Marchal, RPh-Aye; Donald R. Miller, RPh-Aye; Richard J. Newlon, *Public Member-Aye*; Jennifer M. Rudell, RPh-Aye; Fred M. Weaver, RPh-Aye, and Kilee S. Yarosh, RPh-Aye).

Mr. Cox moved for Conclusions of Law; Ms. Marchal seconded the motion. Motion passed (Aye-7/Nay-0) (Joshua M. Cox, RPh-Aye; Megan E. Marchal, RPh-Aye; Donald R. Miller, RPh-Aye; Richard J. Newlon, *Public Member-Aye*; Jennifer M. Rudell, RPh-Aye; Fred M. Weaver, RPh-Aye, and Kilee S. Yarosh, RPh-Aye).

Ms. Marchal moved for Action of the Board; Mr. Miller seconded the motion. Motion passed (Aye-7/Nay-0) (Joshua M. Cox, RPh-Aye; Megan E. Marchal, RPh-Aye; Donald R. Miller, RPh-Aye; Richard J. Newlon, *Public Member-Aye*; Jennifer M. Rudell, RPh-Aye; Fred M. Weaver, RPh-Aye, and Kilee S. Yarosh, RPh-Aye).

SO ORDERED.

- 11:19 a.m.** The Board recessed for an intermission.
- 11:31 a.m.** The Board was joined by Assistant Attorney General Henry Appel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. In the Matter of **Christopher Crowley, Chagrin Falls, Ohio.**
- R-2020-0453** Ms. Rudell moved that the Board recess in order to consider the quasi-judicial matters in accordance with Chapter 119. of the Revised Code and the case precedent of Angerman v. State Medical Bd. (1990) 70 Ohio App.3d 346 and TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al. (1998) 81 Ohio St.3d 58. The motion was seconded by Ms. Marchal and a roll-call vote was conducted by President Wilt as follows: Cox-yes; Marchal-yes; Miller-yes; Newlon-yes; Rudell-yes; Weaver-yes; Yarosh-yes.
- 12:37 p.m.** The recess ended and the hearing was opened to the public.
- R-2020-0454** After votes were taken in public session, the Board adopted the following orders in the matter **Christopher Crowley, Chagrin Falls, Ohio.**
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ORDER OF THE STATE BOARD OF PHARMACY

(Case Number A-2019-0518)

In The Matter Of:

Christopher Crowley
17401 Long Meadow Trail
Chagrin Falls, OH 44023
License No. 03-331542

INTRODUCTION

The Matter of Christopher Crowley came for hearing on May 4, 2020 before the following members of the State of Ohio Board of Pharmacy (Board): Shawn C. Wilt, RPh, *Presiding*; Joshua M. Cox, RPh; Megan E. Marchal, RPh; Donald R. Miller, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh and Kilee S. Yarosh, RPh.

Christopher Crowley was represented by Bob Garrity, Esq. The State of Ohio was represented by Henry G. Appel, Assistant Attorney General.

SUMMARY OF EVIDENCEState's Witnesses:

1. Christopher Crowley, R.Ph.

Respondent's Witnesses:

1. Christopher Crowley, R.Ph.
2. Andy Pierron

State's Exhibits:

1. Summary Suspension/Notice of Opportunity for Hearing
2. Request for Hearing, Dated December 8, 2019
3. Notice of Hearing, Dated December 9, 2019
4. Written Statement, Christopher Crowley, Dated November 5, 2019
5. Written Statement, Anna Nemel, Dated November 21, 2019
6. Indictment, Case No. CR 2019-12-4319, Dated December 13, 2019
7. Written Plea of Guilty, State of Ohio v. Christopher W. Crowley, Case No. CR-2019-12-4319, Dated March 12, 2020
8. Journal Entry, State of Ohio v. Christopher W. Crowley, Case No. CR-2019-12-4319, Dated March 12, 2020

Respondent's Exhibits:

- A. Pharmacists Rehabilitation Organization Inc., Pharmacist's Treatment Contract, Dated November 13, 2019; UDS results; Quarterly Report
- B. Chemical Dependency Treatment Documentation
- C. 12-Step Meeting Attendance
- D. Journal Entry, State of Ohio v. Christopher W. Crowley, Case No. CR-2019-12-4319, Dated March 12, 2020
- E. Christopher W. Crowley Resumé
- F. Letters of Support
- G. COVID-19 Daily Log Sheet

Stipulations of the State of Ohio and Respondent:

The parties stipulated to the authenticity and admissibility of State's Exhibits 1 through 8 and Respondent's Exhibit A through G.

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:

1. On or about November 4, 2019, while employed as a pharmacist at Walmart, located at 8160 Macedonia Commons Boulevard, Macedonia, Ohio 44056 (the "Walmart Pharmacy"), Christopher Crowley committed a theft of an undisclosed amount of Gabapentin, a dangerous drug. Video surveillance from the Walmart Pharmacy recorded the incident.
2. On or about November 5, 2019, while employed as a pharmacist at the Walmart Pharmacy, Christopher Crowley committed thefts of the following drugs from the Walmart Pharmacy (video surveillance from the Walmart Pharmacy recorded the incident):
 - a. 49 Alprazolam .25mg tablets, a schedule IV controlled substance; and
 - b. Three Modafinil 200mg tablets, a schedule IV controlled substance; and
 - c. Two Gabapentin 600mg tablets, a dangerous drug.
3. On or about November 5, 2019, Christopher Crowley was interviewed by Board Agents and admitted to theft of the drugs detailed in Paragraphs (1) and (2) of the Findings of Fact Section. Christopher Crowley also admitted addiction to benzodiazepines and alcohol. Christopher Crowley completed a written statement and provided it to Board Agents.

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact Section constitutes a violation of section 2913.02 of the ORC, theft of drugs.
2. Such conduct as set forth in Paragraphs 2(a) and 2(b) of the Findings of Fact Section constitutes a violation of section 2925.11 of the ORC, possession of controlled substances.
3. Such conduct as set forth in of the Findings of Fact Section constitutes a violation of section 4729.51(E)(1)(c) of the ORC, no person, except as provided in (E)(2) of this section, shall possess dangerous drugs.
4. Such conduct as set forth in of the Findings of Fact Section constitutes a violation of the following divisions of Section 4729.16 of the ORC effective as of April 8, 2019:
 - a. Christopher Crowley engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16(A)(2)(b); and/or
 - b. Christopher Crowley is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy, ORC 4729.16(A)(2)(c); and/or

- c. Christopher Crowley violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter 3715.75 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any Rule adopted by the board under those provisions, ORC 4729.16(A)(2)(e); and/or
 - d. Christopher Crowley engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC 4729.16(A)(2)(l).
5. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of each of the following divisions of Rule 4729:1-4-01 of the OAC, as effective May 1, 2018:
- a. Christopher Crowley engaged in dishonesty or unprofessional conduct in the practice of pharmacy, OAC Rule 4729:1-4-01(B)(2)(b); and/or
 - b. Christopher Crowley is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, OAC Rule 4729:1-4-01(B)(2)(c); and/or
 - c. Christopher Crowley violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapter 4729. of the Revised Code, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925., 3796., 3719. or 4752. of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729:1-4-01(B)(2)(e); and/or
 - d. Christopher Crowley committed an act involving moral turpitude that constitutes a misdemeanor or felony in this state, regardless of the jurisdiction in which the act was committed, OAC Rule 4729:1-4-01(B)(2)(l); and/or
 - e. Christopher Crowley violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired vehicle registration, OAC Rule 4729:1-4-01(B)(2)(m).

DECISION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Christopher Crowley on November 7, 2019.

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 suspends indefinitely the pharmacist license no. 03-331542 held by Christopher Crowley and such suspension is effective as of the date of the mailing of this Order.

Christopher Crowley, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.

Further, after two years from the date of the original summary suspension, which was November 7, 2019, the Board will consider any petition filed by Christopher Crowley for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

1. Christopher Crowley must maintain a current address with the Board throughout the duration of the suspension.
2. Christopher Crowley must enter into and adhere to the terms of a **new** contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment provider or a treatment provider or Board approved treatment monitor acceptable to the Board for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. Failure to adhere to the terms of the treatment contract will be considered a violation of the Board's Order and subject [Petitioner] to potential sanctions up to and including revocation of license. The contract must provide that:
 - a. Random, observed urine drug screens shall be conducted at least once each month.
 - b. The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - c. Alcohol and Ethyl Glucuronide (ETG) must be added to the standard urine drug screen.
 - d. Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.
 - e. In the event of a negative diluted screen, a hair sample test must be completed at the cost of the Christopher Crowley in a timeframe consistent with the drug lab's recommended policy, but in any event no later than 12 days after the negative diluted screen.
 - f. The intervener/sponsor shall submit reports to the Board, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.

9. Any reinstatement shall not occur until such time as any criminal intervention in lieu of conviction has been successfully completed.
10. Violation of any term of suspension, including but not limited to any violation of the contract signed with the ODMHAS or other approved treatment provider may result in additional action before the Board up to and including revocation of your pharmacy license.
11. Any violation of Chapters 2925., 3715., 3719., 4729., of the Ohio Revised Code, any administrative code violation or a violation of any other state or federal law will be considered a violation of this Order resulting in a hearing before the Board and may also result in criminal and/or administrative charges.
12. If Christopher Crowley's employment is related to the practice of pharmacy, Christopher Crowley must notify employer of the terms of Christopher Crowley's suspension and this Board's Order.
13. Failure to complete the terms set forth in this Board's Order, or to petition for reinstatement within five years of the date of this Order, will result in the Board issuing a notice of opportunity for hearing to consider additional disciplinary action, including and up to revocation of Christopher Crowley's license.

Ms. Rudell moved for Findings of Fact; Ms. Yarosh seconded the motion. Motion passed (Aye-7/Nay-0) (Joshua M. Cox, RPh-Aye; Megan E. Marchal, RPh-Aye; Donald R. Miller, RPh-Aye; Richard J. Newlon, *Public Member-Aye*; Jennifer M. Rudell, RPh-Aye; Fred M. Weaver, RPh-Aye, and Kilee S. Yarosh, RPh-Aye).

Ms. Marchal moved for Conclusions of Law; Mr. Newlon seconded the motion. Motion passed (Aye-7/Nay-0) (Joshua M. Cox, RPh-Aye; Megan E. Marchal, RPh-Aye; Donald R. Miller, RPh-Aye; Richard J. Newlon, *Public Member-Aye*; Jennifer M. Rudell, RPh-Aye; Fred M. Weaver, RPh-Aye, and Kilee S. Yarosh, RPh-Aye).

Ms. Marchal moved for Action of the Board; Ms. Yarosh seconded the motion. Motion passed (Aye-7/Nay-0) (Joshua M. Cox, RPh-Aye; Megan E. Marchal, RPh-Aye; Donald R. Miller, RPh-Aye; Richard J. Newlon, *Public Member-Aye*; Jennifer M. Rudell, RPh-Aye; Fred M. Weaver, RPh-Aye, and Kilee S. Yarosh, RPh-Aye).

SO ORDERED.

- 12:41 p.m.** Mr. Schierholt introduced Sharen Maerten-Moore, the new Director of Medical Marijuana Operations to the Board.
- 12:44 p.m.** Mr. Schierholt and Ms. Maerten-Moore provided the MMAC Report.
- 12:56 p.m.** Mr. Griffin provided the Compliance Report.
- 12:59 p.m.** Ms. Yarosh left the meeting.

- 1:05 p.m.** Ms. Dehner provided the Legal Report.
- 1:08 p.m.** Ms. Southard provided the Licensing Report.
- 1:23 p.m.** Mr. McNamee provided the Legislative Report.
- 1:27 p.m.** Ms. Southard presented the OBOT Non-Physician Ownership Waiver Requests of CleanSlate Medical Group of Ohio, LLC (APP-000333838)—Cincinnati, Ohio, CleanSlate Medical Group of Ohio, LLC (APP-000334256)—Lyndhurst, Ohio, and Restorative Health & Recovery Clinic (APP-000317804)—Kent, Ohio to the Board for consideration.
- R-2020-0455** Ms. Rudell moved to approve the request of CleanSlate Medical Group of Ohio, LLC (APP-000333838)—Cincinnati, Ohio. The Motion was seconded by Mr. Newlon and approved by the Board: Aye-6, Nay-0.
- R-2020-0456** Ms. Rudell moved to approve the request of CleanSlate Medical Group of Ohio, LLC (APP-000334256)—Lyndhurst, Ohio. The Motion was seconded by Mr. Newlon and approved by the Board: Aye-6, Nay-0.
- R-2020-0457** Ms. Rudell moved to approve the request of Restorative Health & Recovery Clinic (APP-000317804)—Kent, Ohio. The Motion was seconded by Mr. Newlon and approved by the Board: Aye-6, Nay-0.
- 1:29 p.m.** Mr. McNamee presented a resolution titled *Approved HME Continuing Education Providers* to the Board for approval.
- R-2020-0458** Ms. Rudell moved that the Board approve the resolution. The motion was seconded by Ms. Marchal and approved by the Board: Aye-6, Nay-0. The following resolution was adopted by the Board:

Resolution: Approved HME Continuing Education Providers

Pursuant to rule 4729:11-3-04 of the Ohio Administrative Code, HME continuing education can be provided as an in-service education developed and taught by the licensed HME services provider, HME manufacturer, or any organization recognized by the Board that offers continuing education relevant to HME services.

The Board hereby recognizes the following organizations as HME CE Providers:

- DMETRAIN
 - HealthTrainU
 - Ohio Association of Medical Equipment Services
 - Ohio Society for Respiratory Care
 - VGM Education
-

1:32 p.m. Mr. McNamee presented a resolution titled *Definition of an Institutional Facility to Include Facilities Providing Medical Detoxification Services* to the Board for approval.

R-2020-0459 Ms. Rudell moved that the Board approve the resolution. The motion was seconded Mr. Cox and approved by the Board: Aye-6, Nay-0. The following resolution was adopted by the Board:

Definition of an Institutional Facility to Include Facilities Providing Medical Detoxification Services

Pursuant to paragraph (A)(10) of rule 4729-17-01 of the Administrative Code, the State of Ohio Board of Pharmacy hereby classifies facilities providing ambulatory detoxification services to be included in the definition of an institutional facility.

“Ambulatory detoxification” means the provision of detoxification treatment whereby all the following apply:

- (1) Individuals are administered dangerous drugs to alleviate adverse physiological or psychological effects incident to withdrawal from the continuous or sustained use of drugs or alcohol;
- (2) Patients are under the care of a licensed prescriber and are provided continuous onsite monitoring by nurses licensed in accordance with Chapter 4723 of the Revised Code;
- (3) The period of ambulatory detoxification is less than twenty-four hours and is accompanied by transition to an inpatient, residential, or outpatient treatment program; and
- (4) The facility holds the appropriate license or certification by the Ohio Department of Mental Health and Addiction Services.

Furthermore, the Board hereby authorizes corresponding modifications made to rule 4729:5-9-01 of the Administrative Code.

1:35 p.m. Mr. McNamee presented a resolution titled *Reauthorization of Temporary Waiver Approval* to the Board for approval.

R-2020-0460 Ms. Rudell moved that the Board approve the resolution. The motion was seconded Mr. Newlon and approved by the Board: Aye-6, Nay-0. The following resolution was adopted by the Board:

Reauthorization of Temporary Waiver Approval

To address operational concerns and safeguard public health during COVID-19, the Board hereby grants the Executive Director, upon approval by the Board's President, the ability to temporarily grant waivers regarding the practice of pharmacy, the distribution of dangerous drugs, and the operation of the Ohio Medical Marijuana Control Program.

If granted by the Executive Director, the Board shall be required to review and approve any waiver issued at a subsequent meeting.

1:37 p.m. Mr. McNamee presented thirty-six waivers to the Board for approval.

R-2020-0461 Ms. Rudell moved that the Board approve the waivers. The motion was seconded Ms. Rudell and approved by the Board: Aye-7, Nay-0. The following waivers were adopted by the Board:

Traditional Pharmacy

Resolution Issue Date	Description	Expiration
3/13/2020	Authorized the practice of remote order entry for all licensed/registered pharmacy personnel (pharmacists, pharmacy interns, and technicians). The guidance can be accessed here .	This guidance is in effect until rescinded by the Board.
3/14/2020 – UPDATED 3/30/2020	Authorized the compounding and sale of certain alcohol-based hand sanitizer products by Ohio-licensed pharmacies and outsourcing facilities. This guidance can be accessed here .	This guidance is in effect until rescinded by the Board or the United States Food and Drug Administration.
3/14/2020 - UPDATED 4/14/2020	Authorized licensees conducting sterile compounding to reuse certain personal protective equipment (PPE). The waiver was updated to align with recently released PPE conservation guidance issued by the FDA. This guidance can be accessed here .	This guidance is in effect until rescinded by the Board or the United States Food and Drug Administration.
3/16/2020 – UPDATED 4/23/2020	Authorized automatic exemptions to rule authorizing the compounding of drugs in shortage (4729-16-10) under certain conditions. This guidance can be accessed here .	This guidance is in effect until rescinded by the Board.
3/16/2020	Authorized the extension of emergency refills. This guidance can be accessed here .	This guidance is in effect until June 14, 2020 but may be

		extended by the Board at any time.
3/16/2020 – UPDATED 3/26/2020	Authorized pharmacists, pharmacy interns, and pharmacy technicians licensed in other states to work in Ohio pharmacies under certain conditions. This guidance can be accessed here .	This guidance is in effect until June 14, 2020 but may be extended by the Board at any time.
3/16/2020 – UPDATED 3/26/2020	Authorized expedited onboarding of pharmacy technician trainees. This guidance can be accessed here .	This guidance is in effect until rescinded by the Board.
3/16/2020 – UPDATED 3/31/2020	Authorized an extension of the renewal date for registered pharmacy technicians and automatic technician trainee extensions. This guidance can be accessed here .	Extends by 120 days (valid until July 29, 2020).
3/18/2020	Authorized prescribers working in an opioid treatment program licensed as a terminal distributor of dangerous drugs to temporarily delegate personally furnishing of buprenorphine products to nurses licensed under Chapter 4723. of the Revised Code. This guidance can be accessed here .	This guidance shall remain in effect until rescinded by the Board.
3/18/2020	Authorized home delivery of medications by opioid treatment programs under specific conditions. This guidance can be accessed here .	This guidance, as is authorized by the Drug Enforcement Administration, shall remain in effect until the Secretary of Health and Human Services (HHS) rescinds the declared public health emergency.
3/18/2020	Authorized an extension of basic life-support training certifications for pharmacists and pharmacy interns. This guidance can be accessed here .	This guidance shall remain in effect for 120 days. The pharmacist or intern must obtain recertification no later than July 16, 2020. The Board reserves the right to extend this deadline based upon course availability.
3/18/2020 – UPDATED 4/14/2020	Authorized prescribers to delegate personally furnishing non-controlled drugs to nurses licensed in accordance with Chapter 4723. of the Revised Code. This guidance can be accessed here .	This guidance shall remain in effect until rescinded by the Board.

3/18/2020 – UPDATED 3/20/2020	Authorized the temporary expansion of the maximum days' supply permitted under rule 4729-9-23 of the Administrative Code from 31 days to 60 days. This guidance can be accessed here .	This guidance shall remain in effect until June 14, 2020 but may be extended by the Board at any time.
3/20/2020	Authorized licensees to perform sterile compounding for another licensee, referred to as central compounding. This guidance can be accessed here .	This guidance shall remain in effect until rescinded by the Board.
3/20/2020	Authorized registered pharmacy technicians to stock automated drug storage systems and send and receive copies of non-controlled prescriptions, under certain conditions. Additionally, provides clarification on the positive identification requirements for technicians transferring prescriptions. This guidance can be accessed here .	This guidance is in effect until rescinded by the Board.
3/24/2020	Authorized an extension of drug distributor customer due diligence requirements pursuant to paragraph (G) of rule 4729:6-3-05 of the Administrative Code. This guidance can be accessed here .	The annual due diligence requirements are hereby extended until June 29, 2020.
3/24/2020	Authorized expedited licensure of drug distributors. This guidance can be accessed here .	This guidance shall remain in effect until June 14, 2020 or when Ohio's emergency orders are lifted, whichever is earlier.
3/24/2020	Authorized the sale and shipment of non-reportable dangerous drugs that are in shortage by unlicensed, out-of-state facilities. This guidance can be accessed here .	This guidance shall remain in effect until June 14, 2020 or when Ohio's emergency orders are lifted, whichever is earlier.
3/31/2020 – – UPDATED 4/30/2020	Authorized the use of temporary satellite locations for the storage and use of dangerous drugs during COVID-19. This guidance can be accessed here .	This guidance is in effect until rescinded by the Board.
3/31/2020	Authorized a temporary extension of the annual controlled substance inventory requirements pursuant to rule 4729:5-3-07 of the Administrative Code. This guidance can be accessed here .	For any annual controlled substance inventory during the timeframe set forth in the resolution, the Board hereby extends the date to obtain the annual inventory to August 1, 2020.

4/3/2020	Permits the temporary reinstatement of lapsed or expired Ohio pharmacist licenses in Ohio under certain conditions. This guidance can be accessed here .	This guidance is in effect until July 30, 2020 but may be extended by the Board.
4/7/2020	Authorized nurses (LPN, RN, APRN) to stock automated drug storage systems within a terminal distributor of dangerous drugs that has an on-site pharmacy under certain conditions. This guidance can be accessed here .	This guidance is in effect until rescinded by the Board.
4/7/2020 - UPDATED 4/29/2020	Authorized pharmacists, pharmacy interns, and certified pharmacy technicians to conduct FDA-authorized COVID-19 testing under certain conditions. This guidance can be accessed here .	This guidance shall remain in effect until rescinded by the Board.
4/9/2020	Authorized the delegation to an Ohio-licensed APRN who is designated as a certified nurse practitioner (CNP), clinical nurse specialist (CNS), certified nurse midwife (CNM) or physician assistant (PA) the management of a consult agreement authorized under section 4729.39 of the Revised Code. This guidance can be accessed here .	This resolution and guidance shall remain in effect during the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020.
4/14/2020	Authorized the sale and shipment of patient-specific, non-reportable dangerous drugs by non-Ohio licensed border state facilities to patients residing in the state under certain conditions. This guidance can be accessed here .	This guidance shall remain in effect until June 14, 2020 or when Ohio's emergency orders are lifted, whichever is earlier.
4/14/2020	Authorized an Ohio pharmacy to request a temporary waiver to permit a pharmacist to supervise up to five pharmacy technician trainees at one time (up from the current limit of three). This guidance can be accessed here .	This guidance is in effect until rescinded by the Board.
4/17/2020	Formally adopted FDA's " Temporary Policy for Compounding of Certain Drugs for Hospitalized Patients by Outsourcing Facilities During the COVID-19 Public Health Emergency " for Ohio-licensed outsourcing facilities. This guidance can be accessed here .	This guidance shall remain in effect only for the duration of the public health emergency related to COVID-19 declared by the Department of Health and Human Services (HHS), including any renewals made by the HHS Secretary in accordance with section 319(a)(2) of the Public

		Health Service Act (42 U.S.C. 247d(a)(2)).
4/17/2020	Authorized the temporary waiver of the 5 percent limit on the occasional wholesale sales of dangerous drugs by a licensed pharmacy set forth in rule 4729:5-3-09 of the Administrative Code. This guidance can be accessed here .	This guidance is in effect until rescinded by the Board.
4/17/2020	Extends recertification of primary and secondary engineering controls in accordance with guidance issued by USP. This guidance can be accessed here .	This guidance is in effect until rescinded by the Board.
4/23/2020	Formally adopted FDA's "Temporary Policy on Repackaging or Combining Propofol Drug Products During the COVID-19 Public Health Emergency" for Ohio-licensed pharmacies, repackagers, and outsourcing facilities. This guidance can be accessed here .	This guidance shall remain in effect only for the duration of the public health emergency related to COVID-19 declared by the Department of Health and Human Services (HHS), including any renewals made by the HHS Secretary in accordance with section 319(a)(2) of the Public Health Service Act (42 U.S.C. 247d(a)(2)).

Medical Marijuana

Resolution Issue Date	Description	Expiration
3/20/2020	<p>In order to expedite the caregiver registration process and reduce exposure to higher risk patients during the COVID-19 outbreak, the State of Ohio Board of Pharmacy issued the following guidance for caregiver registration:</p> <ul style="list-style-type: none"> • A patient can now have up to three caregivers, and caregivers can have up to three patients. • Caregivers may now be added by Board staff using the process outlined below. <p>This guidance can be accessed here.</p>	This guidance is in effect until rescinded by the Board.

3/20/2020 - UPDATED 4/14/2020	<p>In order to address patient access and closures of BMVs around the state, the State of Ohio Board of Pharmacy has adopted the following guidance to permit minors (i.e. those under the age of 18) and adult patients with legal guardians to utilize a birth certificate to register as a medical marijuana patient</p> <p>This guidance can be accessed here.</p>	<p>This guidance is in effect until rescinded by the Board.</p>
4/1/2020	<p>In order to address patient access and closures of BMVs around the state, the State of Ohio Board of Pharmacy has adopted the following guidance to permit patients with expired forms of identification to utilize a birth certificate to register as a medical marijuana patient.</p> <p>This guidance can be accessed here.</p>	<p>This guidance shall remain in effect until rescinded by the Board.</p>
4/7/2020	<p>In order to address patient access and closures of BMVs around the state, the State of Ohio Board of Pharmacy has adopted the following guidance to permit currently registered patients and caregivers who have lost their authorized form of photo identification to utilize alternate forms of identification in order to purchase medical marijuana.</p> <p>This guidance can be accessed here.</p>	<p>This guidance shall remain in effect until rescinded by the Board.</p>
3/20/2020 – UPDATED 4/22/2020	<p>In an effort to further protect patients, caregivers, and dispensary employees during a public health emergency, the Board now permits a patient/caregiver to telephone a medical marijuana dispensary or place an online order for the sale of medical marijuana.</p> <p>This guidance can be accessed here.</p>	<p>This guidance is in effect until rescinded by the Board.</p>
4/3/2020	<p>In order to reduce opportunities for patient and caregiver exposure during the COVID-19 outbreak, the State of Ohio Board of Pharmacy has adopted the following resolution to permit medical marijuana dispensaries to temporarily conduct sales to patients and caregivers outside of the dispensary department. The temporary sales outside of the dispensary department may only be permitted if the dispensary complies with the minimum guidelines outlined below.</p> <p>This guidance can be accessed here.</p>	<p>This resolution and guidance shall remain in effect during the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020 but may also be rescinded by the Board at any time.</p>

1:40 p.m. Ms. Southard and Ms. Wai presented a resolution to grant a one-year inspection extension to STAQ Pharma, Inc. (STAQ) relative to its Outsourcer – Category 3 license application, APP-000247365 to the Board for approval.

R-2020-0462 Ms. Marchal moved that the Board approve the resolution. The motion was seconded Ms. Rudell and approved by the Board: Aye-5, Nay-1 (Joshua M. Cox, RPh-Aye; Megan E. Marchal, RPh-Aye; Donald R. Miller, RPh-Aye; Richard J. Newlon, *Public Member*-Aye; Jennifer M. Rudell, RPh-Aye; and Fred M. Weaver, RPh-Nay). The following resolution was adopted by the Board:

Resolution

Pursuant to section 4729.53 of the Ohio Revised Code and section 4729:6-2-04 of the Ohio Administrative Code, the State of Ohio Board of Pharmacy (Board) hereby grants a one-year extension for the submission of an inspection conducted by the United States Food and Drug Administration (FDA) to STAQ Pharma, Inc. (STAQ) relative to its Outsourcer – Category 3 license application, APP-000247365, submitted on March 30, 2020.

Due to the COVID-19 outbreak and current drug shortages, the Board approves the following drug list for STAQ's distribution to Ohio licensed drug distributors and terminal distributors of dangerous drugs. Any shipment must be accompanied by an express, written notification to the recipient that STAQ has not yet been inspected or registered by the FDA as an outsourcing facility.

NDC Number	API	Concentration	Fill Volume
73177-0101-06	Ketamine	10 mg/ml	3ml
73177-0101-02	Ketamine	10 mg/ml	5ml
73177-0104-01	Hydromorphone	0.2 mg/ml	2ml
73177-0104-03	Hydromorphone	0.2 mg/ml	10ml
73177-0104-04	Hydromorphone	0.2 mg/ml	25ml
73177-0104-05	Hydromorphone	0.2 mg/ml	50ml
73177-0105-01	Morphine	1 mg/ml	2ml
73177-0105-02	Morphine	1 mg/ml	5ml
73177-0105-05	Morphine	1 mg/ml	50ml
73177-0103-01	Fentanyl	50 mcg/ml	2ml
73177-0103-02	Fentanyl	50 mcg/ml	5ml
73177-0103-07	Fentanyl	50 mcg/ml	20ml
73177-0103-04	Fentanyl	50 mcg/ml	25ml
73177-0103-05	Fentanyl	50 mcg/ml	50ml

73177-0102-01	Fentanyl	10 mcg/ml	2ml
73177-0102-02	Fentanyl	10 mcg/ml	5ml
73177-0102-04	Fentanyl	10 mcg/ml	25ml
73177-0102-05	Fentanyl	10 mcg/ml	50ml

STAQ must submit to the Board's Compliance and Enforcement Department a request in writing and include the certificate of analysis for each additional drug product STAQ seeks to add to the approved list. Prior to shipping any additional drug products not on the list approved by this resolution, STAQ must receive express, written approval of the Board.

STAQ must provide to the Board the results of the FDA outsourcer inspection, immediately upon receipt. Should STAQ's FDA inspection not result in FDA registration as an outsourcing facility, this resolution is immediately rescinded.

This resolution shall remain in effect for one year from the date of issuance, but may be rescinded by the Board at any time.

1:50 p.m.

Mr. McNamee and Ms. Wai presented amendments to rule 4729:9-1-01—Schedule I Controlled Substances.

R-2020-0463

Mr. Cox moved that the Board approve revisions to the following rule for filing with JCARR: 4729:9-1-01—Schedule I Controlled Substances. The motion was seconded by Ms. Rudell and approved by the Board: Aye-6, Nay-0. The following rule change was adopted by the Board:

Additional Rule Changes and Resolutions

For Filing with JCARR – Rule 4729:9-1-01

4729:9-1-01 – Schedule I Controlled Substances

(E)(5) Except as otherwise provided in this chapter, any compound that contains the following structural requirements of a benzodiazepine pharmacophore, as identified by a report from an established forensic laboratory:

A core structure consisting of a benzene ring fused to the seven-membered diazepine ring with a 5-~~areryl~~ **aryl** substituent aka 5-aryl-1,4-benzodiazepine for binding to the GABA receptor. Regardless of impact on the lipophilic properties of the compound, a benzodiazepine pharmacophore may contain a variety of functional groups including, but not limited to, aldehydes, ketones, esters, and amides.

This paragraph only applies to a compound that has not been approved for medical use by the United States food and drug administration.

1:52 p.m. The Board recessed for the day.

Tuesday, May 5, 2020

9:03 a.m. Acting under the authority Section 12 of amended substitute house bill number 197, effective March 27, 2020, the State of Ohio Board of Pharmacy convened for a public meeting via skype audio/visual conference call, with the following members present:

Shawn C. Wilt, RPh, *Presiding*; Joshua M. Cox, RPh; Megan E. Marchal, RPh; Donald R. Miller, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; and Kilee S. Yarosh, RPh.

Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Blair Cathcart, *Director of Information Services*; Michael Clark, *IT Administrator*; Brenda Cooper, *Executive Assistant*; Paula Economus, *Administrative Assistant*; Ashley Gilbert, *Senior Legal Counsel*; David Gonzalez, *Agent*; Eric Griffin, *Director of Compliance and Enforcement*; Joseph Koltak, *Senior Legal Counsel*; Kathryn Lewis, *Administrative Assistant*; Sharon Maerten-Moore, *Director of Medical Marijuana Operations*; David Rivera, *Pharmacy Board Agent*; Justin Sheridan, *Senior Legal Counsel*; Michelle Siba, *Senior Legal Counsel*; Karrie Southard, *Director of Licensing*; and Jenni Wai, *Chief Pharmacist*.

R-2020-0464 Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE No. A-2019-0146
I-2018-2238-A**

**Our Lady of Bellefonte Hospital
License No. 02-42000061
c/o Shelly McComas, RPh
1000 St. Christopher Drive
Ashland, KY 41101**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Our Lady of Bellefonte Hospital for the purpose of resolving all issues between the parties relating to the Board investigation of illegal sales of dangerous drugs as an unlicensed terminal in Ohio. Together, the Board and Our Lady of Bellefonte Hospital are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Our Lady of Bellefonte Hospital is a licensed Terminal Distributor of Dangerous Drugs under license number 02-42000061.

FACTS

1. On or about February 21, 2018, the Board initiated an investigation of Our Lady of Bellefonte Hospital, Terminal Distributor of Dangerous Drugs license number 02-42000061, related to Our Lady of Bellefonte Hospital's illegal sales of dangerous drugs as an unlicensed terminal in Ohio.
2. On or about January 16, 2020, the Board sent a Notice of Opportunity for Hearing to Our Lady of Bellefonte Hospital, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Our Lady of Bellefonte Hospital neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated January 16, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Our Lady of Bellefonte Hospital agrees to pay to the Board a monetary penalty the amount of \$3,000.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.

4. Our Lady of Bellefonte Hospital agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Our Lady of Bellefonte Hospital agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Our Lady of Bellefonte Hospital of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Our Lady of Bellefonte Hospital by the Board and will NOT discharge Our Lady of Bellefonte Hospital from any obligation under the terms of this Agreement.
6. Our Lady of Bellefonte Hospital agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Our Lady of Bellefonte Hospital understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Our Lady of Bellefonte Hospital will operate.
9. Our Lady of Bellefonte Hospital waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0465 Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE No. A-2019-0144
I-2018-2563-A**

**Medical Plaza Pharmacy
License No. APP-000198575
c/o Shelly McComas, RPh
1000 Saint Christopher Drive
Ashland, KY 41101**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Medical Plaza Pharmacy for the purpose of resolving all issues between the parties relating to the Board investigation of illegal sales of dangerous drugs while operating without a valid Board issued license. Together, the Board and Medical Plaza Pharmacy are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Medical Plaza Pharmacy has a pending application for a TDDD license with the Board under application number APP-000198575.

FACTS

1. On or about November 27, 2018, the Board initiated an investigation of Medical Plaza Pharmacy, application number APP-000198575, related to Medical Plaza Pharmacy’s illegal sales of dangerous drugs while operating without a valid Board issued license.
2. On or about January 22, 2020 the Board sent a Notice of Opportunity for Hearing to Medical Plaza Pharmacy, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Medical Plaza Pharmacy neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated January 22, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Medical Plaza Pharmacy agrees to pay to the Board a monetary penalty the amount of \$3,000.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Medical Plaza Pharmacy agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Medical Plaza Pharmacy agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Medical Plaza Pharmacy of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Medical Plaza Pharmacy by the Board and will NOT discharge Medical Plaza Pharmacy from any obligation under the terms of this Agreement.
6. Medical Plaza Pharmacy agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Medical Plaza Pharmacy understands that it has the right to be represented by counsel for review and execution of this agreement.

8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Medical Plaza Pharmacy will operate.
9. Medical Plaza Pharmacy waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0466

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE No. A-2019-0141
I-2018-2563-B**

**Ironton Primary Care
License No. 02-2582200
c/o Rockford James Meadows, MD
1005 East Ring Road
Ironton, Ohio 45638**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Ironton Primary Care for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of dangerous drugs from an entity operating without a valid Board issued license. Together, the Board and Ironton Primary Care are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Ironton Primary Care is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2582200.

FACTS

1. On or about September 25, 2018, the Board initiated an investigation of Ironton Primary Care, Terminal Distributor of Dangerous Drugs license number 02-2582200, related to Ironton Primary Care's illegal purchase of dangerous drugs from an entity operating without a valid Board issued license.
2. On or about January 22, 2020 the Board sent a Notice of Opportunity for Hearing to Ironton Primary Care, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Ironton Primary Care neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated January 22, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Ironton Primary Care agrees to pay to the Board a monetary penalty the amount of \$3,000.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Ironton Primary Care agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as

required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.

5. Ironton Primary Care agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Ironton Primary Care of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Ironton Primary Care by the Board and will NOT discharge Ironton Primary Care from any obligation under the terms of this Agreement.
 6. Ironton Primary Care agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 7. Ironton Primary Care understands that it has the right to be represented by counsel for review and execution of this agreement.
 8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Ironton Primary Care will operate.
 9. Ironton Primary Care waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 13. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2020-0467 Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE No. A-2019-0143
I-2018-2563-C**

**Bellefonte Urgent Care Wheelersburg
License No. 02-2340700
c/o Roland Benton, MD
8991 Ohio River Road
Wheelersburg, Ohio 45694**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Bellefonte Urgent Care Wheelersburg (Bellefonte Urgent Care) for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of dangerous drugs from an entity operating without a valid Board issued license. Together, the Board and Bellefonte Urgent Care are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Bellefonte Urgent Care is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2340700.

FACTS

1. On or about September 25, 2018, the Board initiated an investigation of Bellefonte Urgent Care, Terminal Distributor of Dangerous Drugs license number 02-2340700, related to Bellefonte Urgent Care’s illegal purchases of dangerous drugs from an entity operating without a valid Board issued license.
2. On or about January 22, 2020 the Board sent a Notice of Opportunity for Hearing to Bellefonte Urgent Care, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Bellefonte Urgent Care neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated January 22, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Bellefonte Urgent Care agrees to pay to the Board a monetary penalty the amount of \$3,000.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Bellefonte Urgent Care agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Bellefonte Urgent Care agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Bellefonte Urgent Care of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Bellefonte Urgent Care by the Board and will NOT discharge Bellefonte Urgent Care from any obligation under the terms of this Agreement.
6. Bellefonte Urgent Care agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Bellefonte Urgent Care understands that it has the right to be represented by counsel for review and execution of this agreement.

8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Bellefonte Urgent Care will operate.
9. Bellefonte Urgent Care waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0468

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE No. A-2019-0142
I-2018-2563-D**

**Bellefonte Primary Care- Ironton
License No. 02-2473400
c/o Thuy Nguyen, DO
115 North 3rd Street
Ironton, Ohio 45638**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Bellefonte Primary Care- Ironton (Bellefonte Primary Care) for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of dangerous drugs from an entity operating without a valid Board issued license. Together, the Board and Bellefonte Primary Care are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Bellefonte Primary Care is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2473400.

FACTS

1. On or about September 25, 2018, the Board initiated an investigation of Bellefonte Primary Care, Terminal Distributor of Dangerous Drugs license number 02-2473400, related to Bellefonte Primary Care's illegal purchase of dangerous drugs from an entity operating without a valid Board issued license.
2. On or about January 22, 2020 the Board sent a Notice of Opportunity for Hearing to Bellefonte Primary Care, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Bellefonte Primary Care neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated January 22, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Bellefonte Primary Care agrees to pay to the Board a monetary penalty the amount of \$3,000.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Bellefonte Primary Care agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as

required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.

5. Bellefonte Primary Care agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Bellefonte Primary Care of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Bellefonte Primary Care by the Board and will NOT discharge Bellefonte Primary Care from any obligation under the terms of this Agreement.
 6. Bellefonte Primary Care agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 7. Bellefonte Primary Care understands that it has the right to be represented by counsel for review and execution of this agreement.
 8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Bellefonte Primary Care will operate.
 9. Bellefonte Primary Care waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 13. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2020-0469 Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE No. A-2019-0140
I-2018-2563-E**

**Our Lady of Bellefonte Urgent Care
License No. 02-1389700
c/o Ronald Benton, MD
1005 East Ring Road
Ironton, Ohio 45638**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Our Lady of Bellefonte Urgent Care for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of dangerous drugs from an entity operating without a valid Board issued license. Together, the Board and Our Lady of Bellefonte Urgent Care are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Our Lady of Bellefonte Urgent Care is a licensed Terminal Distributor of Dangerous Drugs under license number 02-1389700.

FACTS

1. On or about September 25, 2018, the Board initiated an investigation of Our Lady of Bellefonte Urgent Care, Terminal Distributor of Dangerous Drugs license number 02-1389700, related to Our Lady of Bellefonte Urgent Care’s illegal purchase of dangerous drugs from an entity operating without a valid Board issued license.
2. On or about January 22, 2020 the Board sent a Notice of Opportunity for Hearing to Our Lady of Bellefonte Urgent Care, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Our Lady of Bellefonte Urgent Care neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated January 22, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Our Lady of Bellefonte Urgent Care agrees to pay to the Board a monetary penalty the amount of \$3,000.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Our Lady of Bellefonte Urgent Care agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Our Lady of Bellefonte Urgent Care agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Our Lady of Bellefonte Urgent Care of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Our Lady of Bellefonte Urgent Care by the Board and will NOT discharge Our Lady of Bellefonte Urgent Care from any obligation under the terms of this Agreement.
6. Our Lady of Bellefonte Urgent Care agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

7. Our Lady of Bellefonte Urgent Care understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Our Lady of Bellefonte Urgent Care will operate.
9. Our Lady of Bellefonte Urgent Care waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0470

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
Case No. A-2019-0315**

**Kennitra M. Stripling
Registration No. 09-108510
1496 Balfour Lane
Cincinnati, Ohio 45231**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Kennitra Stripling for the purpose of resolving all issues between the parties relating to the Board investigation of working at Lifeline Pharmacy, located at 3699 Symmes Road,

Hamilton, Ohio, without a valid registration as a pharmacy technician. Together, the Board and Kennitra Stripling are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.96 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Sections 4729.90 and 4729.92 of the Ohio Revised Code to perform the duties of a pharmacy technician trainee in the state of Ohio.
2. Kennitra Stripling is a pharmacy technician trainee in the state of Ohio under registration number 09-108510.

FACTS

1. On or about March 12, 2019, the Board initiated an investigation of Kennitra Stripling, pharmacy technician trainee registration number 09-108510, related to Kennitra Stripling’s working as a pharmacy technician at Lifeline Pharmacy without a valid registration as a pharmacy technician.
2. On or about January 29, 2020 the Board sent a Notice of Opportunity for Hearing to Kennitra Stripling which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Kennitra Stripling neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated January 29, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio’s pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Kennitra Stripling agrees to pay to the OSBP the amount of amount of \$25.00. This fine will be attached to your registration record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Kennitra Stripling agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

5. Kennitra Stripling understands that she has the right to be represented by counsel for review and execution of this agreement.
6. Kennitra Stripling agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
7. Kennitra Stripling waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
8. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
9. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
10. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
11. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0471

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

IN THE MATTER OF:

Case No. A-2019-0410

ELIZABETH BOWEN

Registration No. 09-302057

10890 Marquart Road

New Carlisle, OH 45344

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Elizabeth Bowen, for the purpose of resolving all issues between

the parties relating to the theft of controlled substances from the Harding Road Pharmacy, located at 400 West Harding Road, Springfield, OH 45504. Together, the Board and Elizabeth Bowen are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.96 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any registration issued pursuant to Sections 4729.90 of the Ohio Revised Code to perform the duties of a certified pharmacy technician in the State of Ohio.
2. Elizabeth Bowen is an Ohio-registered certified pharmacy technician under suspended registration number 09-302057.

FACTS

1. On or about September 5, 2019, the Board initiated an investigation of Elizabeth Bowen, certified pharmacy technician registration number 09-302057, related to Elizabeth Bowen’s theft of the following controlled substances from the Harding Road Pharmacy:
 - a. August 6, 2019: 1,000 Alprazolam 1 mg tablets;
 - b. August 13, 2019: 200 Alprazolam 2 mg tablets;
 - c. August 14, 2019: 500 Tramadol 50 mg tablets;
 - d. August 19, 2019: 100 Tramadol 50 mg tablets;
 - e. August 20, 2019: 500 Clonazepam 2 mg tablets;
 - f. August 29, 2019: 1,000 Alprazolam 1 mg tablets;
 - g. September 10, 2019: 400 Phentermine 37.5 mg tablets; and
 - h. September 24, 2019: 1,000 Alprazolam 1 mg tablets.
2. On or about September 30, 2019, the Board sent a Summary Suspension/Notice of Opportunity for Hearing to Elizabeth Bowen, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.
3. On or about October 29, 2019, the Board timely received a request for a hearing in this matter.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW WHEREFORE, in consideration of the mutual promises wherein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Elizabeth Bowen neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated September 30, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. **ELIZABETH BOWEN PERMANENTLY AND VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY HER REGISTRATION AS A CERTIFIED PHARMACY TECHNICIAN, REGISTRATION NO. 09-302057, WITH DISCIPLINE PENDING.**
4. **Elizabeth Bowen acknowledges, understands, and agrees that she may never reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code.**
5. Elizabeth Bowen agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Elizabeth Bowen understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Elizabeth Bowen agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license or registration, including to the Board on renewal applications or applications for a new license or registration.
8. Elizabeth Bowen waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and specifically withdraws her request for a hearing in this matter and waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
12. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0472 Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTERS OF:
Case No. A-2020-0186**

**Artisan Surgery Center
License No. 02-2000800**
c/o Manish Gupta, MD
7634 West Central Ave
Toledo, OH 43617

AND

**Artisan Cosmetic Surgery
License No. 02-1554000**
c/o Manish Gupta, MD
1050 Isaac Streets Dive
Suite #136
Oregon, OH 43616

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board), Artisan Surgery Center and Artisan Cosmetic Surgery, for the purpose of resolving all issues between the parties relating to the Board's investigation of owner and Responsible Person, Dr. Manish Gupta, regarding an investigation by the FBI and DEA resulting from allegations that Dr. Gupta corrupted another with drugs, including controlled substances, obtained from his medical practice. Together, the Board, Artisan Surgery Center and Artisan Cosmetic Surgery, are referred to hereinafter as "party" or "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Artisan Surgery Center, located at 7634 West Central Avenue, Toledo, Ohio, is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2000800.

3. Artisan Cosmetic Surgery, located at 1050 Isaac Streets Drive, Suite #136, Oregon, Ohio, is a licensed Terminal Distributor of Dangerous Drugs under license number 02-1554000.

FACTS

1. The Board initiated an investigation of Artisan Surgery Center, Terminal Distributor of Dangerous Drugs license number 02-2000800 and Artisan Cosmetic Surgery, Terminal Distributor of Dangerous Drugs license number 02-1554000, related to Dr. Manish Gupta, owner and Responsible Person, being under investigation by the FBI and DEA regarding allegations that Dr. Gupta corrupted another with drugs, including controlled substances, obtained from his medical practice.
2. On or about March 11, 2020, Manish Gupta signed an agreement with the Board of Pharmacy to allow the Board to remove any non-controlled dangerous drug, as defined in Ohio Revised Code Section 4729.01(F), from Artisan Surgery Center and Artisan Cosmetic Surgery.
3. On or about March 12, 2020, the Medical Board of Ohio accepted Manish Gupta's surrender of Gupta's medical license number 35.076763.
4. Artisan Surgery Center and Artisan Cosmetic Surgery no longer have a Responsible Person or owner of either location that is lawfully allowed to possess the TDDD licenses and/or dangerous drugs at either location.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. **The Board agrees to accept, in lieu of any formal notice of opportunity of hearing, Artisan Surgery Center's permanent and voluntary surrender to the State of Ohio Board of Pharmacy of its Terminal Distributor of Dangerous Drugs license, license number 02-2000800, with discipline pending.**
3. **The Board agrees to accept, in lieu of any formal notice of opportunity of hearing, Artisan Cosmetic Surgery's permanent and voluntary surrender to the State of Ohio Board of Pharmacy of its Terminal Distributor of Dangerous Drugs license, license number 02-1554000, with discipline pending.**

4. **Artisan Surgery Center, Artisan Cosmetic Surgery, and Manish Gupta, agree never to reapply for any license or registration, issued by the State of Ohio Board of Pharmacy pursuant to Chapters 3719., 3796., 4729., or 4752. of the Revised Code.**
5. Artisan Surgery Center and Artisan Cosmetic Surgery agree and acknowledge that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which either currently holds a professional license.
6. Artisan Surgery Center and Artisan Cosmetic Surgery agree to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Artisan Surgery Center and Artisan Cosmetic Surgery understand that each has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Artisan Surgery Center and/or Artisan Cosmetic Surgery will operate.
9. Artisan Surgery Center and Artisan Cosmetic Surgery expressly waives the requirements of Chapter 119. of the Ohio Administrative Code, including each party's right to notice of an opportunity for hearing as set forth in Section 119.07 of the Ohio Revised Code, each party's opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and further, each party waives any right to an appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0473

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
Case No. 2018-1597**

Donna Thomas, R.Ph.

SUSPENDED License No. 03-236776

9463 Ambleside Dr.
Cincinnati, Ohio 45241

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Donna Thomas, for the purpose of resolving all issues between the parties relating to Donna Thomas' failure to comply with terms of her Board Order. Together, the Board and Donna Thomas are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy in the state of Ohio.
2. Donna Thomas is an Ohio-licensed pharmacist under suspended license number 03-236676.

FACTS

1. The Board initiated an investigation of Donna Thomas, pharmacist license number 03-236776, related to Donna Thomas's illicit drug usage.
2. On or about April 19, 2018, the Board sent a Summary Suspension/Notice of Opportunity for Hearing to Donna Thomas, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.
3. On or about May 3, 2018, Donna Thomas, by and through counsel Forest S. Heis, requested a hearing in this matter.
4. On or about June 3, 2019, this administrative matter was heard before the Board, during which Donna Thomas was represented by counsel, Forest S. Heis. On or about June 13, 2019, the Board issued an Order lifting the summary suspension and placing Donna Thomas's license to practice pharmacy on indefinite suspension for no less than 24 months, at which time Donna Thomas could petition the Board for reinstatement upon successful completion of a number of additional terms. During the indefinite suspension, Donna Thomas was required to enter into and adhere to the terms of a contract with a treatment monitor acceptable to the Board for a period of not less than five years. As part of the contract and Board Order terms, Donna Thomas was required to submit to random drug screens at least once each month and the results of each screen must be negative.
5. Donna Thomas violated the terms of the Board's June 13, 2019 Order by terminating her PRO contract and indicating she no longer wished to be a pharmacist.

6. On or about February 27, 2020, the Board issued a Notice of Opportunity for Hearing pertaining to Donna Thomas' failure to comply with her PRO contract and the terms of her Board Order.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW WHEREFORE, in consideration of the mutual promises wherein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. **IN LIEU OF ADDITIONAL ADMINISTRATIVE ACTION, DONNA THOMAS PERMANENTLY AND VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY HER LICENSE TO PRACTICE PHARMACY, LICENSE NO. 03-236676, WITH DISCIPLINE PENDING.**
3. **Donna Thomas agrees to immediately return her license and wall certificate to the Board, if the Board is not already in possession of both.**
4. **Donna Thomas may never reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code.**
5. Donna Thomas agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Donna Thomas understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Donna Thomas agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license.
8. Donna Thomas waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

12. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0474

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE No. A-2019-0436
I-2019-0320-N**

**Lifeline Institutional Pharmacy
License No. 02-1730800
c/o Joseph Wittrock, RPh
3699 Symmes Road
Hamilton, OH 45015**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Lifeline Institutional Pharmacy the purpose of resolving all issues between the parties relating to the Board investigation of employees performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board and violations regarding dangerous drug destruction and record keeping. Together, the Board and Lifeline Institutional Pharmacy are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Lifeline Institutional Pharmacy has a current TDDD license, license number 02-1730800, which lists Joseph Wittrock, RPh as the owner and Responsible Person.

FACTS

1. On or about March 12, 2019, the Board initiated an investigation of Lifeline Institutional Pharmacy, TDDD license number 02-1730800, related to employees performing duties of a pharmacy technician without obtaining and/or maintaining

appropriate registration with the Board and violations regarding dangerous drug destruction and record keeping.

2. On or about December 2, 2019, the Board sent a Notice of Opportunity for Hearing to Lifeline Institutional Pharmacy, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.
3. On or about December 4, 2019, Lifeline Institutional Pharmacy timely requested an administrative hearing, which was subsequently scheduled for July 7, 2020.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Lifeline Institutional Pharmacy neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated December 2, 2019, however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Lifeline Institutional Pharmacy agrees to pay to the Board a monetary penalty the amount of \$5,000.00. This fine will be attached to your license record and must be paid no later than 90 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Lifeline Institutional Pharmacy and Joseph Wittrock, RPh, will submit Lifeline Institutional Pharmacy's Quarterly Audit Report for the first quarter after the date of this Settlement Agreement. The Report must be emailed to legal@pharmacy.ohio.gov no later than 30 days from the date of the Report.
5. Lifeline Institutional Pharmacy agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.

6. Lifeline Institutional Pharmacy agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Lifeline Institutional Pharmacy of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Lifeline Institutional Pharmacy by the Board and will NOT discharge Lifeline Institutional Pharmacy from any obligation under the terms of this Agreement.
7. Lifeline Institutional Pharmacy agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Lifeline Institutional Pharmacy understands that it has the right to be represented by counsel for review and execution of this agreement.
9. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Lifeline Institutional Pharmacy will operate.
10. Lifeline Institutional Pharmacy waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, specifically withdraws its request for a hearing, and waives any right to appeal.
11. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
12. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
13. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
14. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0475

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. A-2019-0437
I-2019-0320-O**

**Joseph Wittrock, RPh
License No. 03-325551
119 Feldman Lane
Wilder, KY 41076**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Joseph Wittrock, for the purpose of resolving all issues between the parties relating to the Board investigation of employees performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board and violations regarding dangerous drug destruction and record keeping. Together, the Board and Lifeline Institutional Pharmacy are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Joseph Wittrock is a licensed pharmacist under license number 03-325551.
3. Joseph Wittrock is the Responsible Person and owner of Lifeline Institutional Pharmacy (Lifeline Pharmacy), located at 3699 Symmes Road, Hamilton, Ohio.

FACTS

1. On or about March 12, 2019, the Board initiated an investigation of Joseph Wittrock, pharmacist license number 03-325551, and Lifeline Institutional Pharmacy, related to Lifeline employees performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board and violations regarding dangerous drug destruction and record keeping.
2. On or about December 2, 2019, the Board sent a Notice of Opportunity for Hearing to Joseph Wittrock, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

3. On or about December 4, 2019, Joseph Wittrock timely requested an administrative hearing, which was subsequently scheduled for July 7, 2020.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Joseph Wittrock neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated December 2, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Joseph Wittrock agrees to pay to the Board a monetary penalty in the amount of \$2,000.00. This fine will be attached to your license record and must be paid no later than 90 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Joseph Wittrock must obtain three hours of approved continuing pharmacy education (0.3 CEUs) which may not also be used for license renewal, every year for the next three years. The first 0.3 CEUs must be completed within 90 days from the effective date of this agreement. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
5. Joseph Wittrock agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Joseph Wittrock understands that he has the right to be represented by counsel for review and execution of this agreement.
7. Joseph Wittrock agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Joseph Wittrock withdraws his request for a hearing, waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.

9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 12. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2020-0476

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
Case No. A-2018-0105**

Stratus Pharmaceuticals Inc.
License No. 01-2234500
c/o Alberto Hoyo
12379 SW 130th Street
Miami, FL 33186

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Stratus Pharmaceuticals, Inc., for the purpose of resolving all issues between the parties relating to the Board investigation of Stratus Pharmaceutical, Inc.'s Alabama discipline and the Consent Decree of Permanent Injunction against Stratus Pharmaceuticals, Inc. in *United States of America v. Stratus Pharmaceuticals, Inc., and Sonar Products, Inc., corporations and Alberto Hoyo, and Juan Carlos Billoch*, Case 1:17-cv-21659. Together, the Board and Stratus Pharmaceuticals, Inc. are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.

2. Stratus Pharmaceuticals, Inc. is a licensed Terminal Distributor of Dangerous Drugs under license number 01-2234500.

FACTS

1. The Board initiated an investigation of Stratus Pharmaceuticals, Inc., Terminal Distributor of Dangerous Drugs license 01-2234500 pertaining to Stratus Pharmaceutical, Inc.'s Alabama discipline and Consent Decree of Permanent Injunction Consent Decree of Permanent Injunction against Stratus Pharmaceuticals, Inc. in *United States of America v. Stratus Pharmaceuticals, Inc., and Sonar Products, Inc., corporations and Alberto Hoyo, and Juan Carlos Billoch*, Case 1:17-cv-21659.
2. On or about May 3, 2019, the Board sent a Notice of Opportunity for Hearing to Stratus Pharmaceuticals, Inc., which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.
3. On or about July 17, 2019, Stratus Pharmaceuticals, Inc. timely submitted a request for a hearing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Stratus Pharmaceuticals, Inc. neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated May 3, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Stratus Pharmaceuticals, Inc. agrees to pay to the Board a monetary penalty the amount of \$12,000.00. The monetary penalty may be paid in two installments of \$6,000, with the final installment being due no later than six months from the effective date of this Agreement. This fine will be attached to your license record; to pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Stratus Pharmaceuticals, Inc. agrees to maintain compliance with the terms and conditions from the Consent Decree of Permanent Injunction entered on June 14, 2017 in *United States of America v. Stratus Pharmaceuticals, Inc., and Sonar Products, Inc., corporations and Alberto Hoyo, and Juan Carlos Billoch*, Case 1:17-cv-21659.

5. Stratus Pharmaceuticals, Inc. agrees to notify the Board within 10 business days of its receipt of any notice of violation of the Consent Decree or any other violation of applicable law or rules. A violation of the Consent Decree or other applicable law or rules will be considered a violation of this Agreement.
6. Stratus Pharmaceuticals, Inc. agrees to send the Board a bi-annual report, starting no less than six months from the effective date of this Agreement and every six months thereafter, file a semi-annual report with the Ohio Board indicating its compliance with the Federal Consent Decree.
7. Stratus Pharmaceuticals, Inc. will supply to the Board unredacted copies of any inspection, report or the like received from the FDA no later than ten business days from receipt. The correspondence or other documentation may be emailed to legal@pharmacy.ohio.gov.
8. Stratus Pharmaceuticals, Inc. agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
9. Stratus Pharmaceuticals, Inc. agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Stratus Pharmaceuticals, Inc. of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Stratus Pharmaceuticals, Inc. by the Board and will NOT discharge Stratus Pharmaceuticals, Inc. from any obligation under the terms of this Agreement.
10. Stratus Pharmaceuticals, Inc. agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
11. Stratus Pharmaceuticals, Inc. understands that it has the right to be represented by counsel for review and execution of this agreement.
12. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Stratus Pharmaceuticals, Inc. will operate.
13. Stratus Pharmaceuticals, Inc. waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
14. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

15. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
16. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
17. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0477

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. A-2019-0100**

**Rehabilitation Care Group
PENDING License No. 02-2817950
c/o Dr. Nino Diullo
610 Northridge Road
Circleville, OH 43113**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Rehabilitation Care Group for the purpose of resolving all issues between the parties relating to the Board investigation of the application for an Office-Based Opioid Treatment Facility Terminal Distributor of Dangerous Drugs license you submitted in October 17, 2017. Together, the Board and Rehabilitation Care Group are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. On or about October 17, 2017, Rehabilitation Care Group applied for an Office-Based Opioid Treatment Facility (OBOT) Terminal Distributor of Dangerous Drugs (TDDD) license.

FACTS

1. On or about November 9, 2019, the Board initiated an investigation of Rehabilitation Care Group, Terminal Distributor of Dangerous Drugs pending license number 02-2817950, related to Rehabilitation Care Group's application not including prior discipline of one of its employees.
2. On or about January 9, 2020, the Board sent a Notice of Opportunity for Hearing to Rehabilitation Care Group, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Rehabilitation Care Group neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated January 9, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Rehabilitation Care Group agrees to pay to the Board a monetary penalty the amount of \$500. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Rehabilitation Care Group agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Rehabilitation Care Group agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the

Code of Federal Regulations. Any violation by Rehabilitation Care Group of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Rehabilitation Care Group by the Board and will NOT discharge Rehabilitation Care Group from any obligation under the terms of this Agreement.

6. Rehabilitation Care Group agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Rehabilitation Care Group understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Rehabilitation Care Group will operate.
9. Rehabilitation Care Group waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0478

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. A-2019-0104**

**Rehabilitation Care Group
PENDING License No. 02-1787950
c/o Dr. Nino Diullo**

2599 Tiller Lane, Suite A
Columbus, OH 43231

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Rehabilitation Care Group for the purpose of resolving all issues between the parties relating to the Board investigation of the application for an Office-Based Opioid Treatment Facility Terminal Distributor of Dangerous Drugs license you submitted in October 17, 2017. Together, the Board and Rehabilitation Care Group are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. On or about October 17, 2017, Rehabilitation Care Group applied for an Office-Based Opioid Treatment Facility (OBOT) Terminal Distributor of Dangerous Drugs (TDDD) license.

FACTS

1. On or about November 9, 2019, the Board initiated an investigation of Rehabilitation Care Group, Terminal Distributor of Dangerous Drugs pending license number 02-1787950, related to Rehabilitation Care Group’s application not including prior discipline of one of its employees.
2. On or about January 9, 2020, the Board sent a Notice of Opportunity for Hearing to Rehabilitation Care Group, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Rehabilitation Care Group neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated January 9, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Rehabilitation Care Group agrees to pay to the Board a monetary penalty the amount of \$500. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Rehabilitation Care Group agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Rehabilitation Care Group agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Rehabilitation Care Group of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Rehabilitation Care Group by the Board and will NOT discharge Rehabilitation Care Group from any obligation under the terms of this Agreement.
6. Rehabilitation Care Group agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Rehabilitation Care Group understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Rehabilitation Care Group will operate.
9. Rehabilitation Care Group waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.

10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0479

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. A-2019-0191
I-2017-1541-E**

**Phillip Broerman, RPh
License No. 03-218165
2589 Cranbrook Drive
Cincinnati, OH 45231**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Phillip Broerman, for the purpose of resolving all issues between the parties relating to the Board investigation of Phillip Broerman and Centerville Long Term Care Pharmacy pharmacists dispensing medications without a valid prescription between on or about July 2016 and April 2017. Together, the Board and Phillip Broerman are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.

2. Phillip Broerman is a licensed pharmacist in the state of Ohio under license number 03-218165.

FACTS

1. On or about March 5, 2018, the Board initiated an investigation of Phillip Broerman, pharmacist license number 03-218165, related to Phillip Broerman and Centerville Long Term Care Pharmacy pharmacists dispensing medications without a valid prescription between on or about July 2016 and April 2017.
2. On or about October 17, 2019, the Board sent a Notice of Opportunity for Hearing to Phillip Broerman, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.
3. On or about November 16, 2019, Phillip Broerman timely requested an administrative hearing, which was subsequently scheduled for March 2, 2020.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Phillip Broerman neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated October 17, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Phillip Broerman must obtain, within six months from the effective date of this Agreement, six hours of approved continuing pharmacy education (0.6 CEUs), which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
4. The Board hereby imposes a written reprimand on Phillip Broerman's license number 03-218165.
5. Phillip Broerman agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

6. Phillip Broerman understands that he has the right to be represented by counsel for review and execution of this agreement.
7. Phillip Broerman agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Phillip Broerman withdraws his request for a hearing, waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
12. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0480

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
Case No. A-2020-0095
I-2019-1325-B**

**Drug Store Pharmacy
License No. 02-0113350
c/o Kimberly Sloan, RPh
2940 Groveport Road
Columbus, Ohio 43207**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Drug Store Pharmacy for the purpose of resolving all issues between the parties relating to the Board investigation of an employee performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board. Together, the Board and Drug Store Pharmacy are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Drug Store Pharmacy, located at 2940 Groveport Road, Columbus, Ohio, has a current TDDD license with the Board under license number 02-0113350, which lists Kimberly Sloan, RPh as the Responsible Person.

FACTS

1. On or about October 17, 2019, the Board initiated an investigation of Drug Store Pharmacy, TDDD license number 02-0113350, related to an employee performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board.
2. On or about March 11, 2020, the Board sent a Notice of Opportunity for Hearing to Drug Store Pharmacy, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Drug Store Pharmacy neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated March 11, 2020, however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio’s pharmacy law as set forth in the Notice, and hereby adjudicates the same.

3. Drug Store Pharmacy agrees to pay to the Board a monetary penalty the amount of \$100.00. This fine will be attached to your license record and must be paid no later than 90 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. The Board hereby imposes a written reprimand on Drug Store Pharmacy's license number 02-0113350.
5. Drug Store Pharmacy agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
6. Drug Store Pharmacy agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Drug Store Pharmacy of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Drug Store Pharmacy by the Board and will NOT discharge Drug Store Pharmacy from any obligation under the terms of this Agreement.
7. Drug Store Pharmacy agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Drug Store Pharmacy understands that it has the right to be represented by counsel for review and execution of this agreement.
9. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Drug Store Pharmacy will operate.
10. Drug Store Pharmacy waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, specifically withdraws its request for a hearing, and waives any right to appeal.
11. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

12. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
13. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
14. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0481

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
Case No. A-2020-0094
I-2019-1325-A**

**Melyssa M. Wells
Registration No. 09-110738
5203 State Route 38 NE
Bloomington, Ohio 43106**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Melyssa Wells for the purpose of resolving all issues between the parties relating to the Board investigation of working at Drug Store Pharmacy, located at 294 Groveport Road, Columbus, Ohio, without a valid registration as a pharmacy technician. Together, the Board and Melyssa Wells are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.96 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Sections 4729.90 and 4729.92 of the Ohio Revised Code to perform the duties of a pharmacy technician trainee in the state of Ohio.
2. Melyssa Wells is a pharmacy technician trainee in the state of Ohio under registration number 09-110738.

FACTS

1. On or about October 17, 2019, the Board initiated an investigation of Melyssa Wells, pharmacy technician trainee registration number 09-110738, related to Melyssa Wells's working as a pharmacy technician at Drug Store Pharmacy without a valid registration as a pharmacy technician.
2. On or about March 11, 2020 the Board sent a Notice of Opportunity for Hearing to Melyssa Wells which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Melyssa Wells neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated March 11, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. The Board hereby imposes a written reprimand on Melyssa Wells' registration number 09-110738.
4. Melyssa Wells agrees to pay to the OSBP the amount of amount of \$100.00. This fine will be attached to your registration record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
5. Melyssa Wells agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Melyssa Wells understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Melyssa Wells agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Melyssa Wells waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.

9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
12. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0482

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
Case No. A-2020-0095
I-2019-1325-C**

**Kimberly Sloan, RPh
License No. 03-323893
5636 Hollie Street
Lancaster, Ohio 43130**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Kimberly Sloan, for the purpose of resolving all issues between the parties relating to the Board investigation of an employee performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board. Together, the Board and Kimberly Sloan are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.

2. Kimberly Sloan is a licensed pharmacist in the state of Ohio under license number 03-323893.
3. Kimberly Sloan is listed as the Responsible Person of Drug Store Pharmacy, located at 294 Groveport Road, Columbus, Ohio.

FACTS

1. On or about October 17, 2019, the Board initiated an investigation of Kimberly Sloan, pharmacist license number 03-323893, and Drug Store Pharmacy, related to a Drug Store Pharmacy employee performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board.
2. On or about March 9, 2020 the Board sent a Notice of Opportunity for Hearing to Kimberly Sloan, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Kimberly Sloan neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated March 9, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. The Board hereby imposes a written reprimand on Kimberly Sloan's license number 03-323893.
4. Kimberly Sloan agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
5. Kimberly Sloan understands that she has the right to be represented by counsel for review and execution of this agreement.
6. Kimberly Sloan agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he

currently holds a professional license, including to the Board on renewal applications or applications for a new license.

7. Kimberly Sloan waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
8. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
9. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
10. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
11. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0483

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. A-2019-0202
I-2017-1541-D**

**Harold Neal, RPh
License No. 03-311733
6952 Township Line Rd.
Waynesville, OH 45068**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Harold Neal, for the purpose of resolving all issues between the parties relating to the Board investigation of Harold Neal and Centerville Long Term Care Pharmacy pharmacists dispensing medications without a valid prescription between on or about July 2016 and April 2017. Together, the Board and Harold Neal are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Harold Neal is a licensed pharmacist in the state of Ohio under license number 03-311733.

FACTS

1. On or about March 5, 2018, the Board initiated an investigation of Harold Neal, pharmacist license number 03-311733, related to Harold Neal and Centerville Long Term Care Pharmacy pharmacists dispensing medications without a valid prescription between on or about July 2016 and April 2017.
2. On or about October 17, 2019, the Board sent a Notice of Opportunity for Hearing to Harold Neal, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.
3. On or about October 29, 2019, Harold Neal, through counsel, timely requested an administrative hearing, which was subsequently scheduled for March 2, 2020.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Harold Neal neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated October 17, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Harold Neal must obtain, within six months from the effective date of this Agreement, six hours of approved continuing pharmacy education (0.6 CEUs), which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.

4. The Board hereby imposes a written reprimand on Harold Neal's license number 03-311733.
5. Harold Neal agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Harold Neal understands that he has the right to be represented by counsel for review and execution of this agreement.
7. Harold Neal agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Harold Neal withdraws his request for a hearing, waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
12. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0484

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. A-2019-0148
A-2019-0189**

**Centerville Long Term Care Pharmacy
License No. 02-2586600**

c/o Phillip Broerman, RPh
436 Alexandersville Road
Miamisburg, OH 45342

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Centerville Long Term Care Pharmacy for the purpose of resolving all issues between the parties relating to the Board investigation of an error in dispensing occurring on or about November 3, 2017 and Centerville Long Term Care dispensing medications without a valid prescription between on or about July 2016 and April 2017. Together, the Board and Centerville Long Term Care Pharmacy are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Centerville Long Term Care Pharmacy, located at 436 Alexandersville Road, Miamisburg, Ohio, has a current TDDD license with the Board under license number 02-2586600, which lists Phillip Broerman, RPh as the Responsible Person.

FACTS

1. On or about February 5, 2018, the Board initiated an investigation of Centerville Long Term Care Pharmacy, TDDD license number 02-2586600, related to an error in dispensing occurring on or about November 3, 2017. On or about April 14, 2017, the Board initiated an investigation of Centerville Long Term Care Pharmacy related to medications dispensed without a valid prescription between on or about July 2016 and April 2017.
2. On or about October 17, 2019, the Board sent Notice of Opportunity for Hearing letters to Centerville Long Term Care Pharmacy, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.
3. On or about November 7, 2019, Centerville Long Term Pharmacy, through counsel, timely requested an administrative hearing for case numbers A-2019-0189 and A-2019-0148 which were subsequently scheduled for March 2, 2020.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Centerville Long Term Care Pharmacy neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letters dated October 17, 2020, however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notices, and hereby adjudicates the same.
3. Centerville Long Term Care Pharmacy agrees to pay to the Board a monetary penalty the amount of \$10,000.00. This fine will be attached to your license record and must be paid no later than 90 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. The Board will perform a full inspection of Centerville Long Term Care Pharmacy. The results of the inspection must confirm: implementation of updated software capabilities, specifically confirm compliance with positive identification, and confirm full compliance with Ohio's Pharmacy Practice Act as set forth in Chapters 3719. and 4729. of the Ohio Revised Code and related rules.
 - a. If the results of the Board's inspection at Centerville Long Term Care Pharmacy are not satisfactory:
 - i. Centerville Long Term Care Pharmacy's license will be placed on a period of probation for no less than two years; and
 - ii. Centerville Long Term Care Pharmacy's Responsible Person must appear before the Board within three months of the inspection.
5. The Board hereby imposes a written reprimand on Centerville Long Term Care Pharmacy's license number 02-2586600.
6. Centerville Long Term Care Pharmacy agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
7. Centerville Long Term Care Pharmacy agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat.

1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Centerville Long Term Care Pharmacy of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Centerville Long Term Care Pharmacy by the Board and will NOT discharge Centerville Long Term Care Pharmacy from any obligation under the terms of this Agreement.

8. Centerville Long Term Care Pharmacy agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
9. Centerville Long Term Care Pharmacy understands that it has the right to be represented by counsel for review and execution of this agreement.
10. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Centerville Long Term Care Pharmacy will operate.
11. Centerville Long Term Care Pharmacy waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, specifically withdraws its request for a hearing, and waives any right to appeal.
12. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
13. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
14. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
15. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0485

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE No. A-2020-0203**

Karim Maharem, R.Ph.
License No. 03-337948
8816 Cincinnati-Dayton Road
West Chester, Ohio 45069

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Karim Maharem, R.Ph. (Maharem), for the purpose of resolving all issues between the parties relating to the Board investigation of his practice as a pharmacist and illegal processing of drug documents. Together, the Board and Karim Maharem, R.Ph., are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy in the state of Ohio.
2. Karim Maharem is an Ohio-licensed pharmacist under license number 03-337948.

FACTS

1. On or about March 4, 2020, the Board initiated an investigation of Karim Maharem’s practice of pharmacy. Maharem was creating and dispensing fraudulent prescriptions for dangerous drugs (not including controlled substances) to four acquaintances from Egypt.
2. On or about March 16, 2020, the Board sent a Summary Suspension/Notice of Opportunity for Hearing to Karim Maharem, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.
3. On or about March 13, 2020, Karim Maharem, through counsel, timely requested an administrative hearing, which was subsequently scheduled for July 8, 2020.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.

2. Maharem neither admits nor denies the allegations stated in the Summary Suspension/Notice of Opportunity for hearing letter dated March 16, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Maharem's license to practice pharmacy is suspended for one (1) year from the date the Notice of Opportunity of Hearing was mailed, March 16, 2020. The Board credits Maharem's license suspension with 30 days of suspension having been served from the March 16, 2020 date of suspension until April 14, 2020. The remainder of the suspension will be stayed so long as Maharem has no further violations of law.
4. Maharem agrees to pay a fine of \$2,500.00 to the State of Ohio Board of Pharmacy. The fine shall be paid no later than thirty (30) days from the effective date of this Settlement Agreement. You must login to www.elicense.ohio.gov and process the items in your cart to pay this fine.
5. Maharem must obtain, within six months from the effective date of this Agreement, 12 hours of approved continuing pharmacy education (1.2 CEUs), of which, 6 hours (0.6 CEUs) in medication errors and/or patient safety and 6 hours (0.6 CEUs) in law, which cannot be used for license renewal. Copies of completed continuing education courses must be e-mailed to legal@pharmacy.ohio.gov within 30 days of completion.
6. Maharem may not be a Responsible Person without first appearing before the Board; Maharem may petition to become a Responsible Person by sending a request to legal@pharmacy.ohio.gov.
7. Maharem may never fill prescriptions for himself or any family members.
8. Maharem agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
9. Maharem understands that the Board will not consider any request for deviation from the terms and conditions of this Agreement until a minimum of one year has passed from the effective date of this Agreement.
10. Maharem understands that he has the right to be represented by counsel for review and execution of this agreement.
11. Maharem agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the Board on renewal applications or applications for a new license.
12. Maharem waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and specifically withdraws his request for a hearing in this matter waives any right to an appeal.

13. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
14. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
15. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
16. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0486

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. A-2019-0390**

**Jeanne Getter, RPh
License No. 03-124740
2309 Pondview Drive
Kettering, Ohio 45440**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Jeanne Getter, for the purpose of resolving all issues between the parties relating to the Board investigation of Jeanne Getter documenting and billing patients for patient clinical interventions that were not performed. Together, the Board and Jeanne Getter are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Jeanne Getter is a licensed pharmacist in Ohio under license number 03-124740.

FACTS

1. On or about March 25, 2019, the Board initiated an investigation of Jeanne Getter, pharmacist license number 03-124740, related to documenting and billing patients at Kroger Pharmacy for patient clinical interventions that were not performed.
2. On or about October 9, 2019, the Board sent a Notice of Opportunity for Hearing to Jeanne Getter, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.
3. On or about November 5, 2019, Jeanne Getter, through counsel, timely requested an administrative hearing, which was subsequently scheduled for March 3, 2020 and continued to August 4, 2020.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Jeanne Getter neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated October 9, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Jeanne Getter agrees to pay to the Board a monetary penalty in the amount of \$500.00. This fine will be attached to your license record and must be paid no later than 90 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Jeanne Getter must obtain, within 90 days from the effective date of this Agreement, six hours of approved continuing pharmacy education (0.6 CEUs), which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
5. Jeanne Getter agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Jeanne Getter understands that she has the right to be represented by counsel for review and execution of this agreement.

7. Jeanne Getter agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Jeanne Getter withdraws her request for a hearing, waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
12. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0487

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTERS OF:
Case No. A-2020-0213**

**Refill Rx
SUSPENDED License No. 02-2486200
c/o Patrick Acheampong, R.Ph.
3433 Agler Road, Suite 1150
Columbus, OH 43219**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Refill Rx, for the purpose of resolving all issues between the parties relating to the Board's Summary Suspension/Notice of Opportunity for Hearing issued March 16, 2020. Together, the Board and Refill Rx are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Refill Rx is a licensed Terminal Distributor of Dangerous Drugs under suspended license number 02-2486200.

FACTS

1. The Board initiated an investigation of Refill Rx, Terminal Distributor of Dangerous Drugs license number 02-2486200 after an inspection revealed multiple issues, including the dispensing and improper storage of expired drugs and issues with cleanliness and record-keeping.
2. On or about March 16, 2020, the Board sent a Summary Suspension/Notice of Opportunity for Hearing to Refill Rx for license number 02-2486200, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.
3. On or about March 20, 2020, Refill Rx, through the owner and responsible person, Patrick Acheampong, contacted the Board requesting to resolve this matter.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Refill Rx neither admits nor denies the allegations stated in the Summary Suspension/Notice of Opportunity for Hearing letter dated March 16, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy laws as set forth in the Notice, and hereby adjudicates the same.
3. **Refill Rx permanently and voluntarily surrenders to the State of Ohio Board of Pharmacy its Terminal Distributor of Dangerous Drugs license, license number 02-2486200, with discipline pending.**
4. **Refill Rx agrees to dispose of the drug stock that has been placed under seal by the Board on or about March 13, 2020.**
5. **Refill Rx agrees never to reapply for any license issued by the State of Ohio Board of Pharmacy pursuant to Chapters 3719., 3796., 4729., or 4752. of the Revised Code.**

6. Refill Rx agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license.
7. Refill Rx agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Refill Rx understands that it has the right to be represented by counsel for review and execution of this agreement.
9. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Refill Rx will operate.
10. Refill Rx withdraws its request for and waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and further, waives any right to an appeal.
11. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
12. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
13. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
14. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0488

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE No. A-2019-0408
License No. MMD.04048
Account No./Application No. 296-845**

**AFS CULTIVATION, LLC
c/o William Brothers
300 South Abbe Road
Elyria, OH 44035**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

THIS SETTLEMENT AGREEMENT (the “Agreement”) is made and executed by and among AFS Cultivation, LLC and the State of Ohio Board of Pharmacy (“Board”) (individually each a “Party,” and collectively the “Parties”).

WITNESSETH:

WHEREAS, AFS Cultivation, LLC submitted Application ID 845 to obtain a provisional dispensary license located at 603 Cleveland Street, Elyria, OH 44035. Application ID 845 listed William Brothers as owning 100% of the voting shares of AFS Cultivation, LLC, along with a 100% “percent interest” in AFS Cultivation, LLC.

WHEREAS, on or about June 4, 2018, the Board awarded AFS Cultivation, LLC a provisional dispensary license to operate a medical marijuana dispensary at 603 Cleveland Street, Elyria, OH 44035 (hereinafter the “Provisional Dispensary”).

WHEREAS, on May 13, 2019, the Board issued AFS Cultivation, LLC a Subpoena Duces Tecum (the “Subpoena”).

WHEREAS, on June 12, 2019, AFS Cultivation, LLC provided the Board a response to the Subpoena that included the following documents (collectively, the “AFS Cultivation, LLC Agreements”):

- In July 2018, AFS Cultivation, LLC and SH Finance Company, LLC entered into a *Loan and Security Agreement* (Loan Agreement), whereby SH Finance Company, LLC agreed to advance AFS Cultivation, LLC \$2,650,000.
- In July 2018, William Brothers and SH Ohio Holdings, LLC entered into an *Option Agreement*. The Option Agreement included, *inter alia*, the following terms:

1. Option; Consideration. For a period of ten years from the date hereof (“Option Period”), [William Brothers] hereby grants SH Ohio an option (the “Option”) to acquire all of [William Brother’s] membership interest in [AFS Cultivation, LLC] for \$10.

2. Notice of Exercise. Simultaneously with the execution of this Agreement, [William Brothers] is executing and delivering an undated Assignment of the Interests to SH Ohio. In order to exercise the Options, SH Ohio shall provide written notice to [AFS Cultivation, LLC] and [William Brothers] shall date the Assignment. Upon such exercise, [William Brothers] agrees to take all action requested by SH Ohio to evidence its ownership of all of the Membership Interests in [AFS Cultivation, LLC]. [William Brothers] hereby designates and appoints SH Ohio and its duly authorized officers and agents as its agent and attorney in fact to act in its behalf to further the purposes of this Section with the same legal force and effect as if dated, executed and delivered by [William Brothers] and such appointment shall not be effected by death or disability.

* * *

3.6. Operating Agreement. A true and correct copy of [AFS Cultivation LLC's] Operating Agreement (the "Operating Agreement") is attached * * * The Operating Agreement is in full force and effect and has not been amended or modified.

* * *

4.4. Irrevocable Proxy. During the Option Period, [William Brothers] hereby constitutes and appoints Robert Leidy and Alexander Coleman, acting singly, as his proxy to vote on, or consent to, all matters that may be voted on or consented to by members of [AFS Cultivation, LLC]. This proxy is coupled with an interest and is irrevocable during the Option Period.

- Attached to the Option Agreement was a document entitled, "Assignment," which provides, "William Brothers ("Assignor"), pursuant to that certain Option Agreement dated July 27, 2018 by and between Assignor and SH Ohio Holdings, LLC (Assignee"), hereby assigns, transfers and conveys to Assignee all of Assignor's Membership Interests in AFS Cultivation, LLC." The document was signed by William Brothers and dated July 27, 2018.
- In July 2018, William Brothers and SH Ohio Holdings, LLC entered into a *Limited Liability Company Agreement of AFS Cultivation, LLC* (the "Operating Agreement"). The Operating Agreement listed William Brothers as the sole Member of AFS Cultivation, LLC. The Operating Agreement included, *inter alia*, the following terms:

* * *

4.3 Rights of Members. Except as otherwise set forth herein or required by a non-waivable provision of the Act, no Member (in such Member's capacity as Member of the Company) shall:

- (a) Take part in the management or control of [AFS Cultivation LLC's] business or transact any business for [AFS Cultivation, LLC];
- (b) Have the power or authority to act, sign for or to bind [AFS Cultivation, LLC]; or
- (c) Have any right or power to direct the investment of [AFS Cultivation, LLC's] funds or assets.

* * *

4.4 Voting. While the Option is outstanding, [William Brothers] shall not have the right to vote on any matter pursuant to the Act, the Articles of Formation, or this Agreement. To the extent any vote of [William Brothers] is required by law while the Option is outstanding, [William Brothers] hereby grants [SH Ohio Holdings, LLC] an irrevocable proxy to vote all of his Interests. [William Brothers] acknowledges that this proxy is coupled with an interest.

* * *

9.1 Management. The business and affairs of [AFS Cultivation, LLC] shall be managed solely by, or under the direction of, the Board of Managers (the "Board"). Except for situations in which the approval of the Members is required by this Agreement or by non-waivable provisions of applicable law, the Board shall have the authority, power and discretion to manage and control the business, affairs and properties of [AFS Cultivation, LLC] as hereafter described, and, to make all decisions regarding those matters and to perform any and all other acts or activities customary or incident thereto. The Board shall be comprised of three members (the "Managers"): Alexander P. Coleman ("Coleman") , Robert Leidy ("Leidy") and William Brothers ("Brothers"). Subject to any limitations in this Agreement or the authority of the Board, Coleman and Leidy, but not Brothers, shall have the authority to execute agreements on behalf of [AFS Cultivation, LLC]. No person serving as a Manager shall be entitled to compensation for services to [AFS Cultivation, LLC].

* * *

9.3 Vacancies. A vacancy on the Board shall be filled by [SH Ohio]. While the Option is outstanding, [William Brothers] shall have no authority to increase the number of Managers or replace Coleman or Leidy as a Manager. In the event Coleman or Leidy is unable or unwilling to serve as a Manager or resigns such position while the Option is outstanding, [SH Ohio] shall have the right to designate a new Manager.

9.4 Voting. The affirmative vote of two Managers shall be an act of the Board. * * *

WHEREAS, in addition to the AFS Cultivation, LLC Agreements, invoices obtained by the Board related to construction of the AFS Cultivation, LLC facility listed the "Owner" of the

Provisional Dispensary as SH Realty Holdings – Ohio, LLC, 1300 Elizabeth Ave., West Palm Beach FL, 33401; the above-mentioned invoices were paid by SH Therapeutics, LLC, P.O. Box 3492, West Palm Beach, FL 33402.

WHEREAS, AFS Cultivation, LLC failed to notify the Board in writing and provide corrected information within fourteen days following the change of information contained in Application ID 845 or accompanying documents submitted to the Board to obtain a provisional dispensary license.

WHEREAS, on September 27, 2019, the Board issued to AFS Cultivation, LLC a *Notice of Opportunity for Hearing / Proposal to Take Disciplinary Action Against Medical Marijuana Dispensary Provisional License*.

WHEREAS, on October 23, 2019, AFS Cultivation, LLC timely requested an administrative hearing (the “Hearing Request”).

WHEREAS, the Board has authority under 3796.14(B) and Ohio Adm.Code 3796:6-4-03(A) and 3796:6-4-04 for a violation Ohio Adm.Code 3796:6-2-12.

WHEREAS, the Board has determined that the AFS Cultivation, LLC Agreements violate Ohio Adm.Code 3796:6-2-12.

WHEREAS, AFS Cultivation, LLC neither admits nor denies that it has violated any statutes or regulations governing medical marijuana dispensaries.

NOW, THEREFORE, in consideration of the mutual promises and undertakings herein set forth, and intending to be legally bound hereby, the Parties hereto agree as follows:

1. **Preambles**. The foregoing preambles are incorporated herein by reference.
2. **Specific Actions**.
 - a. **AFS Cultivation**.

- i. AFS Cultivation, LLC agrees to relinquish the Provisional Dispensary's provisional dispensary license.
 - ii. AFS Cultivation, LLC agrees to withdraw its Hearing Request with prejudice.
 - iii. AFS Cultivation, LLC agrees to pay the costs of investigation of \$5,000.00 ("Costs of Investigation").
To pay the Costs of Investigation, AFS Cultivation, LLC may (1) remit payment by credit card or debit card via the eLicense portal (www.elicense.ohio.gov) (NOTE: effective 07/01/2019, the State of Ohio Board of Pharmacy no longer accepts ACH (Electronic Checks) or American Express); or (2) remit payment via Certified Check or Cashier's Check to the State of Ohio Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, OH 43215, made payable to "Treasurer State of Ohio." The Costs of Investigation shall be paid on the executed date of this Agreement.
 - iv. AFS Cultivation, LLC agrees not to institute or reinstitute any actions, in any jurisdictions, in any forum, tribunal, court, or administrative proceeding, for claims it now has or holds against the Board relating to, arising from, or concerning the Provisional Dispensary's provisional dispensary license or related to the matters described herein.
- b. **The Board.** The Board agrees not to treat this Agreement, or the matters described herein, as disqualifying AFS Cultivation, LLC, or William Brothers, from submitting any future applications in the State of Ohio for dispensaries should the Board determine to make future application opportunities available to the public.
3. **General Release.** In consideration of the covenants and agreements contained herein, the Parties, for themselves and each of their respective administrators, trustees, accountants, parents, subsidiaries, divisions, affiliates, predecessors, successors, present or former officers, directors, employees, shareholders, owners, attorneys and assigns, hereby fully and forever release, withdraw, remise, quit-claim and fully and forever discharge the other party, and each of their respective heirs, executors, administrators, trustees, accountants, parents, subsidiaries,

divisions, affiliates, predecessors, successors, present or former officers, directors, employees, shareholders, owners, attorneys, and assigns, from any and all claims, demands, damages, accounts, debts, liens, suits, actions, and rights or causes of action of every kind and description, whether known or unknown, suspected or unsuspected, which it now has, or has had, or hereafter can, shall, or may have arising out of or related to the subject of the ownership structure contained in this Agreement. The Parties agree not to pursue litigation in this matter or for any claim related to the ownership structure described herein. This release does not affect the Parties' rights to enforce the terms of this agreement, nor does it affect AFS Cultivation, LLC's ability to institute an administrative or court action, including against the Board of Pharmacy, to prevent the disclosure of its trade secrets or confidential information.

4. **Public Record.** All Parties to this Agreement understand that this document is a public record under R.C. §149.43, and its terms will therefore become part of the minutes of a meeting of the Pharmacy Board.
5. **Costs and Expenses of Administrative and Court Proceedings.** Each party shall be responsible for the costs and expenses it incurred in connection with any hearings or other litigation. It is expressly understood and agreed that the Board will not reimburse AFS Cultivation, LLC its application fees or other expenses incurred in connection with Application ID 845.
6. **Entire Agreement.** This Agreement supersedes any and all agreements by, between and among the Parties, and represents their entire agreement pertaining to the subject matter hereof. There is no agreement or understanding relating to the subject matter hereof, whether express, implied, written or oral, not expressly set forth herein.
7. **Binding Effect.** This Agreement is binding upon and shall inure to the benefit of the Parties hereto and their agents, employees, successors and assigns.

8. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio.
9. **Interpretation.** This Agreement shall be interpreted as though mutually drafted by the Parties hereto and their respective counsel.
10. **Headings.** The headings preceding the paragraphs herein are intended to be for convenience only and shall have no operative force or effect.
11. **Authority.** The Parties hereto represent and warrant to each other that each Party possesses the full requisite authority to enter into this Agreement and that the person signing this Agreement on behalf of each Party is fully and duly authorized to do so.
12. **Execution in Counterparts; Facsimile Signatures.** The Parties acknowledge and agree that this Agreement may be executed (1) in one or more counterparts, which together shall constitute a single, integrated agreement, and (2) by facsimile signatures which shall have the same force and effect as original signatures.

R-2020-0489

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
Case No. A-2019-0053**

**Douglas Birkhimer, R.Ph.
SURRENDERED License No. 03-124341
6048 Carnation Drive
Westerville, Ohio 43081**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Douglas Birkhimer, for the purpose of resolving all issues between the parties relating to Douglas Birkhimer's failure to comply with terms of her Board Order. Together, the Board and Douglas Birkhimer are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy in the state of Ohio.
2. Douglas Birkhimer is an Ohio-licensed pharmacist under suspended license number 03-124341.

FACTS

1. On or about January 31, 2019, the Board sent a Summary Suspension/Notice of Opportunity for Hearing to Douglas Birkhimer, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.
2. On or about February 12, 2019, Douglas Birkhimer, by and through counsel Douglas A. Funkhouser, requested a hearing in this matter.
3. On or about May 7, 2019, this administrative matter was heard before the Board, during which Douglas Birkhimer was represented by counsel, Douglas A. Funkhouser. On or about May 10, 2019, the Board issued an Order lifting the summary suspension and placing Douglas Birkhimer's license to practice pharmacy on indefinite suspension for no less than two (2) years conditioned upon the results of a hair test, which, after an additional hearing, the Board found was positive for a substance for which Douglas Birkhimer did not have a prescription. The Board also found that the prescription(s) provided for the substances actually prescribed to Douglas Birkhimer were illegally dispensed by Douglas Birkhimer both as to form of the medication and due to the fact that it was dispensed at a facility without a valid Terminal Distributor of Dangerous Drugs License.
4. Accordingly, in a July 23, 2019 Order, the Board maintained the indefinite suspension of Douglas Birkhimer's Pharmacist License no. 03-124341 for a minimum of two years, with a number of terms and conditions.
5. On or around December of 2019, Douglas Birkhimer's monitoring agency notified the Board that Douglas Birkhimer had not been compliant with the terms of his contract, was no longer attending meetings and was no longer calling in for random drug testing as required by both the Board's May 10, 2019 and July 23, 2019 Orders.
6. As of the signature date on this document, Douglas Birkhimer acknowledges that he has been noncompliant with the terms of his treatment monitoring contract and his Board Order(s).

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW WHEREFORE, in consideration of the mutual promises wherein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. **IN LIEU OF ADDITIONAL ADMINISTRATIVE ACTION, DOUGLAS BIRKHIMER PERMANENTLY AND VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY HIS LICENSE TO PRACTICE PHARMACY, LICENSE NO. 03-124341, WITH DISCIPLINE PENDING.**
3. **Douglas Birkhimer agrees to immediately return his license and wall certificate to the Board, if the Board is not already in possession of both.**
4. **Douglas Birkhimer may never reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code.**
5. Douglas Birkhimer agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Douglas Birkhimer understands that he has the right to be represented by counsel for review and execution of this agreement.
7. Douglas Birkhimer agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license.
8. Douglas Birkhimer waives his right to formal notice and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
12. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0490

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
Case No. A-2020-0068**

All God's Creatures
SUSPENDED License No. 02-2715050
c/o Jodi Smith, DVM
113 West Wheeling Street
Lancaster, OH 43130

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and All God's Creatures, for the purpose of resolving all issues between the parties relating to the Board investigation of Responsible Person Jodi Smith, DVM's creation of false prescriptions and drug security. Together, the Board and All God's Creatures are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. All God's Creatures is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2715050, which lists Jodi Smith, DVM as the Responsible Person.

FACTS

1. The Board initiated an investigation of All God's Creatures, Terminal Distributor of Dangerous Drugs license number 02-2715050, related to Responsible Person Jodi Smith, DVM's, creation of false prescriptions for hydrocodone syrup.
2. On or about February 5, 2020, the Board sent a Summary Suspension/Notice of Opportunity for Hearing to All God's Creatures for license number 02-2715050, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.
3. On or about February 25, 2020, All God's Creatures timely requested an administrative hearing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.

2. All God's Creatures neither admits nor denies the allegations stated in the Summary Suspension/Notice of Opportunity for Hearing letter dated February 5, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. The Board agrees to lift the Summary Suspension issued to All God's Creatures on February 5, 2020. The Board will reinstate the Terminal Distributor of Dangerous Drugs license upon the signing of this agreement by the Board President.
4. All God's Creatures agrees to pay to the Board a monetary penalty in the amount of \$1,000.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
5. All God's Creatures' Responsible Person, Jodi Smith, DVM, agrees to cease all prescription of controlled substances.
6. The Board agrees to allow All God's Creatures to maintain a Terminal Distributor of Dangerous Drugs License. The license will be a category II Terminal Distributor of Dangerous Drugs License.
7. All God's Creatures and Jodi Smith, DVM agree to restrict the practice such that Trystyn Duck and Joseph Welch may not have access to the business or any drug stock.
8. Jodi Smith, DVM, agrees to continue all counseling and/or treatment and provide releases to the Board.
9. All God's Creatures agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
10. All God's Creatures agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
11. All God's Creatures understands that it has the right to be represented by counsel for review and execution of this agreement.
12. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom All God's Creatures will operate.
13. All God's Creatures waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to appeal.
14. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

15. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 16. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 17. This Agreement shall become effective upon the date of the Board President's signature below.
-

R-2020-0491

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE No. A-2020-0036**

**Mercy Health- Tiffin Occupational Health
License No. 02-2629250
c/o Lindsay Buffington, CNP
437 W. Market Street
Tiffin, Ohio 44883**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Mercy Health- Tiffin Occupational Health (Tiffin Occupational Health) for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchase and possession of dangerous drugs without a valid Board issued license. Together, the Board and Tiffin Occupational Health are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Tiffin Occupational Health is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2629250.

FACTS

1. On or about August 16, 2019, the Board initiated an investigation of Tiffin Occupational Health, Terminal Distributor of Dangerous Drugs license number 02-2629250, related to Tiffin Occupational Health's illegal purchase and possession of dangerous drugs without a valid Board issued license.
2. On or about March 19, 2020 the Board sent a Notice of Opportunity for Hearing to Tiffin Occupational Health, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Tiffin Occupational Health neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated March 19, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Tiffin Occupational Health agrees to pay to the Board a monetary penalty the amount of \$300.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Tiffin Occupational Health agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Tiffin Occupational Health agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Tiffin Occupational Health of the terms of one or more federal or state requirements may constitute sufficient grounds for

further enforcement action related to any licenses granted to Tiffin Occupational Health by the Board and will NOT discharge Tiffin Occupational Health from any obligation under the terms of this Agreement.

6. Tiffin Occupational Health agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 7. Tiffin Occupational Health understands that it has the right to be represented by counsel for review and execution of this agreement.
 8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Tiffin Occupational Health will operate.
 9. Tiffin Occupational Health waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 13. This Agreement shall become effective upon the date of the Board President's signature below.
-

R-2020-0492

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE No. A-2020-0037**

**Mercy Health- Willard Occupational Health
License No. 02-2636700
c/o Pamela Goines, CNP
1509 S. Conwell Avenue
Willard, Ohio 44890**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Mercy Health- Willard Occupational Health (Willard Occupational Health) for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases and possession of dangerous drugs without a valid Board issued license. Together, the Board and Willard Occupational Health are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Willard Occupational Health is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2636700.

FACTS

1. On or about August 16, 2019, the Board initiated an investigation of Willard Occupational Health, Terminal Distributor of Dangerous Drugs license number 02-2636700, related to Willard Occupational Health’s illegal purchases and possession of dangerous drugs without a valid Board issued license.
2. On or about March 19, 2020 the Board sent a Notice of Opportunity for Hearing to Willard Occupational Health, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Willard Occupational Health neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated March 19, 2020; however, the Board

has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.

3. Willard Occupational Health agrees to pay to the Board a monetary penalty the amount of \$300.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Willard Occupational Health agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Willard Occupational Health agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Willard Occupational Health of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Willard Occupational Health by the Board and will NOT discharge Willard Occupational Health from any obligation under the terms of this Agreement.
6. Willard Occupational Health agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Willard Occupational Health understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Willard Occupational Health will operate.
9. Willard Occupational Health waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0493

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE No. M-2019-0165
License No. MMD.04018
Account No./Application No. 205-495**

**GTI Ohio, LLC
c/o Ben Kovler, CEO
18607-18609 Detroit Avenue
Lakewood, OH 44107**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

THIS SETTLEMENT AGREEMENT (the "Agreement") is made and executed by and among GTI Ohio, LLC and the State of Ohio Board of Pharmacy ("Board") (individually each a "Party," and collectively the "Parties") for the purpose of resolving all issues between the parties related to the dispensary operations of GTI Ohio, LLC (MMD.04018).

WITNESSETH:

WHEREAS, pursuant to 3796:6-4-01 of the Ohio Administrative Code (Ohio Adm.Code), the Board shall regulate activities as they relate to the dispensing of medical marijuana and medical marijuana products to registered patients and designated caregivers. The Board shall investigate all activities related to Chapters 2925., 3715., 3719., and 3796. of the Revised Code as they relate to dispensing operations.

WHEREAS, on or about June 4, 2018, the Board awarded GTI Ohio, LLC a provisional dispensary license to operate a medical marijuana dispensary at 18607-18609 Detroit Avenue, Lakewood, OH 44107 (the "Provisional Dispensary").

WHEREAS, On or about November 28, 2018, GTI Ohio, LLC requested a time variance through the date of July 1, 2019 to commence operations. The Board approved the time variance request through April 30, 2019.

WHEREAS, On or about March 27, 2019, GTI Ohio, LLC requested a structural variance for the Provisional Dispensary. The Board approved the structural variance.

WHEREAS, On or about April 29, 2019, GTI Ohio, LLC requested a time variance through the date of October 25, 2019. The Board approved the time variance through the date of May 31, 2019. GTI Ohio, LLC was informed that "provisional licensees that have not received a Certificate of Operation by [May 31, 2019] will be required to make a personal appearance for any further time extensions to be granted."

WHEREAS, On June 5, 2019 and June 6, 2019, GTI Ohio, LLC made a personal appearance for the purpose of obtaining a time extension in which to commence operations. A time extension was granted until September 8, 2019 for GTI Ohio, LLC to be "water tight by extension date." GTI Ohio, LLC explained to the Board, "GTI heard the message loud and clear today that the Company has to be substantially water tight by this deadline...GTI commits that it will meet this deadline with the understanding that there may be some finishing work on the outside of the building to complete in the month of September."

WHEREAS, On or about September 16, 2019, GTI Ohio, LLC requested a time variance through November 30, 2019. The Board approved the time variance.

WHEREAS, No additional time variances have been approved by the Board for the Provisional Dispensary.

WHEREAS, GTI Ohio, LLC was required to have commenced operations by November 30, 2019. GTI Ohio, LLC did not commence operations on or before November 30, 2019 in accordance with Ohio Adm.Code 3796:6-2-04(J). The Board has determined that GTI Ohio, LLC's failure to commence operations by November 30, 2019 constitutes a violation of Ohio Adm.Code 3796:6-2-04(J).

WHEREAS, the Board has authority under 3796.14(B) and Ohio Adm.Code 3796:6-4-03(A) and 3796:6-4-04 for a violation of Ohio Adm.Code 3796:6-2-04.

WHEREAS, GTI Ohio, LLC neither admits nor denies that it has violated any statutes or regulations governing medical marijuana dispensaries.

NOW, THEREFORE, in consideration of the mutual promises and undertakings herein set forth, and intending to be legally bound hereby, the Parties hereto agree as follows:

13. Preambles. The foregoing preambles are incorporated herein by reference.

14. Specific Actions.

- a. The Board hereby issues a reprimand to GTI Ohio, LLC.
- b. GTI, LLC agrees to pay a fine in the amount of fifty thousand dollars (\$50,000.00) for violations of Ohio Adm.Code 3796:6-2-04(J). The fine will be attached to GTI Ohio, LLC's license record forthwith and must be paid in full no later than 30 days from the date of this Agreement. To pay the fine GTI Ohio, LLC may (1) remit payment by credit card or debit card via the eLicense portal (www.elicense.ohio.gov) (NOTE: effective 07/01/2019, the State of Ohio Board of Pharmacy no longer accepts ACH (Electronic Checks) or American Express); or (2) remit payment via Certified Check or Cashier's Check to the State of Ohio Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, OH 43215, made payable to "Treasurer State of Ohio."

- c. The Board agrees that once GTI Ohio, LLC meets all licensure requirements, including but not limited to, payment of the appropriate fees and passing the final inspection(s), the Board will award GTI Ohio, LLC a certificate of operation.

15. Specific Releases.

- a. GTI Ohio, LLC. GTI Ohio, LLC agrees not to institute or reinstitute any actions, in any jurisdictions, in any forum, tribunal, court, or administrative proceeding, for claims it now has or holds against the Board relating to, arising from, or concerning its provisional dispensary license or related to the matters described herein.
- b. The Board. The Board agrees not to treat this Agreement or the facts listed in the preamble as disqualifying GTI Ohio, LLC from submitting any future applications in the State of Ohio for dispensaries should the Board determine to make future application opportunities available to the public and GTI Ohio, LLC meets all licensure requirements.

16. General Release. In consideration of the covenants and agreements contained herein, the Parties, for themselves and each of their respective administrators, trustees, accountants, parents, subsidiaries, divisions, affiliates, predecessors, successors, present or former officers, directors, employees, shareholders, owners, attorneys and assigns, hereby fully and forever release, withdraw, remise, quit-claim and fully and forever discharge the other party, and each of their respective heirs, executors, administrators, trustees, accountants, parents, subsidiaries, divisions, affiliates, predecessors, successors, present or former officers, directors, employees, shareholders, owners, attorneys, and assigns, from any and all claims, demands, damages, accounts, debts, liens, suits, actions, and rights or causes of action of every kind and description, whether known or unknown, suspected or unsuspected, which it now has, or has had, or hereafter

- can, shall, or may have arising out of or related to the subject of the ownership structure contained in this Agreement. The Parties agree not to pursue litigation in this matter or for any claim related to the ownership structure described herein. This release does not affect the Parties' rights to enforce the terms of this agreement, nor does it affect GTI Ohio, LLC's ability to institute an administrative or court action, including against the Board of Pharmacy, to prevent the disclosure of its trade secrets or confidential information.
- 17. Public Record.** All Parties to this Agreement understand that this document is a public record under R.C. §149.43, and its terms will therefore become part of the minutes of a meeting of the Pharmacy Board.
- 18. Costs and Expenses of Administrative and Court Proceedings.** Each party shall be responsible for the costs and expenses it incurred in connection with any hearings or other litigation.
- 19. Chapter 119. Proceedings.** The Parties acknowledge and agree that this Agreement was entered without resort to the administrative procedures set forth in Chapter 119. of the Ohio Revised Code.
- 20. Entire Agreement.** This Agreement supersedes any and all agreements by, between and among the Parties, and represents their entire agreement pertaining to the subject matter hereof. There is no agreement or understanding relating to the subject matter hereof, whether express, implied, written or oral, not expressly set forth herein.
- 21. Binding Effect.** This Agreement is binding upon and shall inure to the benefit of the Parties hereto and their agents, employees, successors and assigns.
- 22. Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio.
- 23. Interpretation.** This Agreement shall be interpreted as though mutually drafted by the Parties hereto and their respective counsel.

- 24. Headings.** The headings preceding the paragraphs herein are intended to be for convenience only and shall have no operative force or effect.
- 25. Authority.** The Parties hereto represent and warrant to each other that each Party possesses the full requisite authority to enter into this Agreement and that the person signing this Agreement on behalf of each Party is fully and duly authorized to do so.
- 26. Execution in Counterparts; Facsimile Signatures.** The Parties acknowledge and agree that this Agreement may be executed (1) in one or more counterparts, which together shall constitute a single, integrated agreement, and (2) by facsimile signatures which shall have the same force and effect as original signatures.

R-2020-0494

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. A-2019-0224**

**Resident Care Pharmacy
License No. 02-2597450
(Previously Known As: The Medicine Shoppe LTC Pharmacy)
c/ Bryan Thompson, RPh
823 Scioto St.
Urbana, OH 43078**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Resident Care Pharmacy (formerly known as The Medicine Shoppe LTC, 823 Scioto Street, Urbana, OH 43078) (hereinafter referred to as "Resident Care Pharmacy or "The Medicine Shoppe"), for the purpose of resolving all issues between the parties relating to the Board investigation of the improper dispensing of dangerous drugs between the dates of April 1, 2017 and February 26, 2018. Together, the Board and Resident Care Pharmacy are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Resident Care Pharmacy is a licensed Terminal Distributor of Dangerous Drugs under license number 02-259740. Resident Care Pharmacy was previously known as The Medicine Shoppe #1202.

FACTS

1. On or about August 28, 2018, the Board initiated an investigation of The Medicine Shoppe, Terminal Distributor of Dangerous Drugs license number 02-259740, related to The Medicine Shoppe's improper dispensing of dangerous drugs between the dates of April 1, 2017 and February 26, 2018.
2. On or about November 26, 2019, the Board sent a Notice of Opportunity for Hearing to The Medicine Shoppe, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing. The Notice of Opportunity for Hearing listed the Respondent as "The Medicine Shoppe #1202" with a business address listed as "821 Scioto Street, Urbana, OH 43078" and license number as "02-2597450." The parties agree the entity involved in the allegations contained in the Notice of Opportunity for Hearing, and the entity that is the subject to this Settlement Agreement, is "The Medicine Shoppe LTC" with a business address as "823 Scioto Street, Urbana, OH 43078" and license number "02-2597450."

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Resident Care Pharmacy neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated November 26, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.

3. Resident Care Pharmacy agrees to pay to the Board a monetary penalty the amount of \$5,000.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Resident Care Pharmacy agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Resident Care Pharmacy agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Resident Care Pharmacy of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Resident Care Pharmacy by the Board and will NOT discharge Resident Care Pharmacy from any obligation under the terms of this Agreement.
6. Resident Care Pharmacy agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Resident Care Pharmacy understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Resident Care Pharmacy will operate.
9. Resident Care Pharmacy waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0495

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE No. A-2019-0016**

**Lisette Ryan, R.Ph.
License No. 03-326722
3146 East State Route 296
Urbana, OH 43078**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Lisette Ryan, R.Ph. for the purpose of resolving all issues between the parties relating to the Board investigation of improper dispensing of dangerous drugs between the dates of April 1, 2017 and February 26, 2018 at The Medicine Shoppe LTC, 823 Scioto Street, Urbana, OH 43078. Together, the Board and Lisette Ryan are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice in the state of Ohio.
2. Lisette Ryan, R.Ph. is an Ohio-licensed pharmacist under license number 03-326722.

FACTS

1. On or about August 28, 2018, the Board initiated an investigation of Lisette Ryan, pharmacist license number 03-326722, related to improper dispensing of dangerous drugs occurring at The Medicine Shoppe LTC, 823 Scioto Street, Urbana, OH 43078 between the dates of April 1, 2017 and February 26, 2018.
2. On or about November 26, 2019, the Board sent a Notice of Opportunity for Hearing to Lisette Ryan, which outlined the allegations and provided notice of her right to a

hearing, her rights in such hearing, and her right to submit contentions in writing. The Notice of Opportunity for Hearing listed the pharmacy where the allegations occurred as "The Medicine Shoppe #1202" with a business address listed as "821 Scioto Street, Urbana, OH 43078." The parties agree the entity involved in the allegations contained in the Notice of Opportunity for Hearing is "The Medicine Shoppe LTC" with a business address as "823 Scioto Street, Urbana, OH 43078."

3. On or about December 19, 2019, Lisette Ryan timely requested an administrative hearing, which was subsequently scheduled for July 6, 2020.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Lisette Ryan neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated November 26, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Lisette Ryan agrees to pay to the OSBP the amount of amount of \$500.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Lisette Ryan must obtain, within 90 days from the effective date of this Agreement, six hours of approved continuing pharmacy education (0.6 CEUs) in medication errors and/or patient safety, which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
5. Lisette Ryan agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Lisette Ryan understands that she has the right to be represented by counsel for review and execution of this agreement.

7. Lisette Ryan agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Lisette Ryan waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and specifically withdraws her request for a hearing in this matter and waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

R-2020-0496

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE No. A-2019-0222**

Patricia Stevenson, R.Ph.
License No. 03-311882
6800 Morris Road
Springfield, OH 45502

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Patricia Stevenson, R.Ph. for the purpose of resolving all issues between the parties relating to the Board investigation of the supervision and control of dangerous drugs, adequate safeguards, security and control of dangerous drugs, and standards of care of pharmacists at The Medicine Shoppe LTC, 823 Scioto Street, Urbana, OH 43078. Together, the Board and Patricia Stevenson are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice in the state of Ohio.
2. Patricia Stevenson, R.Ph. is an Ohio-licensed pharmacist under license number 03-311882.
3. Resident Pharmacy Care (formerly known as The Medicine Shoppe LTC, 823 Scioto Street, Urbana, OH 43078) has a current TDDD license with the Board under license number 02-2597450, which listed Patricia Stevenson, R.Ph. as the Responsible Person between the dates of May 1, 2016 and February 8, 2019.

FACTS

1. On or about August 28, 2018, the Board initiated an investigation of Responsible Person Patricia Stevenson, pharmacist license number 03-311882, related to the improper dispensing of dangerous drugs and the supervision and control of dangerous drugs, adequate safeguards, security and control of dangerous drugs, and standards of care of pharmacists at The Medicine Shoppe LTC, 823 Scioto Street, Urbana, OH 43078 between the dates of April 1, 2017 and February 26, 2018.
4. On or about November 26, 2019, the Board sent a Notice of Opportunity for Hearing to Patricia Stevenson, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. The Notice of Opportunity for Hearing listed the pharmacy where the allegations occurred as "The Medicine Shoppe #1202" with a business address listed as "821 Scioto Street, Urbana, OH 43078" and license number as "02-2597450." The parties agree the entity involved in the allegations contained in the Notice of Opportunity for Hearing is "The Medicine Shoppe LTC" with a business address as "823 Scioto Street, Urbana, OH 43078" and license number "02-2597450."
2. On or about December 19, 2019, Patricia Stevenson timely requested an administrative hearing, which was subsequently scheduled for July 6, 2020.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Patricia Stevenson neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated November 26, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Patricia Stevenson agrees to pay to the OSBP the amount of amount of \$500.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Patricia Stevenson must obtain, within 90 days from the effective date of this Agreement, six hours of approved continuing pharmacy education (0.6 CEUs) in medication errors and/or patient safety, which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
5. Patricia Stevenson agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Patricia Stevenson understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Patricia Stevenson agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Patricia Stevenson waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and specifically withdraws her request for a hearing in this matter and waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
12. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0497

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. M-2019-0004**

**Harvest of Ohio LLC
Account No./Application Nos. 350-890, 350-923, 350-934
c/o Ariane Kirkpatrick, President
627 South 48th Street
Tempe, Arizona 85281**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

THIS SETTLEMENT AGREEMENT (the "Agreement") is made and executed by and among, Harvest of Ohio LLC ("Harvest of Ohio"), and the State of Ohio Board of Pharmacy ("Board") (individually each a "Party," and collectively the "Parties").

WITNESSETH:

WHEREAS, Harvest of Ohio submitted Application ID 890 to obtain a provisional dispensary license at 711 West Union Street, Athens, OH 45701; Application ID 923 to obtain a provisional dispensary license at 2950 North High Street, Columbus, OH 43202; and Application ID 934 to obtain a provisional dispensary license at 4370 Tonawanda Trail, Beavercreek, OH 45430 ("the Applications").

WHEREAS, The Applications listed Ariane Kirkpatrick as a member of an "economically disadvantaged group," as defined in R.C. 3796.10(C), with 51% ownership; Steven White as a

“Non-Minority,” with 44% ownership, and Thomas Chinn as a “Non-Minority,” with 5% ownership of Harvest of Ohio LLC. Ariane Kirkpatrick is a member of an “economically disadvantaged group” and a resident of Ohio as required by R.C. 3796.10(C).

WHEREAS, on or about June 4, 2018, the Board awarded Harvest provisional dispensary licenses at the following addresses: 4370 Tonawanda Trail, Beavercreek, OH 45430 (“Beavercreek location”), 711 West Union Street, Athens, OH 45701 (“Athens location”), and 2950 North High Street, Columbus, OH 43202 (“Columbus location”) as an “economically disadvantage group” as required by R.C. 3796.10(C).

WHEREAS, on November 20, 2017, Ariane Kirkpatrick and Steve White entered into an *Operating Agreement of Harvest of Ohio LLC* (“Operating Agreement”) setting forth the terms and conditions governing the operation and management of Harvest of Ohio LLC.

WHEREAS, on June 7, 2019, the Board issued to Harvest of Ohio Notices of Opportunity for Hearing for the Beavercreek location, Athens location, and Columbus location, Case Number M-2019-0004 (the “Notices”).

WHEREAS, on or about July 10, 2019, Harvest of Ohio filed an action in the Franklin County Court of Common Pleas, Case Number 19-CV-5550 against the Board (“Franklin County case”), and obtained a temporary restraining order and preliminary injunction prohibiting the Board from public dissemination of paragraphs (5) through (14) of the “Allegations” section and the entire “Potential Violations of Law” section contained within the Notices.

WHEREAS, at all times referenced herein, Harvest of Ohio had not received a certificate of operation for the Beavercreek location, Athens location, and Columbus location.

WHEREAS, the Board has determined that the Operating Agreement, other information received by the Board, and the Board’s observations of the day-to-day operations of Harvest of Ohio after being awarded provisional dispensary licenses for the Beavercreek location, Athens

location, and Columbus location, violate R.C. 3796.10(C) and Ohio Adm.Code 3796:6-2-04(J)(1), as interpreted by the Board.

WHEREAS, Harvest of Ohio has submitted to the Board the following agreements governing the operation and management of Harvest of Ohio with all three agreements to become effective as of the effective date of this Agreement: *Amended and Restated Operating Agreement of Harvest of Ohio LLC; Secured Promissory Note; and License Agreement.*

WHEREAS, Harvest of Ohio neither admits nor denies that it has violated any statutes or regulations governing medical marijuana dispensaries, including R.C. 3796.10(C).

NOW, THEREFORE, in consideration of the mutual promises and undertakings herein set forth, and intending to be legally bound hereby, the Parties hereto agree as follows:

1. **Preambles**. The foregoing preambles are incorporated herein by reference.
2. **Specific Actions**.
 - a. The Board hereby issues a reprimand to Harvest of Ohio.
 - b. Harvest of Ohio voluntarily agrees to make a monetary donation in the amount of \$500,000.00 to the Ohio Automated Rx Reporting System (“OARRS”) established pursuant R.C. 4729.75 and specifically for the drug database fund of R.C. 4729.83(B), (the “Drug Database Donation”). The first payment of the Drug Database Donation shall be made six (6) months after all Certificates of Operation are obtained for the Athens location, Beavercreek location and Columbus location. The Drug Database Donation shall be paid-in-full eighteen (18) months after the first payment is made.
 - c. Ariane Kirkpatrick shall remain at all times the “Majority Member” and “Managing Member” of Harvest of Ohio as described in the *Amended and Restated Operating Agreement of Harvest of Ohio LLC* and Harvest of Ohio will not be eligible to apply for a change of ownership until it satisfies all of the following conditions:

- i. Harvest of Ohio's Beavercreek location, Athens location, and Columbus location, have each held a certificate of operation for a period of eighteen (18) months; and
- ii. The Drug Database Donation has been paid-in-full.
- d. Upon execution of this Agreement, Harvest of Ohio shall:
 - i. Dismiss with prejudice the Franklin County Case; and
 - ii. Withdraw all requests for hearing *In the Matter of Licensee: Harvest of Ohio LLC*, the State of Ohio Board of Pharmacy, Case Number M-2019-0004.
- iii. Harvest of Ohio will submit any necessary variances for Board review.
- e. Upon execution of this Agreement, the Board shall:
 - i. After Board approval of all variances described in Section (2)(d)(iii) for single location, schedule final inspections within fourteen (14) days in accordance with Ohio Adm.Code 3796:6-2-06 for that location; and
 - ii. Award a certificate of operation to Harvest of Ohio for the Beavercreek location, Athens location, and Columbus location within two (2) business days after each respective location passes a final inspection and, excepting all matters settled herein, meets all other licensure requirements such as payment of the appropriate fees.

3. Specific Releases.

- a. Harvest of Ohio. In consideration for the covenants, releases, and agreements made by the Board pursuant to this Agreement, Harvest of Ohio agrees not to institute or reinstitute any actions against the Board, in any jurisdictions, in any forum, tribunal, court, or administrative proceeding, for any form of relief against the Board relating to, arising from, or concerning the matters described herein. This release does not affect Harvest of Ohio's rights to enforce the terms of this Agreement.
- b. The Board.

- i. After the terms of this Agreement are fulfilled, the Board agrees that neither this Agreement, nor the underlying facts thereof, will adversely impact Harvest of Ohio, Steve White, and/or Ariane Kirkpatrick regarding (a) any eventual request by Harvest of Ohio to transfer its dispensary licenses to a third party; (b) any request by Ariane Kirkpatrick and/or Steve White to transfer all or some of their membership interest, including but not limited to transferring a controlling interest, in Harvest of Ohio, between themselves and/or to a third-party; (c) any future applications by Harvest of Ohio for additional medical marijuana dispensary licenses in the State of Ohio; and, (d) any future applications by any entity for new or additional medical marijuana licenses in which Ariane Kirkpatrick or Steve White are owners, officers or employees.
 - ii. The Board agrees it will not amend the Notices to assert that Harvest of Ohio is ineligible to receive a provisional dispensary license and/or certificate of operation due to R.C. 3796.10(C) having been held unconstitutional by a court of competent jurisdiction in the State of Ohio.
4. **General Release.** In consideration of the covenants and agreements contained herein, the Parties, for themselves and each of their respective administrators, trustees, accountants, parents, subsidiaries, divisions, affiliates, predecessors, successors, present or former officers, directors, employees, shareholders, owners, members, attorneys and assigns, hereby fully and forever release, withdraw, remise, quit-claim and fully and forever discharge the other party, and each of their respective heirs, executors, administrators, trustees, accountants, parents, subsidiaries, divisions, affiliates, predecessors, successors, present or former officers, directors, employees, shareholders, owners, members, attorneys, and assigns, from any and all claims, demands, damages, accounts, debts, liens, suits, actions, and rights or causes of action of every kind and description, whether known or unknown, suspected or unsuspected, which it now has, or has had, or hereafter can, shall, or may have arising out of or related to the subject matter of this Agreement. The Parties agree not to pursue litigation in this matter or for any released claim

- related to matters described herein. This release does not affect the Parties' rights to enforce the terms of this Agreement.
5. **Public Record**. All Parties to this Agreement understand that this document is a public record under R.C. §149.43, and its terms will therefore become part of the minutes of a meeting of the Pharmacy Board.
 6. **Costs and Expenses of Administrative and Court Proceedings**. Each party shall be responsible for the costs and expenses it incurred in connection with any hearings or other litigation.
 7. **Entire Agreement**. This Agreement supersedes any and all agreements by, between and among the Parties, and represents their entire agreement pertaining to the subject matter hereof. There is no agreement or understanding relating to the subject matter hereof, whether express, implied, written or oral, not expressly set forth herein.
 8. **Binding Effect**. This Agreement is binding upon and shall inure to the benefit of the Parties hereto and their members, officers, affiliates, agents, employees, successors and assigns.
 9. **Governing Law**. This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio.
 10. **Interpretation**. This Agreement shall be interpreted as though mutually drafted by the Parties hereto and their respective counsel.
 11. **Headings**. The headings preceding the paragraphs herein are intended to be for convenience only and shall have no operative force or effect.
 12. **Authority**. The Parties hereto represent and warrant to each other that each Party possesses the full requisite authority to enter into this Agreement and that the person signing this Agreement on behalf of each Party is fully and duly authorized to do so.
 13. **Execution in Counterparts; Facsimile Signatures**. The Parties acknowledge and agree that this Agreement may be executed (1) in one or more counterparts, which together shall constitute a

single, integrated agreement, and (2) by facsimile signatures which shall have the same force and effect as original signatures.

R-2020-0498

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. A-2019-0398**

Pacifico National Inc. dba AmEx Pharmacy
License No. 02-1897950
c/o Christina Buhrman, RPh
1515 Elizabeth Street, Suite J
Melbourne, FL 32901

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Pacifico National Inc. dba AmEx Pharmacy (AmEx Pharmacy) for the purpose of resolving all issues between the parties relating to the Board investigation of sterile compounding of dangerous drugs. Together, the Board and AmEx Pharmacy are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. AmEx Pharmacy has a current Terminal Distributor of Dangerous Drugs (TDDD) license, suspended license number 02-1897950, which lists Christina Buhrman, RPh as the Responsible Person.

FACTS

1. On or about July 1, 2019, the Board initiated an investigation of AmEx Pharmacy, TDDD license number 02-1897950, related to the sterile compounding of dangerous drugs.

2. On or about September 18, 2019, the Board sent a Summary Suspension/Notice of Opportunity for Hearing to AmEx Pharmacy, and on or about November 7, 2019, the Board sent an Amended Summary Suspension/Notice of Opportunity for Hearing, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.
3. On or about October 18, 2019, AmEx Pharmacy, through counsel, timely requested an administrative hearing, which was subsequently scheduled for January 6, 2020 and continued to May 4, 2020.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. AmEx Pharmacy neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated November 7, 2019, however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. AmEx Pharmacy agrees to pay to the Board a monetary penalty the amount of \$5,500.00. This fine will be attached to your license record and must be paid no later than 90 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. The Board hereby lifts the summary suspension of AmEx Pharmacy's license 02-1897950 and places it on a period of probation for a period of two years from the effective date of this Agreement.
5. AmEx Pharmacy agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
6. AmEx Pharmacy agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the

“Federal Food, Drug, and Cosmetic Act,” 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by AmEx Pharmacy of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to AmEx Pharmacy by the Board and will NOT discharge AmEx Pharmacy from any obligation under the terms of this Agreement.

7. AmEx Pharmacy agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. AmEx Pharmacy understands that it has the right to be represented by counsel for review and execution of this agreement.
9. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom AmEx Pharmacy will operate.
10. AmEx Pharmacy waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, specifically withdraws its request for a hearing, and waives any right to appeal.
11. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
12. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
13. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
14. This Agreement shall become effective upon the date of the Board President’s signature below.

R-2020-0499

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. A-2019-0353**

Judy St. Mary

License No. 03-223384
10313 Roachtton Road
Perrysburg, OH 43551

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Judy St. Mary, for the purpose of resolving all issues between the parties relating to the Board investigation of St. Luke's Hospital Main Campus Pharmacy (St. Luke's Pharmacy) compounding practices in violation of USP 797, Chapter 4729 of the Ohio Revised Code (ORC), and Chapter 4729-16 of the Ohio Administrative Code (OAC). Together, the Board and Judy St. Mary are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to division (A)(1) of Section 4729.16 of the Ohio Revised Code (ORC), the Board may impose any one or more of the following sanctions on a pharmacist or pharmacy intern if the board finds the individual engaged in any of the conduct set forth in division (A)(2) of ORC 4729.16:
 - a. Revoke, suspend, restrict, limit, or refuse to grant or renew a license, ORC 4729.16(A)(1)(a); and/or
 - b. Reprimand or place the license holder on probation, ORC 4729.16(A)(1)(b); and/or
 - c. Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or in the case of a violation of a section of the Revised Code that does not bear a penalty, impose a monetary penalty or forfeiture of not more than \$500, ORC 4729.16(A)(1)(c).
2. Pursuant to paragraph (B)(1) of Rule 4729:1-4-01 of the Ohio Administrative Code (OAC) (effective May 1, 2018) the Board may impose any one or more of the following sanctions on a pharmacist or applicant for a pharmacist license if the board finds the individual engaged in any of the conduct set forth in paragraph (B)(2) of OAC 4729:1-4-01:
 - a. Revoke, suspend, restrict, limit, or refuse to grant or renew a license, OAC 4729:1-4-01(B)(1)(a); and/or
 - b. Reprimand or place the license holder on probation, OAC 4729:1-4-01(B)(1)(b); and/or
 - c. Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or in the case of a violation of a section of the Revised Code that does not bear a penalty, impose a monetary penalty or forfeiture of not more than \$500, ORC 4729:1-4-01(B)(1)(c).
3. Judy St. Mary is a licensed pharmacist in the state of Ohio under license number 03-223384.

4. St. Luke's Hospital is a Licensed TDDD under License No. 02-0030550, which lists the Responsible Person as Judy St. Mary.

FACTS

1. On or about August 1, 2018, the Board initiated an investigation of St. Luke's Pharmacy, Terminal Distributor of Dangerous Drugs (TDDD) license number 02-0030550, related to St. Luke's Pharmacy's compounding practices in violation of USP 797, ORC 4729, and OAC 4729-16.
2. On or about August 14, 2019, the Board sent a Notice of Opportunity for Hearing to St. Luke's Pharmacy's Responsible Person, Judy St. Mary, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Judy St. Mary neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 14, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Judy St. Mary agrees to pay to the Board a monetary penalty in the amount of \$500.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Settlement Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Judy St. Mary must obtain, within 90 days from the effective date of this Agreement, six hours of approved continuing pharmacy education (0.6 CEUs) on the topic of sterile compounding, which may not be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
5. Judy St. Mary agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Judy St. Mary understands that she has the right to be represented by counsel for review and execution of this agreement.

7. Judy St. Mary agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
 8. Judy St. Mary waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 12. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2020-0500

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
Case No. A-2020-0008
I-2020-0010-B**

**Pamela Hatmaker
Pending Registration No. APP-000292637
652 W. Plane St.
Bethel, OH 45106**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Pamela Hatmaker for the purpose of resolving all issues between the parties relating to the Board investigation of working at Benzer 6 OH d.b.a. Benzer Pharmacy, located at 155 N. Point Drive, Orab, Ohio, without a valid registration as a pharmacy technician. Together, the Board and Pamela Hatmaker are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.96 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Sections 4729.90 and 4729.92 of the Ohio Revised Code to perform the duties of a pharmacy technician trainee in the state of Ohio.

2. Pamela Hatmaker, pharmacy technician trainee, registration number 09-109915, submitted an application for registration as a certified pharmacy technician in the state of Ohio under application number APP-000292637, on or about August 30, 3019.

FACTS

1. On or about September 17, 2019, the Board initiated an investigation of Pamela Hatmaker, certified pharmacy technician application number APP-000292637, related to Pamela Hatmaker's working as a pharmacy technician at Benzer Pharmacy without a valid registration as a pharmacy technician.
2. On or about April 6, 2020 the Board sent a Notice of Opportunity for Hearing to Pamela Hatmaker which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Pamela Hatmaker neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated April 6, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Pamela Hatmaker agrees to pay to the OSBP the amount of amount of \$25.00. This fine will be attached to your registration record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Pamela Hatmaker agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
5. Pamela Hatmaker understands that she has the right to be represented by counsel for review and execution of this agreement.
6. Pamela Hatmaker agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.

7. Pamela Hatmaker waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 8. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 9. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 10. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 11. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2020-0501 Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. A-2019-0203
I-2017-1541-C**

**Karen Tracy, RPh
License No. 03-316881
2215 Sycamore Hills Drive
Dayton, OH 45459**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Karen Tracy, for the purpose of resolving all issues between the parties relating to the Board investigation of Karen Tracy and Centerville Long Term Care Pharmacy pharmacists dispensing medications without a valid prescription between on or about July 2016 and April 2017. Together, the Board and Karen Tracy are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or

renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.

2. Karen Tracy is a licensed pharmacist in the state of Ohio under license number 03-316881.

FACTS

1. On or about March 5, 2018, the Board initiated an investigation of Karen Tracy, pharmacist license number 03-316881, related to Karen Tracy and Centerville Long Term Care Pharmacy pharmacists dispensing medications without a valid prescription between on or about July 2016 and April 2017.
2. On or about October 17, 2019, the Board sent a Notice of Opportunity for Hearing to Karen Tracy, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.
3. On or about October 29, 2019, Karen Tracy, through counsel, timely requested an administrative hearing, which was subsequently scheduled for March 2, 2020.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Karen Tracy neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated October 17, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Karen Tracy must obtain, within six months from the effective date of this Agreement, six hours of approved continuing pharmacy education (0.6 CEUs), which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
4. The Board hereby imposes a written reprimand on Karen Tracy's license number 03-316881.

5. Karen Tracy agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Karen Tracy understands that he has the right to be represented by counsel for review and execution of this agreement.
7. Karen Tracy agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Karen Tracy withdraws her request for a hearing, waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
12. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0502

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
Case No. A-2019-0087**

**St. Luke's Hospital Main Campus Pharmacy
License No. 02-0030550
c/o Judy St. Mary
5901 Monclova Road
Maumee, OH 43537**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and St. Luke's Hospital Main Campus Pharmacy (St. Luke's Pharmacy), for the purpose of resolving all issues between the parties relating to the Board investigation of St. Luke's Pharmacy's compounding practices in violation of USP 797, Chapter 4729 of the Ohio Revised Code (ORC), and Chapter 4729-16 of the Ohio Administrative Code (OAC). Together, the Board and St. Luke's Pharmacy are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to ORC 4729.57 and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, refuse to grant or renew, reprimand, place on probation any license issued pursuant to ORC 4729.54.
2. Pursuant to ORC 4729.57 and the rules adopted thereunder, the Board has 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 one thousand dollars if the acts committed have not been classified as an offense by the Revised Code on any license issued pursuant to ORC 4729.54.
3. St. Luke's Pharmacy is a licensed Terminal Distributor of Dangerous Drugs under license number 02-0030550.

FACTS

1. On or about August 1, 2018, the Board initiated an investigation of St. Luke's Pharmacy, Terminal Distributor of Dangerous Drugs (TDDD) license number 02-0030550, related to St. Luke's Pharmacy's compounding practices in violation of USP 797, ORC 4729, and OAC 4729-16.
2. On or about August 14, 2019, the Board sent a Notice of Opportunity for Hearing to St. Luke's Pharmacy, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. St. Luke's Pharmacy neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 14, 2019; however, the Board has evidence

sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.

3. St. Luke's Pharmacy agrees to pay to the Board a monetary penalty in the amount of \$5,000.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Settlement Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. St. Luke's Pharmacy TDDD License No. 02-0030550 will be placed on probation for two-years from the effective date of this Agreement. As a condition of its probation, St. Luke's Pharmacy must submit the results of testing required by USP 797 to the Board for review every six months. The test results should include, at a minimum:
 - a. Records of certification or recertification of all classified areas including the primary engineering control(s)(PECs) and secondary engineering controls (SECs).
 - b. Total airborne particle counts in each classified area including the primary engineering control(s)(PECs).
 - c. Viable air sampling to evaluate airborne microorganisms for all classified areas.
 - d. Surface sampling for viable particles of all classified areas including the primary engineering control(s)(PECs).
 - e. Applicable data collected and corrective actions for any out-of-level occurrences, including media-fill test, endotoxin, sterility, etc.
5. St. Luke's Pharmacy agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
6. St. Luke's Pharmacy agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, ORC Chapter 4729. and the rules adopted thereunder, ORC Chapter 3719. and the rules adopted thereunder, ORC Chapter 3715. and the rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by St. Luke's Pharmacy of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to St. Luke's Pharmacy by the Board and will NOT discharge St. Luke's Pharmacy from any obligation under the terms of this Agreement.
7. St. Luke's Pharmacy agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. St. Luke's Pharmacy understands that it has the right to be represented by counsel for review and execution of this agreement.
9. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom St. Luke's Pharmacy will operate.

10. St. Luke's Pharmacy waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to appeal.
 11. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 12. All parties to this Agreement understand that this document is a public record pursuant to ORC 149.43.
 13. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 14. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2020-0503

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
Case No. A-2019-0430
I-2019-0740-A**

**LaGrange Pharmacy
License No. 02-1200350
c/o Nicolas Barakat, RPh
3103 Lagrange Street
Toledo, Ohio 43608**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and LaGrange Pharmacy for the purpose of resolving all issues between the parties relating to the Board investigation of two employees performing pharmacy technician duties without obtaining appropriate registration with the Board. Together, the Board and LaGrange Pharmacy are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.

2. LaGrange Pharmacy, located at 3103 Lagrange Street, Toledo, Ohio, has a current TDDD license with the Board under license number 02-1200350, which lists Nicolas Barakat, RPh as the Responsible Person.

FACTS

1. On or about March 15, 2019, the Board initiated an investigation of LaGrange Pharmacy, TDDD license number 02-1200350, related to employees performing pharmacy technician duties without obtaining appropriate registration with the Board.
2. On or about April 8, 2020, the Board sent a Notice of Opportunity for Hearing to LaGrange Pharmacy, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. LaGrange Pharmacy neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated April 8, 2020, however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. LaGrange Pharmacy agrees to pay to the Board a monetary penalty the amount of \$500.00. This fine will be attached to your license record and must be paid no later than 90 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. LaGrange Pharmacy agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.

5. LaGrange Pharmacy agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by LaGrange Pharmacy of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to LaGrange Pharmacy by the Board and will NOT discharge LaGrange Pharmacy from any obligation under the terms of this Agreement.
 6. LaGrange Pharmacy agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 7. LaGrange Pharmacy understands that it has the right to be represented by counsel for review and execution of this agreement.
 8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom LaGrange Pharmacy will operate.
 9. LaGrange Pharmacy waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, specifically withdraws its request for a hearing, and waives any right to appeal.
 10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 13. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2020-0504

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. A-2020-0303**

Steven S. Grove, R.Ph.
License No. 03-318348
720 Lakeview Plaza
Worthington, OH 43085

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Steven Grove, for the purpose of resolving all issues between the parties relating to the Board investigation of PharMerica's compounding practices in violation of USP 797, Chapter 4729 of the Ohio Revised Code (ORC), and Chapter 4729-16 of the Ohio Administrative Code (OAC). Together, the Board and Steven Grove are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to division (A)(1) of Section 4729.16 of the Ohio Revised Code (ORC), the Board may impose any one or more of the following sanctions on a pharmacist or pharmacy intern if the board finds the individual engaged in any of the conduct set forth in division (A)(2) of ORC 4729.16:
 - a. Revoke, suspend, restrict, limit, or refuse to grant or renew a license, ORC 4729.16(A)(1)(a); and/or
 - b. Reprimand or place the license holder on probation, ORC 4729.16(A)(1)(b); and/or
 - c. Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or in the case of a violation of a section of the Revised Code that does not bear a penalty, impose a monetary penalty or forfeiture of not more than \$500, ORC 4729.16(A)(1)(c).
2. Pursuant to paragraph (B)(1) of Rule 4729:1-4-01 of the Ohio Administrative Code (OAC) (effective May 1, 2018) the Board may impose any one or more of the following sanctions on a pharmacist or applicant for a pharmacist license if the board finds the individual engaged in any of the conduct set forth in paragraph (B)(2) of OAC 4729:1-4-01:
 - a. Revoke, suspend, restrict, limit, or refuse to grant or renew a license, OAC 4729:1-4-01(B)(1)(a); and/or
 - b. Reprimand or place the license holder on probation, OAC 4729:1-4-01(B)(1)(b); and/or
 - c. Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or in the case of a violation of a section

of the Revised Code that does not bear a penalty, impose a monetary penalty or forfeiture of not more than \$500, ORC 4729:1-4-01(B)(1)(c).

3. Steven Grove is a licensed pharmacist in the state of Ohio under license number 03-318348.
4. PharMerica is licensed by the Board as a Terminal Distributor of Dangerous Drugs (TDDD), License No. 02-1508850, which lists Steve Grove as the Responsible Person.

FACTS

1. On or about September 5, 2018, the Board initiated an investigation of PharMerica, Terminal Distributor of Dangerous Drugs (TDDD) license number 02-1508850, related to PharMerica's compounding practices in violation of USP 797, ORC 4729, and OAC 4729-16.
2. On or about April 27, 2020, the Board sent a Notice of Opportunity for Hearing to PharMerica's Responsible Person, Steven Grove, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Steven Grove neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated April 27, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Steven Grove agrees to pay to the Board a monetary penalty in the amount of \$500.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Settlement Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Steven Grove must obtain, within 90 days from the effective date of this Agreement, six hours of approved continuing pharmacy education (0.6 CEUs) on the topic of sterile compounding, which may not be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
5. Steven Grove agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

6. Steven Grove understands that he has the right to be represented by counsel for review and execution of this agreement.
 7. Steven Grove agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the Board on renewal applications or applications for a new license.
 8. Steven Grove waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 12. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2020-0505

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE No. A-2019-0088**

PharMerica
License No. 02-1508850
c/o Steven Grove
720 Lakeview Plaza Blvd., Suite H
Worthington, OH 43085

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and PharMerica, for the purpose of resolving all issues between the parties relating to the Board investigation of PharMerica's compounding practices in violation of USP 797, Chapter 4729 of the Ohio Revised Code (ORC), and Chapter 4729-16 of the Ohio Administrative Code (OAC). Together, the Board and PharMerica are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to ORC 4729.57 and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, refuse to grant or renew, reprimand, place on probation any license issued pursuant to ORC 4729.54.
2. Pursuant to ORC 4729.57 and the rules adopted thereunder, the Board has 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 one thousand dollars if the acts committed have not been classified as an offense by the Revised Code on any license issued pursuant to ORC 4729.54.
3. PharMerica is a licensed Terminal Distributor of Dangerous Drugs under license number 02-1508850.

FACTS

1. On or about September 5, 2018, the Board initiated an investigation of PharMerica, Terminal Distributor of Dangerous Drugs (TDDD) license number 02-1508850, related to PharMerica's compounding practices in violation of USP 797, ORC 4729, and OAC 4729-16.
2. On or about April 27, 2020, the Board sent a Notice of Opportunity for Hearing to PharMerica, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. PharMerica neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated April 27, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. PharMerica agrees to pay to the Board a monetary penalty in the amount of \$5,000.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Settlement Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. PharMerica TDDD License No. 02-1508850 will be placed on probation for two-years from the effective date of this Agreement. As a condition of its probation, PharMerica must submit the

results of testing required by USP 797 to the Board for review every six months. The test results should include, at a minimum:

- a. Records of certification or recertification of all classified areas including the primary engineering control(s)(PECs) and secondary engineering controls (SECs).
 - b. Total airborne particle counts in each classified area including the primary engineering control(s)(PECs).
 - c. Viable air sampling to evaluate airborne microorganisms for all classified areas.
 - d. Surface sampling for viable particles of all classified areas including the primary engineering control(s)(PECs).
 - e. Applicable data collected and corrective actions for any out-of-level occurrences, including media-fill test, endotoxin, sterility, etc.
5. PharMerica agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
 6. PharMerica agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, ORC Chapter 4729. and the rules adopted thereunder, ORC Chapter 3719. and the rules adopted thereunder, ORC Chapter 3715. and the rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by PharMerica of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to PharMerica by the Board and will NOT discharge PharMerica from any obligation under the terms of this Agreement.
 7. PharMerica agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 8. PharMerica understands that it has the right to be represented by counsel for review and execution of this agreement.
 9. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom PharMerica will operate.
 10. PharMerica waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to appeal.
 11. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 12. All parties to this Agreement understand that this document is a public record pursuant to ORC 149.43.
 13. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

14. This Agreement shall become effective upon the date of the Board President's signature below.

9:08 a.m. The Board was joined by Assistant Attorney General Henry Appel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. In the Matter of **Ali Alsolihi, Toledo, Ohio.**

R-2020-0506 Ms. Rudell moved that the Board recess in order to consider the quasi-judicial matters in accordance with Chapter 119. of the Revised Code and the case precedent of Angerman v. State Medical Bd. (1990) 70 Ohio App.3d 346 and TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al. (1998) 81 Ohio St.3d 58. The motion was seconded by Ms. Yarosh and a roll-call vote was conducted by President Wilt as follows: Cox-yes; Marchal-yes; Miller-yes; Newlon-yes; Rudell-yes; Weaver-yes; Yarosh-yes.

11:24 a.m. The recess ended and the hearing was opened to the public.

R-2020-0507 After votes were taken in public session, the Board adopted the following orders in the matter **Ali Alsolihi, Toledo, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number A-2019-0524)

In The Matter Of:

Ali Alsolihi
2515 W. Bancroft Street
Apt. PHW
Toledo, Ohio 43607
Pharmacy Intern License No. 06-0001834

INTRODUCTION

The Matter of Ali Alsolihi came for hearing on May 5, 2020, before the following members of the State of Ohio Board of Pharmacy (Board): Shawn C. Wilt, RPh, Presiding; Joshua M. Cox, RPh; Megan E. Marchal, RPh; Donald R. Miller, RPh; Richard J. Newlon, Public Member; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh and Kilee S. Yarosh, RPh.

Ali Alsolihi was represented by Brandon Smith. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCEState's Witnesses:

1. Ali Alsolihi

Respondent's Witnesses:

1. Ali Alsolihi

State's Exhibits:

1. Notice Letter
2. Request for Hearing
3. Hearing Notice
4. Application
5. Statement of Respondent
6. Attachments to Application
7. Police Report (Attached to Application) (***filed under seal**)
8. Police Report (***filed under seal**)
9. Discipline from Michigan
10. Discipline from Maine

Respondent's Exhibits:

- A. Letters of Support
- B1. Explanation Submitted with Application (Criminal)
- B2. Documents Submitted with Application (Criminal)
- C. Docket Showing Release from Probation
- D1. Explanation Submitted with Application (Disciplinary)
- D2. Documents Submitted with Application (Disciplinary)

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:

1. On Ali Alsolihi's application submitted on or about July 31, 2019, he answered "Yes" to the question inquiring whether you have any other record of arrest (not related to drug charges), charges, or have a conviction of a felony, misdemeanor or traffic violation (even if dismissed or sealed or the equivalent thereof in another jurisdiction).
 - a. On or about February 28, 2017, Ali Alsolihi was charged with criminal sexual conduct (fourth degree), a felony offense, in violation of MCL 750.520e, in the Third Judicial Circuit

Court, Wayne County, Michigan. On or about October 30, 2017, he plead guilty to assault and battery in violation of MCL 750.81, a misdemeanor offense, in the Third Judicial Circuit Court, Wayne County, Michigan. Ali Alsolihi was sentenced to 93 days jail, two-years' probation, Sex Offender Counseling, court costs and ordered to have no contact with the victim. *State of Michigan vs. Ali Salah Alsolihi*, Case No. 17-006535-01.

2. On or about May 17, 2018, the Michigan Department of Licensing and Regulatory Affairs Bureau of Professional Licensing, Board of Pharmacy, Disciplinary Subcommittee (LARA) filed a complaint against Ali Alsolihi's registration as a pharmacy technician, License No. 53-03-019305, in the state of Michigan, as a result of the October 30, 2017 criminal conviction. On or about October 10, 2018 Ali Alsolihi signed a Consent Order with LARA. The Order imposed discipline against his registration as a pharmacy technician. He was placed on probation, ordered to complete additional professional education, and pay a \$250.00 fine. File No. 53-18-1499924.
3. On or about April 8, 2019, Ali Alsolihi submitted an application for initial licensure as a pharmacy intern to the State of Maine Board of Pharmacy. On or about May 9, 2019, he signed a Consent Agreement with the Board agreeing to conditional licensure. The terms of the agreement include, in part, a period of probation, to end upon graduating pharmacy school, and disclosure of the executed Consent Agreement to all current and future employers and/or locations that he will be learning or engaged in the practice of pharmacy. *In re: Ali Alsolihi*, 2019-PHA-15659.
4. On or about October 29, 2019, Ali Alsolihi was interviewed by an agent of the Board. When asked about the criminal conviction, he stated he did not intend to assault her (the victim). He was in a very bad place at the time and his brain was clouded. He assaulted her with the wrong intentions, and he is not sure what came over him. Ali Alsolihi believes that his (Sex Offender) treatment was beneficial and has positively influenced his behavior.

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of Section 4729.08(B) of the ORC, not of good moral character and habits.
2. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of April 8, 2018:
 - a. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter 3715.75 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, ORC 4729.16(A)(2)(e); and
 - b. Engaged in any conduct for which the board may imposed discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.16(A)(2)(l).
3. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of each of the following divisions of Rule 4729:1-4-01(B)(2) of the OAC as effective May 1, 2018:

- a. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapter 4729. of the Revised Code, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925., 3796., 3719. or 4752. of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729:1-4-01(B)(2)(e); and
- b. Violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations..., OAC Rule 4729:1-4-01(B)(2)(m); and
- c. Committed an act involving moral turpitude that constitutes a misdemeanor or felony in this state, regardless of the jurisdiction in which the act was committed, OAC Rule 4729:1-4-01(B)(2)(l).

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy grants Ali Alsolihi conditional approval to practice pharmacy as an intern in Ohio, Pharmacy Intern License No. 06-0001834. The conditional approval is effective as of May 5, 2020 and is subject to the following conditions:

1. Ali Alsolihi must submit to a fitness for duty examination. The examination must meet the following conditions:
 - a. The examination must be conducted by a Board-approved psychologist or psychiatrist; and
 - b. The results of the examination must indicate Ali Alsolihi is safe to practice pharmacy; and
 - c. A copy of the results of the examination must be submitted to the Board no later than 60 days after the date of this Order. The results of the examination may be e-mailed to legal@pharmacy.ohio.gov.
2. Upon receipt and review of the fitness for duty examination results:
 - a. If the results indicate Ali Alsolihi is safe to practice pharmacy, the Board will convert Ali Alsolihi's conditional approval to practice pharmacy as an intern into an active license, on probation.
 - b. If the results yield questionable results regarding Ali Alsolihi's ability to safely practice pharmacy Ali Alsolihi's conditional approval to practice pharmacy as an intern will be immediately revoked.

Ali Alsolihi's license to practice pharmacy as an intern in Ohio is subject to a period of probation for five years beginning on the effective date of this Order, with the remainder of the probationary period, upon successful application, transferring to Ali Alsolihi's pharmacist license. Probationary terms include the following conditions:

1. Ali Alsolihi must appear before the Board's Probation Committee upon request.
2. The State of Ohio Board of Pharmacy hereby declares that Ali Alsolihi's pharmacist intern license is not in good standing and, if converted to a pharmacist license, Ali Alsolihi's pharmacist license is not in good standing for the duration of the probation term, and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to Division 4729:2 of the Ohio Administrative Code.
3. If converted to a pharmacist license, Ali Alsolihi may not serve as a responsible pharmacist for the duration of the probationary term.
4. Ali Alsolihi must not violate the drug laws of Ohio, any other state, or the federal government.
5. Ali Alsolihi must abide by the rules of the State of Ohio Board of Pharmacy.
6. Ali Alsolihi must comply with the terms of this Order.
7. Ali Alsolihi's intern and/or pharmacist license is deemed not in good standing until successful completion of the probationary period.
8. Any violation of probation or this Board's Order may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code, including and up to revocation of Ali Alsolihi's license.

Ali Alsolihi must be petition the Board to demonstrate he has successfully met all terms of probation in order to receive approval to take the North American Pharmacist Licensure Examination (NAPLEX) and the Multistate Pharmacy Jurisprudence Exam (MPJE), or an equivalent examination(s) approved by the Board.

Further, the Board hereby grants the State's Motion to Seal the Record in this matter including, but not limited to, all confidential patient health information contained in the record, specifically State's exhibits: 7 and 8.

Fred M. Weaver moved for Findings of Fact; Donald R. Miller seconded the motion. Motion passed (Aye-7/Nay-0). (Joshua M. Cox, RPh-Aye; Megan E. Marchal, RPh-Aye; Donald R. Miller, RPh-Aye; Richard J. Newlon, Public Member-Aye; Jennifer M. Rudell, RPh-Aye; Fred M. Weaver, RPh-Aye, and Kilee S. Yarosh, RPh-Aye).

Fred M. Weaver moved for Conclusions of Law; Kilee S. Yarosh seconded the motion. Motion passed (Aye-7/Nay-0). (Joshua M. Cox, RPh-Aye; Megan E. Marchal, RPh-Aye; Donald R. Miller, RPh-Aye; Richard J. Newlon, Public Member-Aye; Jennifer M. Rudell, RPh-Aye; Fred M. Weaver, RPh-Aye, and Kilee S. Yarosh, RPh-Aye).

Joshua M. Cox moved for Action of the Board; Richard J. Newlon seconded the motion. Motion passed (Aye-7/Nay-0). (Joshua M. Cox, RPh-Aye; Megan E. Marchal, RPh-Aye; Donald R. Miller, RPh-Aye; Richard J. Newlon, Public Member-Aye; Jennifer M. Rudell, RPh-Aye; Fred M. Weaver, RPh-Aye, and Kilee S. Yarosh, RPh-Aye).

SO ORDERED.

11:27 a.m. The Board was joined by Assistant Attorney General Henry Appel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. In the Matter of **David Duff, Knoxville, TN.**

R-2020-0508 Ms. Rudell moved that the Board recess in order to consider the quasi-judicial matters in accordance with Chapter 119. of the Revised Code and the case precedent of Angerman v. State Medical Bd. (1990) 70 Ohio App.3d 346 and TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al. (1998) 81 Ohio St.3d 58. The motion was seconded by Ms. Yarosh and a roll-call vote was conducted by President Wilt as follows: Cox-yes; Marchal-yes; Miller-yes; Newlon-yes; Rudell-yes; Weaver-yes; Yarosh-yes.

1:06 p.m. The recess ended and the hearing was opened to the public.

R-2020-0509 After votes were taken in public session, the Board adopted the following orders in the matter **David Duff, Knoxville, TN.**

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number A-2019-0529)

In The Matter Of:

David Duff
7200 Settlers Path Lane
Knoxville, TN 37920-9614
License No. 06-015032

INTRODUCTION

The Matter of David Duff came for hearing on May 5, 2020, before the following members of the State of Ohio Board of Pharmacy (Board): Shawn C. Wilt, RPh, *Presiding*; Joshua M. Cox, RPh; Megan E. Marchal, RPh; Donald R. Miller, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh and Kilee S. Yarosh, RPh.

David Duff was not represented by counsel. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCEState's Witnesses:

1. David Duff- Respondent

Respondent's Witnesses:

1. David Duff- Respondent

State's Exhibits:

1. Notice Letter
2. Request for Hearing
3. Scheduling Order
4. Statement of Kamcza
5. Statement of Kaun
6. Statement of Bailey
7. Statement of Russell Smith
8. Statement of Monecca Smith
9. Statement of Cappelletty
10. Statement of Sonchawanich
11. Statement of Jordan
12. License Renewal 2019
13. Court Records of Maumee OVI
14. Court Records of Sandusky OVI
15. Court Records of Sylvania Trespass
16. University of Toledo Document (***filed under seal**)
17. Records from Mercy Health (***filed under seal**)
18. Paperwork from Cornerstone (***filed under seal**)
19. PRO contract
20. PRO drug tests

Respondent's Exhibits:

- A. Record of Meeting Attendance (March and April 2020)
- B. Record of Meeting Attendance (January, February and March 2020)
- C. COVID-19 Daily Log Sheet
- D. Cornerstone Recovery Letter

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:

1. On or about October 17, 2019, David Duff arrived for his clinical rotation at the University of Toledo Emergency Department, located at 3000 Arlington Avenue, Toledo, Ohio, two hours before he was scheduled to work. David Duff was observed by multiple hospital staff to have slow and slurred speech, extremely dilated pupils, and sluggish actions and movements. David Duff was having trouble putting thoughts into words and it was reported that he did not appear fit to practice pharmacy at that time. He refused a toxicology screen. He was evaluated in the Emergency Room and subsequently transferred to Mercy St. Charles Hospital.
2. On or about November 2, 2019, while working at CVS, located at 3316 Navarre Avenue, Oregon, Ohio, David Duff was nodding off while standing and appeared exhausted. He was slow to comprehend things and said and did things that did not make sense. David Duff was observed having difficulty operating the register and attempting to calculate the change that was owed to a customer on his phone. A coworker had to intervene when he scooped a handful of quarters out of the register for a customer. David Duff's supervisor advised him to go home but did not allow him to drive due to the state he was in. David Duff spent the remainder of his shift in the breakroom until his supervisor could drive him home at the end of the shift.
3. On or about September 12, 2019, David Duff submitted a License Renewal Application to the Board. David Duff disclosed the following incidents:
 - a. On or about August 18, 2018, David Duff was arrested and charged with Operating a Motor Vehicle while Impaired (OVI), a misdemeanor of the first degree and Reckless Operation of a Motor Vehicle (2nd offense), a misdemeanor of the fourth degree, in Maumee Municipal Court, Maumee, Ohio. On or about November 15, 2018, David Duff pleaded guilty to Reckless Operation of a Motor Vehicle, a misdemeanor of the fourth degree. David Duff was sentenced to 30 days in jail (27 suspended), a \$250 fine plus court costs, 40 hours of community service, one-year probation, a driver interlock device for 60 days, and a one-year license suspension. *State of Ohio vs. David M. Duff*, 18-TRC-05819.
 - b. On or about September 5, 2018, David Duff was charged with Criminal Trespass, a misdemeanor of the fourth degree, in Sylvania Municipal Court, Sylvania, Ohio. On or about January 7, 2019, David Duff entered a diversion program. *State of Ohio vs. David M. Duff*, CRB 1801838.
 - c. On or about June 17, 2019, David Duff was arrested and charged with OVI, a misdemeanor of the first degree, in Sandusky Municipal Court. *State of Ohio vs. David M. Duff*, 19-TRC-2569-A.
4. On or about November 8, 2019, David Duff was interviewed by an agent from the Board. His speech was slow and mumbled and difficult to understand at times. As the interview progressed his answers became less coherent, often contradictory, and lacked focus. David Duff made the following statements:

- a. The incident that occurred at the Emergency Room involved a mental breakdown. He broke down in the middle of his rotation. They wanted him to take a drug test and he completely shut down and said he didn't want anything done to him. He denied being under the influence of drugs or alcohol.
- b. Following the incident in the Emergency Room, he was admitted to Mercy St. Charles Hospital for five days.

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact Section constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of April 8, 2019:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16 Section (A)(2)(b); and
 - b. Is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist or intern unfit to practice pharmacy, ORC Section 4729.16(A)(2)(c).
 - c. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter 3715.75 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, ORC 4729.16(A)(2)(e); and
 - d. Engaged in any conduct for which the board may imposed discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.16(A)(2)(l).
2. Such conduct as set forth in the Findings of Fact Section constitutes a violation of each of the following divisions of Rule 4729:2-4-01 of the OAC as effective May 1, 2018:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, OAC Rule 4729:2-4-01(B)(2)(b); and
 - b. Is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist or intern unfit to practice pharmacy, OAC Rule 4729:1-4-01(B)(2)(c); and
 - c. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapter 4729. of the Revised Code, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925., 3796., 3719. or 4752. of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729:2-4-01(B)(2)(e); and
 - d. Committed an act involving moral turpitude that constitutes a misdemeanor or felony in this state, regardless of the jurisdiction in which the act was committed, OAC Rule 4729:2-4-01(B)(2)(j); and

- e. Violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired vehicle registration, 4729:2-4-01(B)(2)(k).

DECISION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to David Duff on December 12, 2019.

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 suspends indefinitely the intern license no. 06-015032, held by David Duff and such suspension is effective as of the date of the mailing of this Order.

David Duff, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.

Further, after eighteen months from Summary Suspension Order, issued on December 12, 2019, the Board will consider any petition filed by David Duff for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

14. David Duff must maintain a current address with the Board throughout the duration of the suspension.
15. David Duff must enter into and adhere to the terms of a **new** contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment provider or a Board approved treatment monitor for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. Failure to adhere to the terms of the treatment contract will be considered a violation of the Board's Order and subject David Duff to potential sanctions up to and including revocation of license. The contract must provide that:
 - i. Random, observed urine drug screens shall be conducted at least once each month.
 - j. The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - k. Alcohol and Ethyl Glucuronide (ETG) must be added to the standard urine drug screen.
 - l. Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including those

which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.

- m. In the event of a negative diluted screen, a hair sample test must be completed at the cost of the David Duff in a timeframe consistent with the drug lab's recommended policy, but in any event no later than 12 days after the negative diluted screen.
 - n. The intervener/sponsor shall submit reports to the Board, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.
 - o. Attendance is required a minimum of three times per calendar week (Sunday through Saturday) on separate days, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - p. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
16. David Duff shall not refuse an employer provided drug or alcohol screen. If the Board becomes aware of any positive drug or alcohol screen results that were obtained in the course of employment or any mechanism other than via the signed contract with ODMHAS or a Board approved treatment monitor, the Board shall treat these results as a violation of the Board's Order and request David Duff reappear before the Board for possible additional sanctions, including and up to revocation of license.
17. David Duff shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of suspension. The Board shall treat any such refusal as a violation of the Board's Order and request David Duff reappear before the Board for possible additional sanctions, including and up to revocation of license.
18. David Duff must immediately report any violation of the terms of this suspension to the Board by contacting legal@pharmacy.ohio.gov. Failure to self-report any violation shall be treated as a violation of this Board's Order and will subject David Duff to possible additional sanctions, including and up to revocation of license.
19. David Duff must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.
20. David Duff must provide, in the reinstatement petition, documentation of the following:
- d. Compliance with the contract required above (e.g. proof of giving the sample within twelve hours of notification and copies of all drug and alcohol screen reports, meeting attendance records, treatment program reports, etc.);

- e. Compliance with the continuing pharmacy education requirements set forth in Chapter 4729:1-5 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;
 - f. Compliance with the terms of this Order.
21. Any reinstatement shall not occur until such time as any criminal intervention in lieu of conviction has been successfully completed.
22. Violation of any term of suspension, including but not limited to any violation of the contract signed with the ODMHAS or other approved treatment provider may result in additional action before the Board up to and including revocation of David Duff's pharmacy intern license.
23. Any violation of Chapters 2925., 3715., 3719., 4729., of the Ohio Revised Code, any administrative code violation or a violation of any other state or federal law will be considered a violation of this Order resulting in a hearing before the Board and may also result in criminal and/or administrative charges.
24. If David Duff's employment is related to the practice of pharmacy, David Duff must notify employer of the terms of David Duff's suspension and this Board's Order.
25. Failure to complete the terms set forth in this Board's Order, or to petition for reinstatement within five years of the date of this Order, will result in the Board issuing a notice of opportunity for hearing to consider additional disciplinary action, including and up to revocation of David Duff's license.

Further, the Board hereby grants the State's Motion to Seal the Record in this matter including, but not limited to, all confidential patient health information contained in the record, specifically State's exhibits: 16, 17, and 18.

Jennifer M. Rudell moved for Findings of Fact; Megan E. Marchal seconded the motion. Motion passed (Aye-7/Nay-0). (Joshua M. Cox, RPh-Aye; Megan E. Marchal, RPh-Aye; Donald R. Miller, RPh-Aye; Richard J. Newlon, *Public Member-Aye*; Jennifer M. Rudell, RPh-Aye; Fred M. Weaver, RPh-Aye, and Kilee S. Yarosh, RPh-Aye).

Jennifer M. Rudell moved for Conclusions of Law; Joshua M. Cox seconded the motion. Motion passed (Aye-7/Nay-0). (Joshua M. Cox, RPh-Aye; Megan E. Marchal, RPh-Aye; Donald R. Miller, RPh-Aye; Richard J. Newlon, *Public Member-Aye*; Jennifer M. Rudell, RPh-Aye; Fred M. Weaver, RPh-Aye, and Kilee S. Yarosh, RPh-Aye).

Jennifer M. Rudell moved for Action of the Board; Richard J. Newlon seconded the motion. Motion passed (Aye-6/Nay-1). (Joshua M. Cox, RPh-Aye; Megan E. Marchal, RPh-Aye; Donald R. Miller, RPh-Aye; Richard J. Newlon, *Public Member-Aye*; Jennifer M. Rudell, RPh-Aye; Fred M. Weaver, RPh-Aye, and Kilee S. Yarosh, RPh-Nay).

SO ORDERED.

1:10 p.m. The Board Recessed for the Day.

Wednesday, May 6, 2020

9:00 a.m. Acting under the authority Section 12 of amended substitute house bill number 197, effective March 27, 2020, the State of Ohio Board of Pharmacy convened for a public meeting via skype audio/visual conference call, with the following members present:

Shawn C. Wilt, RPh, *Presiding*; Joshua M. Cox, RPh; Megan E. Marchal, RPh; Donald R. Miller, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; and Kilee S. Yarosh, RPh.

Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Blair Cathcart, *Director of Information Services*; Michael Clark, *IT Administrator*; Brenda Cooper, *Executive Assistant*; Paula Economus, *Administrative Assistant*; Chad Garner, *Director of OARRS*; Terri Ghitman, *OARRS Pharmacist*; Ashley Gilbert, *Senior Legal Counsel*; Eric Griffin, *Director of Compliance and Enforcement*; Joseph Koltak, *Senior Legal Counsel*; Kathryn Lewis, *Administrative Assistant*; Sharon Maerten-Moore, *Director of Medical Marijuana Operations*; Cameron McNamee, *Director of Policy and Communication*; Justin Sheridan, *Senior Legal Counsel*; Michelle Siba, *Senior Legal Counsel*; and Jenni Wai, *Chief Pharmacist*.

9:03 a.m. Mr. McNamee presented a guidance document titled *Delay of Drug Distributor Customer Due Diligence Requirements* to the Board for approval.

R-2020-0510 Ms. Rudell moved to approve the guidance document titled *Delay of Drug Distributor Customer Due Diligence Requirements*. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-7, Nay-0. The following guidance document was adopted by the Board:

Delay of Drug Distributor Customer Due Diligence Requirements

Updated 5/26/2020

Delay of Customer Due Diligence Requirements

In order to ensure the continuity of the drug supply chain during the COVID-19 outbreak, the State of Ohio Board of Pharmacy issued the following guidance on drug distributor due diligence requirements pursuant to paragraph (G) of rule [4729:6-3-05](#) of the Administrative Code.

This guidance is being issued in accordance with a Board resolution adopted on May 5, 2020.

So as to not place undue burden on licensees during the COVID-19 outbreak, the annual due diligence requirements are hereby extended until August 31, 2020 (the date was previously extended to June 29, 2020).

IMPORTANT: This guidance does not exempt or delay drug distributors from submitting suspicious order reports and customer reporting as required by paragraphs (E) and (H) of rule [4729:6-3-05](#) of the Administrative Code.

- 9:07 a.m.** Mr. McNamee and Ms. Maerten-Moore presented amendments to the following rules: 3796:7-1-01 – Definitions, 3796:7-2-02 - Procedure for Patient Registration, 3796:7-2-04 - Purchase of Medical Marijuana, 3796:7-3-01 - Medical Marijuana Patient and Caregiver Fee Structure, 3796:8-1-01 – Definitions, 3796:8-2-03 - Forms and Form Variations Considered Attractive to Children, 3796:8-2-04 - Quantity of Medical Marijuana that May be Purchased by a Patient or Caregiver, and 3796:8-2-06 - Portions, Dosing, and Units of Medical Marijuana Sold at a Dispensary.
- R-2020-0511** Ms. Rudell moved that the Board approve revisions to the following rules for filing with CSI and JCARR: 3796:7-1-01 – Definitions, 3796:7-2-02 - Procedure for Patient Registration, 3796:7-2-04 - Purchase of Medical Marijuana, 3796:7-3-01 - Medical Marijuana Patient and Caregiver Fee Structure, 3796:8-1-01 – Definitions, 3796:8-2-03 - Forms and Form Variations Considered Attractive to Children, 3796:8-2-04 - Quantity of Medical Marijuana that May be Purchased by a Patient or Caregiver, and 3796:8-2-06 - Portions, Dosing, and Units of Medical Marijuana Sold at a Dispensary. The motion was seconded by Ms. Rudell and approved by the Board: Aye-7, Nay-0.
- 9:49 a.m.** Pursuant to Section 4729.571 of the Ohio Revised Code, the State of Ohio Board of Pharmacy was joined by Eric Griffin, *Director of Compliance and Enforcement*, for the purpose of whether to consider a summary suspension related to a Medical Marijuana Caregiver and a Pharmacist.
- R-2020-0512** After hearing Mr. Griffin discuss the significant facts regarding the activities of Ann Vannest, Pharmacist, Mr. Cox moved that the Board summarily suspend the Pharmacist License belonging to Ann Vannest (license no. 03-329130) North Canton, Ohio. The motion was seconded by Mr. Weaver and approved by the Board: Aye-7, Nay-0.
- R-2020-0513** After hearing Mr. Griffin discuss the significant facts regarding the activities of Melessia Hughes, Medical Marijuana Caregiver, Mr. Miller moved that the Board summarily suspend the Medical Marijuana Caregiver Registration license belonging to Melessia Hughes (MMJ Caregiver Registration No. 0040-6020-9022-2725-5805) Wapakoneta, Ohio. The motion was seconded by Ms. Marchal and approved by the Board: Aye-7, Nay-0.
- R-2020-0514** Ms. Marchal moved that the March 2-3, 2020 Board Meeting Minutes be approved as written. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-7, Nay-0.
- R-2020-0515** Ms. Marchal moved that the March 6, 2020 Conference Call Minutes be approved as written. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-7, Nay-0.
- R-2020-0516** Ms. Marchal moved that the March 13, 2020 Conference Call Minutes be approved as written. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-7, Nay-0.
- R-2020-0517** Ms. Marchal moved that the March 22, 2020 Emergency Meeting Minutes be approved as written. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-7, Nay-0.

- R-2020-0518** Ms. Marchal moved that the March 24, 2020 Conference Call Minutes be approved as written. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-7, Nay-0.
- R-2020-0519** Ms. Marchal moved that the March 31, 2020 Conference Call Minutes be approved as written. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-7, Nay-0.
- R-2020-0520** Ms. Marchal moved that the April 7, 2020 Conference Call Minutes be approved as written. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-7, Nay-0.
- R-2020-0521** Ms. Marchal moved that the April 10, 2020 Conference Call Minutes be approved as written. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-7, Nay-0.
- R-2020-0522** Ms. Marchal moved that the April 21, 2020 Conference Call Minutes be approved as written. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-7, Nay-0.
- R-2020-0523** Ms. Rudell moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law pursuant to Section 121.22(G)(1), (3) & (5) of the Ohio Revised Code. The motion was seconded by Ms. Yarosh and a roll-call vote was conducted by President Wilt as follows: Cox-yes; Marchal-yes; Miller-yes; Newlon-yes; Rudell-yes; Weaver-yes, and Yarosh-yes.
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- R-2020-0524** After votes were taken in public session, the Board adopted the following order in the matter of **Lewis Croom, Youngstown, Ohio.**
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ORDER OF THE STATE OF OHIO BOARD OF PHARMACY
CONFIRMING IN PART AND APPROVING IN PART
REPORT & RECOMMENDATION OF HEARING EXAMINER
(Case Number A-2019-0520-MME)

IN THE MATTER OF:
Lewis Croom (Respondent)
(License No. MME.05300237)
199 Lowell Avenue
Youngstown, OH 44512

and/or

91 Wick Oval Street
Apartment 1311
Youngstown, OH 44512

INTRODUCTION

In the Matter of: Lewis Croom came for hearing before Hearing Examiner Karl Schedler on February 26, 2020, and for consideration by the State of Ohio Board of Pharmacy (Board) on May

6, 2020 before the following members of the State of Ohio Board of Pharmacy (Board): Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Joshua M. Cox, RPh; Rich D. Miller, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; and Kilee S. Yarosh, RPh.

Respondent appeared *pro se*. The State of Ohio was represented by Henry G. Appel, Assistant Attorney General.

BOARD REVIEW OF THE RECORD

Prior to making its decision, the Board reviewed the entire administrative record in this matter, consisting of the following items:

- 1) Summary Suspension/Notice of Opportunity for Hearing for Case No. A-2019-0520-MME and Identifier Key
- 2) Proof of Service, Summary Suspension/Notice of Opportunity for Hearing for Case No. A-2019-0520-MME
- 3) Request for Hearing
- 4) Acknowledgement of Hearing Request
- 5) Proof of service, Acknowledgement of Hearing Request
- 6) Hearing Examiner Appointment Letter
- 7) Notice of Hearing Date
- 8) Proof of Service, Notice of Hearing Date
- 9) Amended Summary Suspension/Notice of Opportunity for Hearing for Case No. A-2019-0520-MME and Identifier Key
- 10) Hearing Transcript
- 11) The following State of Ohio Exhibits admitted by the Hearing Examiner:
 - Exhibit 01a. Summary Suspension/Notice of Opportunity for Hearing, Dated November 20, 2019
 - Exhibit 02. Request for Hearing, Dated December 6, 2019
 - Exhibit 03. Acknowledgment of Hearing Request/Notice of Hearing Date, Dated December 9, 2019
 - Exhibit 04. Journal Entry Scheduling Hearing, Dated December 30, 2019

Exhibit 05. Receipt, Dated November 17, 2019 – **Admitted Under Seal**

Exhibit 06a. Transcript of Proceedings, *In the Matter of: A.T.*, Case Nos. A-2019-0520-MPT and A-2019-0520-MME, Dated January 15, 2020 – **Admitted Under Seal**

Exhibit 06b. Transcript of Proceedings, *In the Matter of: A.T.*, Case Nos. A-2019-0520-MPT and A-2019-0520-MME, Dated January 15, 2020 – **Admitted Under Seal**

Exhibit 07. Report and Recommendation, *In the Matter of: A.T.*, Case Nos. A-2019-0520-MPT and A-2019-0520-MME, Dated January 31, 2020

Exhibit 09. Amended Summary Suspension/Notice of Opportunity for Hearing, Dated February 19, 2020

Exhibit 10. Identifier Key – **Admitted Under Seal**

Exhibit 11. Written Statement, J.G., Dated November 22, 2019 – **Admitted Under Seal**

Exhibit 12. Receipts – **Admitted Under Seal**

Exhibit 13. Records for Patient #2 – **Admitted Under Seal**

Exhibit 14. Video surveillance of events on November 17, 2019 – **Admitted Under Seal**

12) The following Respondent Exhibits admitted by the Hearing Examiner:

Exhibit A. Medical Records – **Admitted Under Seal**

13) Report and Recommendation, Dated April 13, 2020

DECISION OF THE BOARD

After thorough review of the administrative record, the Board hereby confirms and approves in its entirety Hearing Examiner Schedler's Findings of Fact as detailed in the Report and Recommendation, subject to the following modifications:

The Board modifies Findings of Fact #2 and #3 to correct Respondent's name from "Groom" to "Croom."

The Board modifies Finding of Fact #4 to remove the words, "and that she had delivered to them as agreed." The Board finds that during the interview on November 14, 2019, Lewis Croom told Agent Thomas Williams he did not receive product. See Tr. at 18-19.

The Board modifies Finding of Fact #5 to remove the words, "She gave the patches to Croom in exchange for money on November 14, 2019." The Board finds there is insufficient evidence that Croom was provided the medical marijuana transdermal patches on November 14, 2019. Conversely, the transcript of testimony in State's Exhibits 06a and 06b provides the transdermal

patches were purchased on November 7, 2019 and were provided to Lewis Croom that same day at a Wendy's parking lot. *See, e.g., State's Exhibit 06a at 11-17.*

Additionally, after a thorough review of the administrative record, the Board hereby confirms and approves in its entirety Hearing Examiner Schedler's Conclusions of Law #2, #3, #4, #5, #8, and #9 as detailed in the Report and Recommendation. The Board modifies Conclusion of Law #1 to amend the language, "O.A.C. 3721:6-4-03(A)" to "O.A.C. 3796:6-4-03(A)" to reference the correct Ohio Administrative Code Section.

The Board additionally finds that such conduct as set forth in the Hearing Examiner's Findings of Fact #3, #4, and #5 constitutes a violation of Section 2923.03 of the R.C., Complicity, as alleged in the Summary Suspension/Notice of Opportunity for Hearing as Potential Violation of Law #2.

The Board disapproves and rejects Conclusion of Law #6, because the violation of law was not contained in the Amended Summary Suspension/Notice of Opportunity for Hearing as a Potential Violation of Law and there is insufficient evidence in the administrative record to demonstrate by a preponderance of the evidence that Lewis Croom was a key employee, as opposed to a support employee. Additionally, the Board rejects and disapproves Conclusion of Law #7, because the violation of law was not contained in the Amended Summary Suspension/Notice of Opportunity for Hearing as a Potential Violation of Law and there is insufficient evidence in the administrative record to demonstrate by a preponderance of the evidence that Lewis Croom sold, distributed, transferred, or gave medical marijuana or medical marijuana products to unauthorized persons. Conversely, the administrative record demonstrates Croom provided money to, and received medical marijuana products from, co-worker A.T. *See Tr. at 17-18.* However, Croom did not obtain medical marijuana products and otherwise distribute those products to unauthorized persons.

After a thorough review of the administrative record, the Board confirms and approves Hearing Examiner Schedler's recommendation to permanently revoke the medical marijuana employee license of Lewis Croom, license no. MME.05300237.

Ms. Marchal moved to confirm and approve the Report and Recommendation of Hearing Examiner Schedler, subject to the modifications set forth herein; Mr. Weaver seconded the motion. Motion passed (Aye-7/Nay-0) (Joshua M. Cox, RPh-Aye; Megan E. Marchal, RPh-Aye; Donald R. Miller, RPh-Aye; Richard J. Newlon, *Public Member*-Aye; Jennifer M. Rudell, RPh-Aye; Fred M. Weaver, RPh-Aye, and Kilee S. Yarosh, RPh-Aye).

SO ORDERED.

11:34 a.m.

Ms. Dehner presented information to the Board, consistent with *Goldman v. State Med. Bd., 10th Dist. Franklin (Oct. 20, 1998)*, pertaining to Medical Marijuana Dispensary Applicants who were not viable for approval and had not requested a hearing in the timeframe set forth in chapter 119 of the Ohio Revised Code (ORC).

R-2020-0525

Ms. Yarosh moved to adopt the following Orders pertaining to the above referenced Goldman Medical Marijuana Applicants. The Motion was seconded by Mr. Cox and approved by the

Board: Aye-7, Nay-0.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M894

In the Matter of Applicant:
ROOTED WELLNESS OF MARION, INC.
C/O SHERYL A HAUSHALTER
13670 U.S. HIGHWAY 68
KENTON OH 43326
Account No./Application No.: 9-894
Application District: NORTHWEST-6
Application Dispensary Address: 614 E CENTER ST MARION, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, Public Member. As no hearing has been requested, the Board proceeds under the authority of Goldman v. State Med. Bd. of Ohio, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M319

In the Matter of Applicant:

PURELEAF, LLC

C/O DAVID PATTON

33595 BAINBRIDGE RD #200A

SOLON OH 44139

Account No./Application No.: 16-319

Application District: NORTHEAST-3

Application Dispensary Address: 1025 S BROADWAY AKRON, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M486

In the Matter of Applicant:
THE FOREST LAKEWOOD, LLC
THE FOREST OHIO, LLC
C/O Erik Vaughan
77 MILFORD DRIVE
HUDSON, OH 44236

Account No./Application No.: 26-486

Application District: NORTHEAST-2

Application Dispensary Address: 15408 MADISON AVENUE LAKEWOOD, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M513

In the Matter of Applicant:

PURE OH LLC

C/O ALAN KANE

6314 SCOTLAND ST.

MADISON OH 44057

Account No./Application No.: 49-513

Application District: SOUTHEAST-3

Application Dispensary Address: 4866 N. HAMILTON RD., COLUMBUS, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 8, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M268

In the Matter of Applicant:
SCHOTTENSTEIN APHRIA III LLC
CANNABIS EDUCATION CENTER
C/O TOD H. FRIEDMAN
4300 E. FIFTH AVENUE
COLUMBUS OH 43219

Account No./Application No.: 61-268

Application District: SOUTHEAST-3

Application Dispensary Address: 5986 MAIN STREET COLUMBUS, OH

INTRODUCTION

*A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, Public Member. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).*

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M538

In the Matter of Applicant:
SCHOTTENSTEIN APHRIA III LLC
CANNABIS EDUCATION CENTER
C/O TOD H. FRIEDMAN
4300 E. FIFTH AVENUE
COLUMBUS OH 43219

Account No./Application No.: 61-538

Application District: SOUTHEAST-3

Application Dispensary Address: 1790 MORSE ROAD COLUMBUS, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, Public Member. As no hearing has been requested, the Board proceeds under the authority of Goldman v. State Med. Bd. of Ohio, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M560

In the Matter of Applicant:
SCHOTTENSTEIN APHRIA III LLC
CANNABIS EDUCATION CENTER
C/O TOD H. FRIEDMAN
4300 E. FIFTH AVENUE
COLUMBUS OH 43219

Account No./Application No.: 61-560

Application District: SOUTHEAST-3

Application Dispensary Address: 116-124 E. LONG STREET COLUMBUS, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M105

In the Matter of Applicant:

PURO VERDE, LLC

C/O DANA D. SMOOT

1907 LEONARD AVENUE

COLUMBUS OH 43219

Account No./Application No.: 81-105

Application District: SOUTHEAST-3

Application Dispensary Address: 907 N TWENTY THIRD STREET, COLUMBUS, OH

INTRODUCTION

*A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 8, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, Public Member. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).*

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M257

In the Matter of Applicant:
OHIO GROWN THERAPIES, LLC
C/O CT CORPORATION
4400 EASTON COMMONS WAY, SUITE 125
COLUMBUS OH 43219
Account No./Application No.: 98-257
Application District: SOUTHEAST-3
Application Dispensary Address: 4375 ROBERTS RD COLUMBUS, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, Public Member. As no hearing has been requested, the Board proceeds under the authority of Goldman v. State Med. Bd. of Ohio, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M966

In the Matter of Applicant:
OHIO GROWN THERAPIES, LLC
C/O CT CORPORATION
4400 EASTON COMMONS WAY, SUITE 125
COLUMBUS OH 43219
Account No./Application No.: 98-966
Application District: SOUTHEAST-3
Application Dispensary Address: 4491 KENNY RD COLUMBUS, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M967

In the Matter of Applicant:
OHIO GROWN THERAPIES, LLC
C/O CT CORPORATION
4400 EASTON COMMONS WAY, SUITE 125
COLUMBUS OH 43219
Account No./Application No.: 98-967
Application District: SOUTHWEST-8
Application Dispensary Address: 2840 E MAIN ST SPRINGFIELD, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*.. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M968

In the Matter of Applicant:
OHIO GROWN THERAPIES, LLC
C/O CT CORPORATION
4400 EASTON COMMONS WAY, SUITE 125
COLUMBUS OH 43219
Account No./Application No.: 98-968
Application District: SOUTHEAST-3
Application Dispensary Address: 2765 BRICE ROAD COLUMBUS, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*.. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M356

In the Matter of Applicant:
SANCTUARY MEDICINALS LLC
C/O 1932 SERVICE CORP.
1301 E. 9TH STREET, SUITE 3500
CLEVELAND OH 44114
Account No./Application No.: 147-356
Application District: NORTHEAST-5
Application Dispensary Address: 30133 EUCLID AVENUE WICKLIFFE, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*.. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**
Case No. 2018-M1150

In the Matter of Applicant:
SANCTUARY MEDICINALS LLC
C/O 1932 SERVICE CORP.
1301 E. 9TH STREET, SUITE 3500
CLEVELAND OH 44114
Account No./Application No.: 147-1150
Application District: NORTHEAST-1
Application Dispensary Address: 914 CLEVELAND STREET ELYRIA, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, Public Member.. As no hearing has been requested, the Board proceeds under the authority of Goldman v. State Med. Bd. of Ohio, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M309

In the Matter of Applicant:
PHARMACANN OHIO LLC
C/O COGENCY GLOBAL INC.
3958-D BROWN PARK DR
HILLIARD OH 43026

Account No./Application No.: 223-309

Application District: SOUTHEAST-3

Application Dispensary Address: 3651 S. HAMILTON ROAD/4514 WINCHESTER PIKE COLUMBUS,
OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*.. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**
Case No. 2018-M1142

In the Matter of Applicant:
PHARMACANN OHIO LLC
C/O COGENCY GLOBAL INC.
3958-D BROWN PARK DR
HILLIARD OH 43026
Account No./Application No.: 223-1142
Application District: SOUTHWEST-2
Application Dispensary Address: 100 AMERICAN WAY MONROE, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*.. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M1048

In the Matter of Applicant:

OHIO HEALING HAND LCC

C/O REVAN SHAHARA

3623 E. KRISTAL WAY

PHOENIX, AZ 85050

Account No./Application No.: 224-1048

Application District: SOUTHEAST-3

Application Dispensary Address: 4062 W BROAD ST, COLUMBUS, OH

INTRODUCTION

*A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 8, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, Public Member.. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).*

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M656

In the Matter of Applicant:
OHIO THERAPEUTICS, LLC
C/O NEO GREEN ENTERPRISES LLC
1301 E 9TH ST SUITE 3700
CLEVELAND OH 44114
Account No./Application No.: 238-656
Application District: SOUTHEAST-6
Application Dispensary Address: 544 RICHLAND AVE ATHENS, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*.. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M629

In the Matter of Applicant:

PMM DISP, LLC

C/O ALEX RAKIC

1797 PEARL RD

BRUNSWICK OH 44212

Account No./Application No.: 259-629

Application District: NORTHEAST-6

Application Dispensary Address: 1543 NILES CORTLAND RD NILES, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*.. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M1120

In the Matter of Applicant:

PURPOSE LEAF, LLC

C/O KIMBERLY FARMER

1540 POLARIS PARKWAY

COLUMBUS OH 43240

Account No./Application No.: 293-1120

Application District: SOUTHEAST-3

Application Dispensary Address: 6255 E MAIN STREET, COLUMBUS, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 8, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*.. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M1176

In the Matter of Applicant:

PURPOSE LEAF, LLC

C/O KIMBERLY FARMER

1540 POLARIS PARKWAY

COLUMBUS OH 43240

Account No./Application No.: 293-1176

Application District: SOUTHWEST-8

Application Dispensary Address: 6913 DAYTON-SPRINGFIELD ROAD ENON, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M828

In the Matter of Applicant:
ROOTED WELLNESS OF DAYTON, INC.
ROOTED WELLNESS
C/O SHERLY A HAUSHALTER
13670 U.S. HIGHWAY 68
KENTON OH 43226
Account No./Application No.: 301-828
Application District: SOUTHWEST-4
Application Dispensary Address: 4214 & 4216 LINDEN AVE RIVERSIDE, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, Public Member. As no hearing has been requested, the Board proceeds under the authority of Goldman v. State Med. Bd. of Ohio, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M530

In the Matter of Applicant:

PHARMACANN OHIO LLC

C/O COGENCY GLOBAL INC.

3958-D BROWN PARK DR

HILLIARD OH 43026

Account No./Application No.: 331-530

Application District: SOUTHWEST-8

Application Dispensary Address: 1421 PARKER CT/1411 W NORTH ST SPRINGFIELD, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M531

In the Matter of Applicant:
PHARMACANN OHIO LLC
C/O COGENCY GLOBAL INC.
3958-D BROWN PARK DR
HILLIARD OH 43026

Account No./Application No.: 331-531

Application District: NORTHEAST-4

Application Dispensary Address: PARCEL #617015 ON CHERRY RD AND RTE 21 MASSILLON, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M533

In the Matter of Applicant:
PHARMACANN OHIO LLC
C/O COGENCY GLOBAL INC.
3958-D BROWN PARK DR
HILLIARD OH 43026

Account No./Application No.: 331-533

Application District: SOUTHEAST-3

Application Dispensary Address: BRICE RD., PARCEL NO. 060-005659, REYNOLDSBURG, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 8, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, Public Member. As no hearing has been requested, the Board proceeds under the authority of Goldman v. State Med. Bd. of Ohio, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M1126

In the Matter of Applicant:
OHIO WELLNESS LLC
C/O ANDREW T. CZARZASTY
1215 W. 10TH ST
CLEVELAND OH 44113
Account No./Application No.: 344-1126
Application District: NORTHEAST-5
Application Dispensary Address: 101 E HIGHLAND AVENUE RAVENNA, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M469

In the Matter of Applicant:

OHIO WELLNESS LLC

C/O ANDREW T. CZARZASTY

1215 W. 10TH ST

CLEVELAND OH 44113

Account No./Application No.: 344-469

Application District: NORTHEAST-2

Application Dispensary Address: PPN 543-09-001, VISTA WAY, GARFIELD HEIGHTS, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 8, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M1121

In the Matter of Applicant:
OHIO WELLNESS LLC
C/O ANDREW T. CZARZASTY
1215 W. 10TH ST
CLEVELAND OH 44113
Account No./Application No.: 344-1121
Application District: NORTHEAST-2
Application Dispensary Address: 2418 BROOKPARK ROAD, CLEVELAND, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 8, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M1124

In the Matter of Applicant:
OHIO WELLNESS LLC
C/O ANDREW T. CZARZASTY
1215 W. 10TH ST
CLEVELAND OH 44113
Account No./Application No.: 344-1124
Application District: NORTHEAST-2
Application Dispensary Address: 5851 PEARL ROAD, SUITE 101, PARMA HEIGHTS, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 8, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M1125

In the Matter of Applicant:

OHIO WELLNESS LLC

C/O ANDREW T. CZARZASTY

1215 W. 10TH ST

CLEVELAND OH 44113

Account No./Application No.: 344-1125

Application District: NORTHEAST-2

Application Dispensary Address: 13415 MADISON AVENUE, LAKEWOOD, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 8, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M778

In the Matter of Applicant:
ROOTED WELLNESS OF SPRINGFIELD, INC.
ROOTED WELLNESS
C/O SHERYL A HAUSHALTER
13670 U.S. HIGHWAY 68
KENTON OH 43326
Account No./Application No.: 346-778
Application District: SOUTHWEST-8
Application Dispensary Address: 2963 DERR ROAD SPRINGFIELD, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M137

In the Matter of Applicant:
SERENITY DISPENSARY & WELLNESS CENTER LLC
C/O DEITRA HICKEY
3525 ALBON RD
MAUMEE OH 43537
Account No./Application No.: 371-137
Application District: NORTHWEST-3
Application Dispensary Address: 1685 LANCE POINTE DR MAUMEE, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, Public Member. As no hearing has been requested, the Board proceeds under the authority of Goldman v. State Med. Bd. of Ohio, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M685

In the Matter of Applicant:
ROOTED WELLNESS OF URBANA, INC.
ROOTED WELLNESS
C/O SHERYL A HAUSHALTER
13670 U.S. HIGHWAY 68
KENTON OH 43326
Account No./Application No.: 390-685
Application District: SOUTHWEST-8
Application Dispensary Address: 960 N. MAIN STREET URBANA, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, Public Member. As no hearing has been requested, the Board proceeds under the authority of Goldman v. State Med. Bd. of Ohio, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-724

In the Matter of Applicant:

OMD LLC

C/O ROBERT L. COHEN

1653 MERRIMAN ROAD, SUITE 211

AKRON OH 44313

Account No./Application No.: 415-724

Application District: NORTHEAST-2

Application Dispensary Address: 24800 CHAGRIN BLVD, STE 102, BEACHWOOD, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 8, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M1067

In the Matter of Applicant:
OHIO THERAPEUTICS, LLC
C/O NEO GREEN ENTERPRISES LLC
1301 E 9TH ST SUITE 3700
CLEVELAND OH 44114
Account No./Application No.: 423-1067
Application District: SOUTHEAST-3
Application Dispensary Address: 3949-3951 W. BROAD STREET, COLUMBUS, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 8, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**
Case No. 2018-M1011

In the Matter of Applicant:
QUEST WELLNESS OHIO II LLC
C/O STATUENT
450 W. WILSON BRIDGE RD, STE. 340
WORTHINGTON OH 43085
Account No./Application No.: 450-1011
Application District: NORTHEAST-6
Application Dispensary Address: 2932 YOUNGSTOWN ROAD WARREN, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, Public Member. As no hearing has been requested, the Board proceeds under the authority of Goldman v. State Med. Bd. of Ohio, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M1064

In the Matter of Applicant:
QUEST WELLNESS OHIO II LLC
C/O STATUENT
450 W. WILSON BRIDGE RD, STE. 340
WORTHINGTON OH 43085
Account No./Application No.: 450-1064
Application District: SOUTHWEST-4
Application Dispensary Address: 2800 SALEM AVENUE DAYTON, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 21, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M940

In the Matter of Applicant:
QUEST WELLNESS OHIO II LLC
C/O STATUENT
450 W. WILSON BRIDGE RD, STE. 340
WORTHINGTON OH 43085
Account No./Application No.: 450-940
Application District: SOUTHEAST-3
Application Dispensary Address: 2982 HAYDEN ROAD, COLUMBUS, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 8, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**
Case No. 2018-M1005

In the Matter of Applicant:
QUEST WELLNESS OHIO II LLC
C/O STATUENT
450 W. WILSON BRIDGE RD, STE. 340
WORTHINGTON OH 43085
Account No./Application No.: 450-1005
Application District: NORTHEAST-2
Application Dispensary Address: 13601 EUCLID AVENUE, EAST CLEVELAND, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 8, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M1075

In the Matter of Applicant:
OHIO THERAPEUTICS, LLC
C/O NEO GREEN ENTERPRISES LLC
1301 E 9TH ST SUITE 3700
CLEVELAND OH 44114
Account No./Application No.: 474-1075
Application District: NORTHWEST-6
Application Dispensary Address: 165-167 JAMES WAY DR MARION, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M943

In the Matter of Applicant:

REYNOLDS HOLDINGS, LLC

C/O RONNIE KASSAB

812 S MAIN ST, STE 200

ROYAL OAK OH 48067

Account No./Application No.: 487-943

Application District: NORTHWEST-3

Application Dispensary Address: 2220 NORTH REYNOLDS RD. TOLEDO, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, Public Member. As no hearing has been requested, the Board proceeds under the authority of Goldman v. State Med. Bd. of Ohio, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M949

In the Matter of Applicant:
OHIO RELEAF IV, LLC
C/O SCOT C. CROW, ESQ.
150 EAST GAY STREET, 24TH FLOOR
COLUMBUS OH 43215
Account No./Application No.: 492-949
Application District: NORTHEAST-2
Application Dispensary Address: 754 RICHMOND RD., RICHMOND HEIGHTS, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 8, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M978

In the Matter of Applicant:

SERENITY DISPENSARY LLC

SERENITY DISPENSARY

C/O DR. DEITRA HICKEY

3525 ALBON RD

MAUMEE OH 43537

Account No./Application No.: 503-978

Application District: NORTHWEST-4

Application Dispensary Address: 2701 WOODVILLE RD NORTHWOOD, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, Public Member. As no hearing has been requested, the Board proceeds under the authority of Goldman v. State Med. Bd. of Ohio, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M1014

In the Matter of Applicant:

OHIO PHYTOTHERAPEUTICS LLC

C/O REVAN SHAHARA

3623 E. KRISTAL WAY

PHOENIX, AZ 85050

Account No./Application No.: 507-1014

Application District: SOUTHEAST-6

Application Dispensary Address: 400 E STATE ST ATHENS, OH

INTRODUCTION

A *Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License* (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 21, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M986

In the Matter of Applicant:

OHRE 7 LLC

C/O EIVAN SHAHARA

3623 E. KRISTAL WAY

PHOENIX, AZ 85050

Account No./Application No.: 508-986

Application District: SOUTHEAST-3

Application Dispensary Address: 2233 MORSE AVE, COLUMBUS, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 8, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, Public Member. As no hearing has been requested, the Board proceeds under the authority of Goldman v. State Med. Bd. of Ohio, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M1084

In the Matter of Applicant:

PURA OHIO, LLC

C/O TODD APPELBAUM

190 STANBERY AVE

COLUMBUS OH 43209

Account No./Application No.: 527-1084

Application District: NORTHEAST-6

Application Dispensary Address: 2980 MCCARTNEY ROAD YOUNGSTOWN, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M1087

In the Matter of Applicant:

PURA OHIO, LLC

C/O TODD APPELBAUM

190 STANBERY AVE

COLUMBUS OH 43209

Account No./Application No.: 527-1087

Application District: NORTHEAST-4

Application Dispensary Address: 3504 TUSCARAWAS STREET WEST CANTON, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, Public Member. As no hearing has been requested, the Board proceeds under the authority of Goldman v. State Med. Bd. of Ohio, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M1086

In the Matter of Applicant:

PURA OHIO, LLC

C/O TODD APPELBAUM

191 STANBERY AVE

COLUMBUS OH 43210

Account No./Application No.: 527-1086

Application District: SOUTHEAST-3

Application Dispensary Address: 960 W BROAD STREET, COLUMBUS, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 8, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, Public Member. As no hearing has been requested, the Board proceeds under the authority of Goldman v. State Med. Bd. of Ohio, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M1161

In the Matter of Applicant:
PURE REAL, LLC
C/O BRANDON FAIRLESS
1237 WASHINGTON AVE, UNIT 1001
CLEVELAND, OH 44113
Account No./Application No.: 541-1161
Application District: NORTHEAST-3
Application Dispensary Address: 2851 LINCOLN WAY EAST SUITE B4 MASSILLON, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING RESPONDENT'S APPLICATION FOR
MEDICAL MARIJUANA DISPENSARY LICENSE**

Case No. 2018-M1178

In the Matter of Applicant:
PURE REAL, LLC
C/O BRANDON FAIRLESS
1237 WASHINGTON AVE, UNIT 1001
CLEVELAND, OH 44113
Account No./Application No.: 541-1178
Application District: NORTHEAST-4
Application Dispensary Address: 2912 LINCOLN ST. E. CANTON, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on May 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm. Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

R-2020-0526


Ms. Marchal moved to grant Mr. Wilt the continued authority to negotiate medical marijuana litigation and enter into settlement agreements during the time period in between Board meetings. The motion was seconded by Mr. Newlon and approved by the Board: Aye-7, Nay-0.

R-2020-0527 Ms. Yarosh moved to nominate Ms. Rudell to be the President of the Board for Fiscal Year 2021. The motion was seconded by Ms. Marchal and approved by the Board: Aye-7, Nay-0.

R-2020-0528 Mr. Weaver moved to nominate Mr. Cox to be the Vice President of the Board for Fiscal Year 2021. The motion was seconded by Mr. Newlon and approved by the Board: Aye-7, Nay-0.

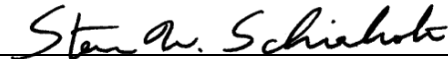
R-2020-0529 Ms. Rudell moved to Adjourn the May State of Ohio Board of Pharmacy Meeting. The motion was seconded by Ms. Marchal and approved by the Board: Aye-7, Nay-0.

11:41 a.m. The Board Meeting Adjourned.



Shawn C. Wilt, RPh, President

Date: 06.09.2020



Steven W. Schierholt, Executive Director

Date: 06.09.2020