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Minutes Of The Meeting
Ohio State Board of Pharmacy
Columbus, Ohio
January 27, 28, 29, 30, 31, 1997

MONDAY, JANUARY 27, 1997

10:20 a.m. ROLL CALL

The State Board of Pharmacy convened in Studio Three, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio with the following members present:

Suzanne L. Neuber, R.Ph. (President); Diane Adelman, R.Ph.; Robert Cavendish, R.Ph.; Paul Lamping, R.Ph.; Ruth Plant, R.Ph.; and Nicholas Repke, Public Member.

Also present were Assistant Attorney General Mary Hollern, Compliance Administrator Tim Benedict, and Compliance Supervisor Robert Cole.

Mrs. Plant moved that the Board go into Executive Session for the purpose of conferring with the Assistant Attorney General regarding pending and imminent court matters and the investigation of complaints regarding licensees and registrants. The motion was seconded by Mr. Lamping and a roll call vote was conducted by President Neuber as follows: Adelman-Yes, Cavendish-Yes, Lamping-Yes, Plant-Yes, and Repke-Yes.

11:23 a.m.

RES. 97-097

The Executive Session was concluded and the meeting opened to the public. The Executive Director reported that the following settlement agreement in the matter of Robert J. Dougherty, R.Ph. was finalized by the Board as follows:

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY
(Docket No. D-960612-063)

In the Matter of:

ROBERT J. DOUGHERTY, R.Ph.
131 W. Reynolds Street
Urbana, Ohio 43078
(R.Ph. No. 03-3-15779)

This Settlement Agreement is entered into by and between Robert J. Dougherty, R.Ph. and the Ohio State Board of Pharmacy, a state agency charged with enforcing the Pharmacy Practice Act and Dangerous Drug Distribution Act, Chapter 4729. of the Ohio Revised Code.

Robert J. Dougherty enters into this Agreement being fully informed of his rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudication hearing on the issues contained herein.

Robert J. Dougherty is knowingly and voluntarily acknowledging that, in order to settle the charges that have been filed by the Board against him, and in order to obviate the need to conduct an administrative hearing to consider the disciplinary sanctions against his license to practice pharmacy in the state of Ohio, Robert J. Dougherty enters into this Agreement on the basis of the following stipulations, admissions, and understandings:

- (A) The Ohio State Board of Pharmacy is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card, or impose a monetary penalty on the license holder for violation of any of the enumerated grounds.
- (B) On or about June 12, 1996, pursuant to Chapter 119. of the Ohio Revised Code, Robert J. Dougherty was notified of the allegations or charges against him, his right to a hearing, his rights in such hearing, and his right to submit contentions in writing. Further, a hearing was requested and scheduled for December 4, 1996; however, the hearing was continued by the Board.
- (C) Robert J. Dougherty stipulates to the allegations stated in the Notice of Opportunity for hearing letter; and the Board herein adjudicates the same:
 - (1) Records of the Board indicate that Robert J. Dougherty was originally licensed to practice pharmacy in the state of Ohio on January 22, 1985, and that his license was summarily suspended in accordance with Section 3719.121(B) of the Ohio Revised Code on June 12, 1996.
 - (2) Robert J. Dougherty did, on or about June 4, 1996, knowingly use a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: when the Urbana Police Department responded to a call regarding his possible drug overdose, Robert J. Dougherty admitted that he had taken a large number of "prescription Tylenol." Robert J. Dougherty was observed to be under the influence of drugs to the point that he had to be arrested for his own safety. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
 - (3) Robert J. Dougherty did, on or about June 4, 1996, knowingly obtain or possess controlled substances when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert J. Dougherty possessed without prescription in his home the following drugs:

<u>Drug</u>	<u>Quantity</u>
Acetaminophen 325mg w/ Codeine 30mg	1
Acetaminophen 325mg w/ Codeine 60mg	3
Alprazolam 0.5mg	25
Alprazolam 1mg	31
Diazepam 5mg	36
Diazepam 10mg	9
Fiorinal w/ Codeine 30mg	6
Hydrocodone Bitartrate 5mg w/ Acetaminophen 500mg	79
Hydrocodone Bitartrate 7.5mg w/ Acetaminophen 650mg	1
Hydrocodone Bitartrate 10mg w/ Acetaminophen 650mg	17
Lorazepam 1mg	40
Lorazepam 2mg	9

Such conduct is in violation of Section 2925.11 of the Ohio Revised Code as was in effect prior to July 1, 1996.

- (4) Robert J. Dougherty did, on or about June 4, 1996, possess dangerous drugs when the conduct was not in accordance with Chapters 4729. and 4731. of the Ohio Revised Code, to wit: Robert J. Dougherty

possessed without prescription in his home the following dangerous drugs:

<u>Drug</u>	<u>Quantity</u>
Methocarbamol 500mg	1
Dicyclomine 20mg	1
Norflex 100mg	1
Entex LA	3
Cephalexin 500mg	2
Cyclobenzaprine 10mg	1
Carisoprodol 350mg	7

Such conduct is in violation of Section 4729.51(C)(3) of the Ohio Revised Code.

(5) Robert J. Dougherty is abusing controlled substances to such a degree as to render him unfit to practice pharmacy, to wit: on June 4, 1996, Robert J. Dougherty was observed to be under the influence of drugs to such a degree that he was in risk of personal harm; and, within the immediately preceding twenty-four hours, Robert J. Dougherty was involved in two separate automobile accidents, the second of which he had to be awakened twice by the police officer investigating the accident. Such conduct indicates that Robert J. Dougherty falls within the ambit of Sections 3719.121(B) and 4729.16(A)(3) of the Ohio Revised Code.

(6) Robert J. Dougherty did, on or about unknown dates prior to June 4, 1996, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Rite Aid Discount Pharmacy #2733, 1207 North Limestone Street, Springfield, Ohio 45503 beyond the express or implied consent of the owner, to wit: while practicing pharmacy at Rite Aid, Robert J. Dougherty stole the following drugs:

<u>Drug</u>	<u>Quantity</u>
Methocarbamol 500mg	1
Dicyclomine 20mg	1
Norflex 100mg	1
Entex LA	3
Cephalexin 500mg	2
Cyclobenzaprine 10mg	1
Carisoprodol 350mg	7
Acetaminophen 325mg w/ Codeine 30mg	1
Acetaminophen 325mg w/ Codeine 60mg	3
Alprazolam 0.5mg	25
Alprazolam 1mg	31
Diazepam 5mg	36
Diazepam 10mg	9
Fiorinal w/ Codeine 30mg	6
Hydrocodone Bitartrate 5mg w/ Acetaminophen 500mg	79
Hydrocodone Bitartrate 7.5mg w/ Acetaminophen 650mg	1
Hydrocodone Bitartrate 10mg w/ Acetaminophen 650mg	17
Lorazepam 1mg	40
Lorazepam 2mg	9

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(7) Robert J. Dougherty did, on or about June 4, 1996, and dates preceding, misbrand drugs, to wit: Robert J. Dougherty took various drugs from his place of employment, Rite Aid Discount Pharmacy #2733, removed them from their proper containers, commingled them, and stored them in various articles of clothing in his home and not in

properly marked or labeled containers. Said drugs have subsequently been identified as the following:

<u>Drug</u>	<u>Quantity</u>
Methocarbamol 500mg	1
Dicyclomine 20mg	1
Norflex 100mg	1
Entex LA	3
Cephalexin 500mg	2
Cyclobenzaprine 10mg	1
Carisoprodol 350mg	7
Acetaminophen 325mg w/ Codeine 30mg	1
Acetaminophen 325mg w/ Codeine 60mg	3
Alprazolam 0.5mg	25
Alprazolam 1mg	31
Diazepam 5mg	36
Diazepam 10mg	9
Fiorinal w/ Codeine 30mg	6
Hydrocodone Bitartrate 5mg w/ Acetaminophen 500mg	79
Hydrocodone Bitartrate 7.5mg w/ Acetaminophen 650mg	1
Hydrocodone Bitartrate 10mg w/ Acetaminophen 650mg	17
Lorazepam 1mg	40
Lorazepam 2mg	9

Such conduct is in violation of Section 3715.52(B)(2) of the Ohio Revised Code.

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

- (A) The removal of the Summary Suspension Order issued June 12, 1996, pursuant to Section 3719.121(B) of the Ohio Revised Code.
- (B) The indefinite suspension of his pharmacist identification card, No. 03-3-15779.
 - (1) Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Robert J. Dougherty may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
 - (2) Division (B) of Section 4729.16 of the Revised Code provides that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of the notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.
- (C) In June, 1998, or thereafter, the Board will consider any petition filed by Robert J. Dougherty for a hearing, pursuant to Revised Code Chapter 119. of the Ohio Revised Code, upon the question of the reinstatement of his license to practice pharmacy in Ohio. The Board will consider the reinstatement of the license only if the following conditions have been met:
 - (1) Robert J. Dougherty must enter into a new contract with a limited treatment provider acceptable to the Board for a period of not less than five years from the effective date of this Settlement Agreement and, upon signing, submit a copy of the contract to the Board office. The contract must provide:

- (a) random, **observed** urine drug screens shall be conducted at least every three months. The urine drug screens must report testing for alcohol, opiates, benzodiazepines, and carisoprodol; and must also report testing for creatinine or specific gravity of the sample as the dilutional standard;
 - (b) regular attendance, at least three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meetings, and at meetings of a professional support group, is required during outpatient treatment and/or during aftercare; and
 - (c) the program shall immediately report to the Board of Pharmacy any positive urine screens and/or other violations of the contract.
- (2) Robert J. Dougherty must provide, at the time of petitioning the Board for reinstatement, written documentation from his treatment provider regarding compliance with the program pursuant to the contract including all urine drug screen reports.

If, in the judgment of the Board, Robert J. Dougherty appears to have violated or breached any terms or conditions of this Agreement, the Ohio State Board of Pharmacy reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violation of the laws of Ohio occurring before the effective date of this Agreement.

Robert J. Dougherty acknowledges that he has had an opportunity to ask questions concerning the terms of this agreement and that all questions asked have been answered in a satisfactory manner. Any action initiated by the Board based on alleged violation of this Agreement shall comply with the Administrative Procedure Act, Chapter 119. of the Ohio Revised Code.

Robert J. Dougherty waives any and all claims or causes of action he may have against the State of Ohio or the Board, and its members, officers, employees, and/or agents of either, arising out of matters which are the subject of this Agreement.

In the event the Board, in its discretion, does not approve this Agreement, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. Robert J. Dougherty agrees that should the Board reject this Agreement and if this case proceeds to hearing, he will assert no claim that the Board was prejudiced by its review and discussion of this Agreement or of any information relating thereto.

This Settlement Agreement shall be considered a public record, as that term is used in Section 149.43 of the Ohio Revised Code, and shall become effective upon the Board President's signature below.

<u>/s/ Robert J Dougherty</u>	<u>/d/ 12-28-96</u>
Robert J. Dougherty, Respondent	Date of Signature

<u>/s/ Charles R Saxbe</u>	<u>/d/ 1-2-97</u>
Charles R. Saxbe, Attorney for Respondent	Date of Signature

<u>/s/ Suzanne L. Neuber</u>	<u>/d/ 1-12-97</u>
Suzanne L. Neuber, President, Ohio State Board of Pharmacy	Date of Signature

<u>/s/ Mary L. Hollern</u>	<u>/d/ 1/12/97</u>
Mary L. Hollern, Ohio Assistant Attorney General	Date of Signature

11:30 a.m.

The Board recessed for lunch.

1:32 p.m.

The Board reconvened in Studio Three for the purpose of continuing their business meeting with members Joseph Maslak and Amonte Littlejohn present.

The Board was joined by Assistant Attorney General Mary Hollern for the purpose of conducting a disciplinary hearing pursuant to Ohio Revised Code Chapters 119. and 4729. in the matter of Thomas A. Szymczak, R.Ph., Temperance, Michigan.

6:10 p.m. The hearing was concluded and the meeting recessed until 8:00 p.m., Tuesday, January 28, 1997.

TUESDAY, JANUARY 28, 1997

8:15 a.m. ROLL CALL

The following members of the State Board of Pharmacy reconvened in Studio Three, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio:

Suzanne L. Neuber, R.Ph. (President); Diane Adelman, R.Ph.; Robert Cavendish, R.Ph.; John Hanna, R.Ph.; Paul Lamping, R.Ph.; Joseph Maslak, R.Ph.; Ruth Plant, R.Ph.; and Nicholas Repke, Public Member.

The Board was joined by Assistant Attorney General Mary Hollern for the purpose of conducting a disciplinary hearing pursuant to Ohio Revised Code Chapters 119. and 4729. in the matters of Orchard Drugs, Robert Oberlin Urfer, R.Ph., and Jack James Wilhelm, R.Ph., Toledo, Ohio.

8:26 a.m.

Board Member Amonte Littlejohn arrived and joined the meeting.

12:00 p.m.

The hearing was recessed until 1:30 p.m.

1:00 p.m.

RES. 97-098

The Board convened in Room 1919 without Board Member Joseph Maslak for the purpose of meeting with the following reciprocity candidates:

BILLITER, DARRELL L.	03-3-22173	WEST VIRGINIA
BOVARD, ANDREW C.	03-3-21986	PENNSYLVANIA
CONVISER, JANET L.	03-3-22095	GEORGIA
DEVANEY, KEVIN D.	03-3-22174	NEW YORK
DISHER, ROBIN A.	03-3-22181	WEST VIRGINIA
GIRTEN, PAUL W.	03-3-22176	UTAH
IERISE, JILL M.	03-3-22182	WEST VIRGINIA
KANE, SANDRA L.	03-3-22136	MICHIGAN
LOEFFLER, JR., RICHARD J.	03-3-22161	WEST VIRGINIA
MARINO, JOANN M.	03-3-22175	MICHIGAN
MCBRIDE, SARAH J.	03-3-22137	NEBRASKA
MORGAN, BETH A.	03-3-22122	INDIANA
MORGAN, MATTHEW E.	03-3-22183	ARKANSAS
NANDA, AMRITLAL V.	03-3-22105	TEXAS
NEARY, JOHNNNA S.	03-3-22102	IOWA
PORTER, AMY E.	03-3-22179	SOUTH CAROLINA
ROMSHAK, VALERIE R.	03-3-22180	GEORGIA
WIERZBICKI, WLADYSLAWA B.	03-3-22124	MICHIGAN
WISNESKI, STEPHEN S.	03-3-22172	CONNECTICUT
WISSINGER, JOAN R.	03-3-22178	PENNSYLVANIA

Mr. Cavendish moved that the candidates be approved and their licenses (identification cards) to practice pharmacy in Ohio be issued. The motion was seconded by Mr. Lamping and approved (Aye-7/Nay-0).

1:37 p.m.

The Board members reconvened in Studio Three and were joined by Board member Joseph Maslak. The hearing in the matters of Orchard Drugs; R.Ph. Robert O. Urfer; and R.Ph. Jack J. Wilhelm was reconvened for the purpose of receiving evidence and testimony.

4:05 p.m.

The hearing was concluded and Mrs. Plant moved that the Board go into Executive Session for the purpose of deliberating on the evidence and testimony submitted during the hearings in the matters of Orchard Drugs, R.Ph. Robert Urfer, R.Ph. Jack Wilhelm; and R.Ph. Thomas A. Szymczak. The motion was seconded by Mr. Littlejohn and a roll call vote was conducted by President Neuber as follows: Adelman-Yes, Cavendish-Yes, Hanna-Yes, Lamping-Yes, Littlejohn-Yes, Maslak-Yes, Plant-Yes, and Repke-Yes.

6:10 p.m.

RES. 97-099

The Executive Session was concluded and the meeting opened to the public. Mrs. Plant moved that the Board adopt the following Order:

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-960322-046)

In The Matter Of:

ORCHARD DRUGS
c/o Robert O. Urfer, R.Ph.
4025 Talmadge Road
Toledo, Ohio 43623
(Terminal Distributor No. 02-0606500)

INTRODUCTION

THE MATTER OF ORCHARD DRUGS CAME TO HEARING ON JANUARY 28, 1997, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

ORCHARD DRUGS WAS REPRESENTED BY DAVID W. GRAUER, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Dale Fritz, Ohio State Board of Pharmacy
- (2) Joann Predina, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Robert Oberlin Urfer
- (2) Joseph F. Adams, St. Vincent's Medical Center

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Notice of Opportunity for Hearing letter in the matter of Orchard Drugs dated March 22, 1996.
- (2) Exhibit 1A--Notice of Appearance and Certificate of Service in the matter of Orchard Drugs by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (3) Exhibit 1B--Request for Hearing and Certificate of Service in the matter of Orchard Drugs by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.

- (4) Exhibit 1C--Notice of Opportunity for Hearing letter in the matter of Robert Oberlin Urfer dated March 22, 1996.
- (5) Exhibit 1D--Notice of Appearance and Certificate of Service in the matter of Robert Oberlin Urfer by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (6) Exhibit 1E--Request for Hearing and Certificate of Service in the matter of Robert Oberlin Urfer by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (7) Exhibit 1F--Notice of Opportunity for Hearing letter in the matter of Jack James Wilhelm dated March 22, 1996.
- (8) Exhibit 1G--Notice of Appearance and Certificate of Service in the matter of Jack James Wilhelm by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (9) Exhibit 1H--Request for Hearing and Certificate of Service in the matter of Jack James Wilhelm by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (10) Exhibit 1I--Two-page Hearing Schedule letter dated April 16, 1996.
- (11) Exhibit 1J--Two-page Hearing Schedule letter dated June 26, 1996.
- (12) Exhibit 1K--Fax copy of notice of representation in the matter of Jack James Wilhelm by Charles M. Boss dated November 19, 1996.
- (13) Exhibit 1L--Motion for Continuance, Memorandum in Support, and Certificate of Service in the matter of Orchard Drugs by David W. Grauer and Janice K. Van Dyne dated November 25, 1996.
- (14) Exhibit 1M--Motion for Continuance, Memorandum in Support, and Certificate of Service in the matter of Robert Oberlin Urfer by David W. Grauer and Janice K. Van Dyne dated November 25, 1996.
- (15) Exhibit 1N--Response to Continuance Request in the matter of Robert Urfer and Orchard Drugs dated December 3, 1996.
- (16) Exhibit 1O--Amended Notice of Opportunity for Hearing letter in the matter of Orchard Drugs dated December 3, 1996.
- (17) Exhibit 1P--Amended Notice of Opportunity for Hearing letter in the matter of Robert Oberlin Urfer dated December 3, 1996.
- (18) Exhibit 1Q--Amended Notice of Opportunity for Hearing letter in the matter of Jack James Wilhelm dated December 4, 1996.
- (19) Exhibit 1R--Notice of Withdrawal of Counsel and Certificate of Service in the matter of Jack James Wilhelm by David W. Grauer and Janice K. Van Dyne dated December 4, 1996.
- (20) Exhibit 1S--Letter from Julie Dey dated December 4, 1996; Motion for Continuance, Memorandum in Support; and Certificate of Service in the matter of Jack James Wilhelm by Charles M. Boss first received on December 4, 1996.
- (21) Exhibit 1T--Letter to Charles M. Boss from Franklin Z. Wickham dated December 4, 1996.
- (22) Exhibit 1U--Letter to Janice K. Van Dyne and David W. Grauer from Franklin Z. Wickham dated January 7, 1997.
- (23) Exhibit 1V--Letter to Charles M. Boss from Franklin Z. Wickham dated January 7, 1997.
- (24) Exhibit 1W--Application for Registration as a Terminal Distributor of Dangerous Drugs of Orchard Drug dated May 5, 1991; copy of Records of Incorporation Certificate; four-page copy of Articles of Incorporation; and six Renewal Applications for DDD License, No. 02-0606500, for a Terminal Distributor of Dangerous Drugs License of Orchard Drugs for the following time periods: January 1, 1997, to December 31, 1997, dated October 4, 1996; January 1, 1996, to December 31, 1996, dated October 14, 1995; January 1, 1995, to December 31, 1995, dated October 29, 1994; January 1, 1994, to December 31, 1994, dated October 5, 1993; January 1, 1993, to December 31, 1993, dated November 16, 1992; and January 1, 1992, to December 31, 1992, dated September 21, 1991.
- (25) Exhibit 1X--Pharmacist File Front Sheet of Robert Oberlin Urfer showing original date of registration as August 4, 1969; and Renewal Application for Pharmacist License, No. 03-1-09283, for a license to practice pharmacy in Ohio from September 15, 1996, to September 15, 1997 of Robert Oberlin Urfer dated July 18, 1996.
- (26) Exhibit 1Y--Pharmacist File Front Sheet of Jack James Wilhelm showing original date of registration as February 25, 1970; and Renewal Application for Pharmacist License, No. 03-3-09450, for a license to practice pharmacy in Ohio from September 15, 1996, to September 15, 1997, of Jack James Wilhelm dated July 28, 1996.
- (27) Exhibit 1Z--Six-page Order of the State Board of Pharmacy, Docket No. D-910429-069, in the matter of Jack James Wilhelm dated August 16, 1991.
- (28) Exhibit 2--Sealed Record-Samuel's Products Exempt Narcotics Register of Orchard Drug dated from June 24, 1991, to December 8, 1992.

- (29) Exhibit 2A--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from December 9, 1992, to February 28, 1993.
- (30) Exhibit 2B--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from February 28, 1993, to May 1, 1993.
- (31) Exhibit 2C--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from May 1, 1993, to June 22, 1993.
- (32) Exhibit 2D--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from June 22, 1993, to August 22, 1993.
- (33) Exhibit 2E--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from August 22, 1993, to October 16, 1993.
- (34) Exhibit 2F--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from October 16, 1993, to January 16, 1994.
- (35) Exhibit 2G--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from January 16, 1994, to March 15, 1994.
- (36) Exhibit 3--Accountability Statement of Orchard Drug for Demerol 50mg Tablet dated March 30, 1994.
- (37) Exhibit 3A--Accountability Statement of Orchard Drug for Demerol 100mg Tablet dated March 30, 1994.
- (38) Exhibit 3B--Accountability Statement of Orchard Drug for Dexedrine 5 Spansule dated March 30, 1994.
- (39) Exhibit 3C--Accountability Statement of Orchard Drug for Dexedrine 10 Spansule dated March 30, 1994.
- (40) Exhibit 3D--Accountability Statement of Orchard Drug for Dilaudid 2mg dated March 29, 1994.
- (41) Exhibit 3E--Accountability Statement of Orchard Drug for Dilaudid 4mg dated March 29, 1994.
- (42) Exhibit 3F--Accountability Statement of Orchard Drug for Mepergan Fortis dated March 30, 1994.
- (43) Exhibit 3G--Accountability Statement of Orchard Drug for Methadone 5mg dated March 29, 1994.
- (44) Exhibit 3H--Accountability Statement of Orchard Drug for Methadone 10mg dated May 2, 1994.
- (45) Exhibit 3I--Accountability Statement of Orchard Drug for MS Contin 15mg Tablets dated March 30, 1994.
- (46) Exhibit 3J--Accountability Statement of Orchard Drug for MS Contin 30mg Tablets dated May 2, 1994.
- (47) Exhibit 3K--Accountability Statement of Orchard Drug for MS Contin 60mg Tablets dated March 30, 1994.
- (48) Exhibit 3L--Accountability Statement of Orchard Drug for MS Contin 100mg Tablets dated March 30, 1994.
- (49) Exhibit 3M--Accountability Statement of Orchard Drug for Nembutal 100 Capsule dated March 30, 1994.
- (50) Exhibit 3N--Accountability Statement of Orchard Drug for Oxycodone/APAP dated May 2, 1994.
- (51) Exhibit 3O--Accountability Statement of Orchard Drug for Oxycodone/ASA dated March 29, 1994.
- (52) Exhibit 3P--Accountability Statement of Orchard Drug for Percocet dated May 2, 1994.
- (53) Exhibit 3Q--Accountability Statement of Orchard Drug for Percodan dated May 2, 1994.
- (54) Exhibit 3R--Accountability Statement of Orchard Drug for Roxicet dated March 29, 1994.
- (55) Exhibit 3S--Accountability Statement of Orchard Drug for Roxilox dated March 29, 1994.
- (56) Exhibit 3T--Accountability Statement of Orchard Drug for Roxiprin dated May 2, 1994.
- (57) Exhibit 3U--Accountability Statement of Orchard Drug for Tylox dated March 29, 1994.
- (58) Exhibit 4--Sealed Record-Prescription No. 295208.
- (59) Exhibit 5--Sealed Record-Prescription No. 300001.
- (60) Exhibit 6--Sealed Record-Prescription No. 304008.
- (61) Exhibit 7--Sealed Record-Prescription No. 308350.
- (62) Exhibit 8--Sealed Record-Prescription No. 313451.
- (63) Exhibit 9--Sealed Record-Ten-page Tax Insurance Summary of Orchard Drugs for Mark Miller dated from August 13, 1992, through June 1, 1994, dated June 1, 1994.

- (64) Exhibit 10--Sealed Record-Copies of thirty-nine pages of refill log book entries of Orchard Drugs dated from February 4, 1993, through November 13, 1993.
- (65) Exhibit 10A--Sealed Record-Copies of four pages of refill log book entries of Orchard Drugs dated from July 20, 1993, through September 30, 1993.
- (66) Exhibit 10B--Sealed Record-Copy of one page of refill log book entries of Orchard Drugs dated from October 23, 1992, through October 24, 1992.
- (67) Exhibit 11--Sealed Record-Copies of twenty-four pages of refill log book entries of Orchard Drugs dated from November 26, 1993, through May 27, 1994.
- (68) Exhibit 11A--Sealed Record-Copies of five pages of refill log book entries of Orchard Drugs dated from December 17, 1993, through January 15, 1994.
- (69) Exhibit 11B--Sealed Record-Copies of twelve pages of refill log book entries of Orchard Drugs dated from February 20, 1994, through May 5, 1994.
- (70) Exhibit 11C--Sealed Record-Copies of fifteen pages of refill log book entries of Orchard Drugs dated from May 25, 1993, through May 12, 1994.
- (71) Exhibit 12--Sealed Record--Two-page statement of James D. Diethelm, M.D. signed and notarized on June 19, 1994.
- (72) Exhibit 13--Sealed Record--Prescription No. 299716.
- (73) Exhibit 14--Sealed Record--Prescription No. 304997.
- (74) Exhibit 15--Sealed Record--Prescription No. 306131.
- (75) Exhibit 16--Sealed Record--Prescription No. 290379.
- (76) Exhibit 17--Sealed Record--Prescription No. 311332.
- (77) Exhibit 18--Sealed Record--Prescription No. 300304.
- (78) Exhibit 19--Sealed Record--Prescription No. 304855.
- (79) Exhibit 20--Sealed Record--Prescription No. 306348.
- (80) Exhibit 21--Sealed Record--Prescription No. 306888.
- (81) Exhibit 22--Sealed Record--Prescription No. 307942.
- (82) Exhibit 23--Sealed Record--Prescription No. 308516.
- (83) Exhibit 24--Sealed Record--Prescription No. 308849.
- (84) Exhibit 25--Sealed Record--Prescription No. 309039.
- (85) Exhibit 26--Sealed Record--Prescription No. 309239.
- (86) Exhibit 27--Sealed Record--Prescription No. 309384.
- (87) Exhibit 28--Sealed Record--Prescription No. 312142.
- (88) Exhibit 29--Sealed Record--Prescription No. 314886.
- (89) Exhibit 30--Sealed Record--Prescription No. 314978.
- (90) Exhibit 31--Sealed Record--Prescription No. 314980.
- (91) Exhibit 32--Sealed Record--Prescription No. 315175.
- (92) Exhibit 33--Sealed Record--Statement of Benjamin W. Butler, M.D. dated June 10, 1994.
- (93) Exhibit 34--Sealed Record--Statement of Dr. Michelle Nicholson-Wilson signed and notarized on June 9, 1994.
- (94) Exhibit 35--Sealed Record--Copy of telephone message from Orchard Drug dated July 22, 1992.
- (95) Exhibit 36--Sealed Record--Statement of Hosea Payne, M.D. signed and notarized on June 9, 1994.
- (96) Exhibit 37--Sealed Record--Statement of R. L. Finken, M.D. signed and notarized on June 10, 1994.
- (97) Exhibit 38--Copy of price list for schedule V codeine cough syrups written on a piece of note pad that advertises Cardene.
- (98) Exhibit 39--Three-page table of Lucas County Exempt Sales by Zip Code.
- (99) Exhibit 40--Three-page table of Lucas County Pharmacies Exempt Narcotic Sales without the #1 and #2 in Sales.
- (100) Exhibit 41--Three-page table of Lucas County Exempt Sales Without Highest Sales Pharmacy.
- (101) Exhibit 42--Map of Toledo, Ohio area showing location of Orchard Drug in blue, patient's home addresses in red, and other pharmacies in the Toledo area in green.
- (102) Exhibit 43--Sealed Record--Two-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 13.
- (103) Exhibit 44--Sealed Record--Table showing exempt narcotic sales made by Robert Urfer to Patient No. 13.
- (104) Exhibit 45--Sealed Record--Table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 13.
- (105) Exhibit 46--Sealed Record--Four-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 139.

- (106) Exhibit 47--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 139.
- (107) Exhibit 48--Sealed Record-Three-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 139.
- (108) Exhibit 49--Sealed Record-Table showing exempt narcotic sales made by Orchard Drug to Patient No. 20.
- (109) Exhibit 50--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 20.
- (110) Exhibit 51--Sealed Record-Table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 20.
- (111) Exhibit 52--Sealed Record-Table showing exempt narcotic sales made by Orchard Drug to Patient No. 45.
- (112) Exhibit 53--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 45.
- (113) Exhibit 54--Sealed Record-Table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 45.
- (114) Exhibit 55--Sealed Record-Two-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 61.
- (115) Exhibit 56--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 61.
- (116) Exhibit 57--Sealed Record-Two-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 61.
- (117) Exhibit 58--Sealed Record-Five-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 66.
- (118) Exhibit 59--Sealed Record-Two-page table showing exempt narcotic sales made by Robert Urfer to Patient No. 66.
- (119) Exhibit 60--Sealed Record-Two-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 66.
- (120) Exhibit 61--Sealed Record-Three-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 79.
- (121) Exhibit 62--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 79.
- (122) Exhibit 63--Sealed Record-Two-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 79.
- (123) Exhibit 64--Sealed Record-Three-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 80.
- (124) Exhibit 65--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 80.
- (125) Exhibit 66--Sealed Record-Three-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 80.
- (126) Exhibit 67--Sealed Record-Five-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 99.
- (127) Exhibit 68--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 99.
- (128) Exhibit 69--Sealed Record-Two-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 99.
- (129) Exhibit 70--Sealed Record-Five-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 111.
- (130) Exhibit 71--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 111.
- (131) Exhibit 72--Sealed Record-Three-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 111.
- (132) Exhibit 73--Sealed Record-Table showing exempt narcotic sales made by Orchard Drug to Patient No. 117.
- (133) Exhibit 74--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 117.
- (134) Exhibit 75--Sealed Record-Table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 117.
- (135) Exhibit 76--Sealed Record-Two-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 127.
- (136) Exhibit 77--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 127.

- (137) Exhibit 78--Sealed Record--Two-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 127.
- (138) Exhibit 79--Sealed Record--Prescription No. 302997.
- (139) Exhibit 80--Sealed Record--Confidential Patient Key for Exempt Narcotic Sales at Orchard Drug.

Respondent's Exhibits:

- (1) Exhibit Wilhelm A--Two-page affidavit of Michael D. Quigley signed and notarized on January 25, 1997.
- (2) Exhibit Urfer A--Three-page copy of Affidavit of Robert O. Urfer signed and notarized on January 23, 1997.
- (3) Exhibit Urfer C--UWIL, Inc. Six Year Analysis of Various Financial Info. and Ratios and Percentage of Gross Sales.
- (4) Exhibit Urfer E--Copy of note, dated August 20, 1996, on prescription blank signed by James D. Diethelm, M.D.; and copy of prescription number 290161.
- (5) Exhibit Urfer G--Copies of six Dangerous Drug Distributor Inspection Reports of Orchard Drugs dated as follows: December 12, 1990; June 11, 1991; September 17, 1992; December 29, 1993; March 16, 1994; and August 15, 1996.
- (6) Exhibit Urfer I--Two-page Affidavit of Kim Williams signed and notarized on January 24, 1997.
- (7) Exhibit Urfer J--Two-page Affidavit of Phillip J. Nelson signed and notarized on January 24, 1997.
- (8) Exhibit Urfer K--Letter from Thomas P. Connolly dated January 24, 1997.

FINDINGS OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the Board of Pharmacy indicate that, during the relevant time period stated herein, Robert O. Urfer was the Responsible Pharmacist at Orchard Drugs pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
- (2) Orchard Drugs did, on or about the following dates, sell, under the exemptions of Section 3719.15 of the Ohio Revised Code to the same person (on each occasion) preparations included within Section 3719.15, when Orchard Drugs knew or by reasonable diligence could have ascertained that the sale provided the recipient with more than one such preparation within a forty-eight consecutive hour period:

<u>Date</u>	<u>Patient No.</u>	<u>Drug</u>	<u>R.Ph.</u>
09/08/92	111	Cheracol	AS
01/17/93	127	Cheracol	AS
01/31/93	127	Cheracol	AS
02/13/93	127	Cheracol	RU
02/22/93	127	Cheracol	JW
02/25/93	127	Cheracol	JW
03/06/93	127	Cheracol	RU
03/15/93	127	Cheracol	JW
03/28/93	127	Cheracol	AS
03/29/93	127	Cheracol	JW
03/29/93	45	Cheracol	AS
03/30/93	45	Cheracol	JW
04/07/93	80	Guiatuss AC	JW
04/09/93	79	Guiatuss AC	JW
04/10/93	80	Guiatuss AC	JW
04/12/93	127	Cheracol	JW
04/13/93	127	Cheracol	JW
04/13/93	80	Guiatuss AC	JW

04/14/93	80	Guiatuss AC	JW
04/15/93	80	Guiatuss AC	JW
04/18/93	80	Guiatuss AC	AS
04/18/93	127	Cheracol	AS
04/19/93	139	Novadyne	AS
04/19/93	127	Cheracol	JW
04/21/93	80	Guiatuss AC	JW
04/22/93	80	Guiatuss AC	JW
04/23/93	80	Guiatuss AC	JW
04/23/93	137	Rid-A-Pain	JW
04/24/93	80	Guiatuss AC	RU
04/25/93	80	Guiatuss AC	AS
04/26/93	80	Guiatuss AC	JW
04/28/93	13	Cheracol	JW
05/03/93	127	Cheracol	AS
05/06/93	127	Cheracol	JW
05/06/93	80	Guiatuss AC	JW
05/07/93	80	Guiatuss AC	JW
05/08/93	80	Guiatuss AC	RU
05/08/93	139	Novadyne	RU
05/09/93	80	Guiatuss AC	AS
05/09/93	139	Novadyne	JW
05/16/93	80	Guiatuss AC	AS
05/17/93	127	Cheracol	JW
05/20/93	127	Cheracol	JW
05/21/93	80	Guiatuss AC	JW
05/22/93	80	Guiatuss AC	RU
05/23/93	80	Guiatuss AC	AS
05/23/93	127	Cheracol	AS
05/29/93	127	Cheracol	RU
05/30/93	127	Cheracol	AS
05/31/93	127	Cheracol	JW
06/25/93	80	Guiatuss AC	RU
09/13/93	80	Guiatuss AC	JW
10/25/93	80	Guiatuss AC	JW
11/08/93	61	Cheracol	JW
11/13/93	13	Novadyne DH	JW

Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.

- (3) Orchard Drugs did, from February 4, 1992, to March 16, 1994, fail to keep records of all controlled substances received or dispensed in accordance with Division (G) of Section 3719.07 of the Ohio Revised Code, to wit: Orchard Drugs failed to keep accurate records of the following controlled substances received and/or dispensed:

<u>Drug</u>	<u>Quantity</u>	<u>Shortage or Overage</u>	<u>Percent of Drug Supply</u>
Demerol 50mg Tabs	63	Shortage	1.4%
Demerol 100mg Tabs	82	Overage	23.0%
Dexedrine 5mg Spansule	116	Shortage	23.0%
Dexedrine 10mg Spansule	24	Overage	1.3%
Dilaudid 2mg Tab	30	Overage	5.0%
Dilaudid 4mg Tabs	0	None	.0%
Mepergan Fortis Caps	16	Shortage	4.0%
Methadone 5mg Tab	180	Overage	12.0%
Methadone 10mg Tab	28	Shortage	<1.0%
Ms Contin 15mg Tabs	35	Shortage	10.0%
Ms Contin 30mg Tabs	87	Shortage	7.0%
Ms Contin 60mg Tabs	60	Overage	13.0%
Ms Contin 100mg Tabs	0	None	0.0%
Nembutal 100mg Caps	36	Shortage	2.0%

Oxycodone W/APAP Tabs	206	Overage	4.0%
Oxycodone W/ASA Tabs	81	Overage	7.0%
Percocet Tabs	695	Overage	13.6%
Percodan Tabs	1	Overage	<1.0%
Roxicet Tabs	540	Shortage	7.3%
Roxilox Caps	198	Shortage	13.0%
Roxiprin Tabs	90	Shortage	7.0%
Tylox Caps	73	Shortage	4.0%

Such conduct is in violation of Section 3719.07 of the Ohio Revised Code.

- (4) Orchard Drugs did, on or about the following dates, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Orchard Drugs dispensed on 69 occasions from January 25, 1993, to May 26, 1994, without a valid prescription, a total of 1905 tablets of Soma Compound with Codeine, a schedule III controlled substance, when the original prescription was either not written or unauthorized for Soma Compound with Codeine:

<u>Rx.No.</u>	<u>Date</u>	<u>Quantity</u>	<u>R.Ph.</u>
295208	01/25/93	45	JW
295208	02/05/93	45	JW
295208	02/22/93	45	JW
295208	03/05/93	25	JW
295208	03/12/93	25	JW
295208	03/19/93	25	JW
295208	03/26/93	25	JW
295208	04/03/93	25	JW
295208	04/10/93	25	JW
295208	04/17/93	25	JW
295208	04/27/93	25	JW
295208	05/04/93	25	JW
300001	05/12/93	25	JW
300001	05/20/93	25	JW
300001	05/31/93	25	JW
300001	06/05/93	25	RU
300001	06/11/93	25	AS
300001	06/18/93	25	JW
300001	06/25/93	25	AS
300001	07/01/93	25	JW
300001	07/10/93	25	RU
300001	07/15/93	25	JW
300001	07/23/93	25	JW
300001	07/29/93	25	NONE
300001	08/04/93	25	JW
300001	08/09/93	25	JW
300001	08/13/93	30	JW
304008	08/18/93	10	JW
304008	08/23/93	25	JW
304008	08/28/93	25	RU
304008	09/04/93	25	RU
304008	09/09/93	25	JW
304008	09/14/93	25	JW
304008	09/18/93	50	JW
304008	09/25/93	25	RU
304008	09/29/93	25	JW
304008	10/09/93	25	RU
304008	10/17/93	25	JW
304008	10/21/93	25	JW
304008	10/29/93	25	JW

304008	11/05/93	25	JW
304008	11/13/93	25	JW
308350	11/20/93	25	RU
308350	11/28/93	25	JW
308350	12/04/93	25	RU
308350	12/18/93	25	RU
308350	12/24/93	25	JW
308350	12/28/93	25	JW
308350	01/06/94	30	JW
308350	01/14/94	50	JW
308350	01/26/94	30	RU
308350	02/03/94	30	JW
308350	02/12/94	30	RU
308350	02/17/94	30	JW
308350	02/26/94	30	RU
313451	03/05/94	30	RU
313451	03/11/94	30	JW
313451	03/16/94	10	JW
313451	03/18/94	30	JW
313451	03/24/94	30	JW
313451	03/30/94	30	JW
313451	04/05/94	30	JW
313451	04/11/94	30	JW
313451	04/15/94	30	JW
313451	04/22/94	30	JW
313451	05/05/94	30	JW
313451	05/12/94	30	JW
313451	05/18/94	30	JW
313451	05/26/94	30	JW

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (5) Orchard Drugs did, on or about the following dates, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Orchard Drugs sold the following units of Xanax over the amount authorized by the practitioner and not for a legitimate medical purpose:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Illegal Amount Dispensed</u>	<u>R.Ph.</u>
299716	07/21/93	Xanax 0.25mg	15	JW
304997	09/18/93	Xanax 0.25mg	15	JW
302997	09/25/93	Xanax 0.25mg	20	RU
302997	09/29/93	Xanax 0.25mg	25	JW
306131	12/18/93	Xanax 0.5mg	5	RU
306131	12/24/93	Xanax 0.5mg	25	JW
306131	12/28/93	Xanax 0.5mg	25	JW
306131	01/06/94	Xanax 0.5mg	25	JW
306131	01/14/94	Xanax 0.5mg	50	JW

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (6) Orchard Drugs did, on or about the following dates, knowingly sell a controlled substance in an amount equal to or exceeding the bulk amount, but in an amount less than three times that amount when the conduct was not in accordance with Chapter 3719. of the Ohio Revised Code, to wit: Orchard Drugs sold the following prescription refills above the number authorized by law:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>	<u>R.Ph.</u>
290379	10/22/92	Xanax 0.25mg	25	JW

290379	10/23/92	Xanax 0.25mg	45	FW
311332	01/26/94	Xanax 0.5mg	30	JW
311332	02/03/94	Xanax 0.5mg	30	JW
311332	02/17/94	Xanax 0.5mg	30	JW
311332	02/21/94	Xanax 0.5mg	30	JW
311332	03/11/94	Xanax 0.5mg	30	JW
311332	03/16/94	Xanax 0.5mg	10	JW
311332	03/18/94	Xanax 0.5mg	30	JW
311332	03/24/94	Xanax 0.5mg	30	JW
311332	03/30/94	Xanax 0.5mg	30	JW
311332	04/05/94	Xanax 0.5mg	30	JW
311332	04/11/94	Xanax 0.5mg	30	JW
311332	04/15/94	Xanax 0.5mg	30	JW
311332	04/22/94	Xanax 0.5mg	30	JW
311332	04/29/94	Xanax 0.5mg	30	JW
311332	05/05/94	Xanax 0.5mg	30	JW

Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (7) Orchard Drugs did, on or about the following dates, intentionally create and/or knowingly possess false or forged prescriptions, to wit: the following prescriptions were removed from the files of Orchard Drugs and verified as being altered and/or forged:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>	<u>R.Ph.</u>
300304	05/13/93	APAP with Codeine #4	45	JW
300304	05/25/93	APAP with Codeine #4	45	JW
300304	06/01/93	APAP with Codeine #4	45	JW
304855	09/06/93	Tylenol #4	90	JW
306348	09/08/93	Dilaudid 4	60	JW
304855	09/13/93	Tylenol #4	90	JW
304855	09/21/93	Tylenol #4	90	JW
304855	09/27/93	Tylenol #4	90	JW
304855	10/04/93	Tylenol #4	90	JW
306888	10/20/93	Percocet	60	JW
304855	10/11/93	Tylenol #4	90	JW
307942	11/11/93	Percodan	60	JW
308516	11/24/93	Percocet	90	JW
308849	12/01/93	Percodan	90	JW
309039	12/03/93	Percodan	90	JW
309239	12/10/93	Percodan	90	JW
309384	12/11/93	Percodan	90	JW
312142	02/04/94	Tylenol #3	20	JW
312142	02/08/94	Tylenol #3	20	JW
312142	02/10/94	Tylenol #3	20	JW
312142	03/03/94	Tylenol #3	20	JW
314886	04/06/94	Lorcet 10/650	80	JW
314978	04/06/94	Tylenol #4	90	JW
314980	04/08/94	Darvocet-N 100/650	80	JW
315175	04/12/94	Lorcet 10/650	80	JW
314886	04/19/94	Lorcet 10/650	80	JW
315175	04/26/94	Lorcet 10/650	80	JW
315175	05/02/94	Lorcet 10/650	80	JW
315175	05/05/94	Lorcet 10/650	80	JW
315175	05/12/94	Lorcet 10/650	80	JW

Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (8) Orchard Drugs did, from April 14, 1993, through November 19, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Orchard Drugs sold on each of the following 50 dates, over a 219-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #13 when not for a legitimate medical purpose:

04/14/93, 04/17/93, 04/21/93, 04/23/93, 04/27/93, 04/28/93, 05/01/93, 05/03/93, 05/11/93, 05/17/93, 05/22/93, 06/02/93, 06/04/93, 06/06/93, 06/09/93, 06/18/93, 06/29/93, 07/02/93, 07/05/93, 07/07/93, 07/10/93, 07/15/93, 07/18/93, 07/26/93, 07/30/93, 08/11/93, 08/13/93, 08/15/93, 08/27/93, 08/29/93, 09/01/93, 09/05/93, 09/07/93, 09/10/93, 09/12/93, 09/15/93, 09/24/93, 09/26/93, 09/28/93, 10/01/93, 10/04/93, 10/16/93, 10/25/93, 10/30/93, 11/01/93, 11/03/93, 11/06/93, 11/12/93, 11/13/93, and 11/19/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (9) Orchard Drugs did, from December 22, 1992, through December 28, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Orchard Drugs sold on each of the following 169 dates, over a 371-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #139 when not for a legitimate medical purpose:

12/22/92, 12/24/92, 12/26/92, 12/28/92, 12/30/92, 01/03/93, 01/05/93, 01/07/93, 01/09/93, 01/11/93, 01/13/93, 01/16/93, 01/20/93, 01/22/93, 01/24/93, 01/26/93, 01/29/93, 02/01/93, 02/03/93, 02/05/93, 02/07/93, 02/10/93, 02/12/93, 02/14/93, 02/17/93, 02/20/93, 02/22/93, 02/24/93, 02/27/93, 03/01/93, 03/03/93, 03/06/93, 03/08/93, 03/11/93, 03/13/93, 03/15/93, 03/17/93, 03/20/93, 03/22/93, 03/24/93, 03/27/93, 03/29/93, 03/31/93, 04/03/93, 04/07/93, 04/10/93, 04/14/93, 04/16/93, 04/18/93, 04/19/93, 04/21/93, 04/23/93, 04/26/93, 04/28/93, 05/01/93, 05/03/93, 05/05/93, 05/07/93, 05/08/93, 05/09/93, 05/12/93, 05/14/93, 05/16/93, 05/18/93, 05/21/93, 05/23/93, 05/26/93, 05/30/93, 06/01/93, 06/03/93, 06/05/93, 06/07/93, 06/09/93, 06/12/93, 06/15/93, 06/17/93, 06/19/93, 06/21/93, 06/23/93, 06/25/93, 06/27/93, 06/29/93, 07/03/93, 07/05/93, 07/07/93, 07/09/93, 07/12/93, 07/14/93, 07/16/93, 07/18/93, 07/20/93, 07/22/93, 07/24/93, 07/26/93, 07/28/93, 07/30/93, 08/03/93, 08/05/93, 08/07/93, 08/09/93, 08/11/93, 08/13/93, 08/15/93, 08/17/93, 08/19/93, 08/21/93, 08/23/93, 08/25/93, 08/27/93, 08/29/93, 08/31/93, 09/02/93, 09/04/93, 09/06/93, 09/08/93, 09/10/93, 09/12/93, 09/14/93, 09/16/93, 09/18/93, 09/20/93, 09/22/93, 09/24/93, 09/26/93, 09/28/93, 09/30/93, 10/04/93, 10/06/93, 10/08/93, 10/10/93, 10/12/93, 10/14/93, 10/16/93, 10/18/93, 10/20/93, 10/22/93, 10/24/93, 10/26/93, 10/28/93, 10/30/93, 11/01/93, 11/03/93, 11/05/93, 11/07/93, 11/09/93, 11/11/93, 11/13/93, 11/15/93, 11/17/93, 11/19/93, 11/22/93, 11/24/93, 11/26/93, 11/28/93, 11/30/93, 12/02/93, 12/04/93, 12/06/93, 12/08/93, 12/10/93, 12/12/93, 12/14/93, 12/16/93, 12/18/93, 12/20/93, 12/22/93, 12/24/93, 12/26/93, and 12/28/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (10) Orchard Drugs did, from March 28, 1993, through November 28, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when

the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Orchard Drugs sold on each of the following 28 dates, over a 245-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #20 when not for a legitimate medical purpose:

03/28/93, 04/09/93, 04/22/93, 04/26/93, 05/16/93, 05/25/93, 06/17/93,
06/29/93, 07/02/93, 07/10/93, 07/21/93, 07/24/93, 08/05/93, 08/12/93,
08/14/93, 08/16/93, 08/22/93, 08/26/93, 08/28/93, 09/06/93, 09/11/93,
09/13/93, 10/06/93, 10/22/93, 10/24/93, 11/09/93, 11/15/93, and 11/28/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (11) Orchard Drugs did, from January 15, 1993, through June 8, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Orchard Drugs sold on each of the following 34 dates, over a 144-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #45 when not for a legitimate medical purpose:

01/15/93, 01/17/93, 01/19/93, 01/21/93, 01/23/93, 01/26/93, 01/28/93,
01/30/93, 02/04/93, 02/06/93, 02/09/93, 02/11/93, 02/18/93, 02/20/93,
02/22/93, 02/26/93, 03/01/93, 03/03/93, 03/09/93, 03/21/93, 03/23/93,
03/28/93, 03/29/93, 03/30/93, 04/11/93, 04/13/93, 04/15/93, 04/17/93,
05/21/93, 05/28/93, 05/31/93, 06/02/93, 06/04/93, and 06/08/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1997).

- (12) Orchard Drugs did, from March 5, 1993, through January 8, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Orchard Drugs sold on each of the following 85 dates, over a 309-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #61 when not for a legitimate medical purpose:

03/05/93, 03/15/93, 03/24/93, 03/28/93, 04/01/93, 04/07/93, 04/11/93,
04/13/93, 04/23/93, 04/27/93, 05/01/93, 05/07/93, 05/11/93, 05/18/93,
05/23/93, 05/25/93, 05/29/93, 05/31/93, 06/04/93, 06/08/93, 06/13/93,
06/16/93, 06/20/93, 06/22/93, 06/24/93, 06/26/93, 06/28/93, 06/30/93,
07/02/93, 07/04/93, 07/06/93, 07/08/93, 07/10/93, 07/12/93, 07/14/93,
07/16/93, 07/18/93, 07/20/93, 07/22/93, 07/24/93, 07/26/93, 07/28/93,
07/30/93, 08/01/93, 08/03/93, 08/05/93, 08/07/93, 08/09/93, 08/11/93,
08/13/93, 08/15/93, 08/17/93, 08/19/93, 08/21/93, 08/23/93, 08/25/93,
08/27/93, 08/29/93, 08/31/93, 10/17/93, 10/20/93, 10/22/93, 10/24/93,
10/27/93, 10/29/93, 11/02/93, 11/04/93, 11/07/93, 11/08/93, 11/10/93,
11/12/93, 11/14/93, 11/16/93, 11/18/93, 11/21/93, 11/23/93, 11/25/93,
11/27/93, 11/30/93, 12/07/93, 12/19/93, 12/24/93, 12/26/93, 12/28/93, and
01/08/94.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (13) Orchard Drugs did, from October 8, 1991, through January 9, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio

Revised Code, to wit: Orchard Drugs sold on each of the following 200 dates, over an 824-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #66 when not for a legitimate medical purpose:

10/08/91, 10/15/91, 10/22/91, 10/29/91, 11/07/91, 11/12/91, 11/25/91, 12/15/91, 01/01/92, 01/15/92, 01/24/92, 02/01/92, 02/07/92, 02/12/92, 02/19/92, 02/26/92, 03/01/92, 03/06/92, 03/12/92, 03/18/92, 03/25/92, 03/28/92, 04/03/92, 04/13/92, 04/18/92, 04/24/92, 04/30/92, 05/06/92, 05/24/92, 05/30/92, 06/07/92, 06/17/92, 06/21/92, 06/26/92, 07/02/92, 07/05/92, 07/13/92, 07/15/92, 07/21/92, 07/25/92, 08/03/92, 08/09/92, 08/13/92, 08/15/92, 08/28/92, 08/30/92, 09/07/92, 09/11/92, 09/13/92, 09/17/92, 09/27/92, 10/01/92, 10/09/92, 10/17/92, 10/20/92, 10/22/92, 10/28/92, 10/30/92, 11/01/92, 11/03/92, 11/05/92, 11/07/92, 11/09/92, 11/11/92, 11/13/92, 11/15/92, 11/19/92, 11/21/92, 11/25/92, 11/27/92, 12/01/92, 12/03/92, 12/09/92, 01/01/93, 01/03/93, 01/07/93, 01/27/93, 01/30/93, 02/03/93, 02/05/93, 02/07/93, 02/09/93, 02/13/93, 02/21/93, 02/23/93, 02/26/93, 02/28/93, 03/02/93, 03/04/93, 03/06/93, 03/08/93, 03/10/93, 03/12/93, 03/14/93, 03/16/93, 03/18/93, 03/20/93, 03/22/93, 03/24/93, 03/26/93, 03/28/93, 03/30/93, 04/03/93, 04/05/93, 04/07/93, 04/09/93, 04/11/93, 04/13/93, 04/15/93, 04/17/93, 04/19/93, 04/21/93, 04/23/93, 04/25/93, 04/27/93, 04/29/93, 05/01/93, 05/03/93, 05/05/93, 05/07/93, 05/11/93, 05/13/93, 05/15/93, 05/17/93, 05/19/93, 05/21/93, 05/23/93, 05/25/93, 05/27/93, 05/29/93, 05/31/93, 06/02/93, 06/06/93, 06/10/93, 06/14/93, 06/20/93, 06/24/93, 06/26/93, 06/28/93, 06/30/93, 07/02/93, 07/06/93, 07/08/93, 07/10/93, 07/12/93, 07/14/93, 07/17/93, 07/19/93, 07/21/93, 07/23/93, 07/25/93, 07/27/93, 07/29/93, 07/31/93, 08/02/93, 08/04/93, 08/06/93, 08/08/93, 08/10/93, 08/12/93, 08/14/93, 08/16/93, 08/18/93, 08/20/93, 08/22/93, 08/24/93, 08/26/93, 08/28/93, 08/30/93, 09/01/93, 09/03/93, 09/15/93, 09/17/93, 09/19/93, 09/21/93, 09/23/93, 09/25/93, 09/27/93, 09/29/93, 10/01/93, 10/03/93, 10/05/93, 10/09/93, 10/11/93, 10/13/93, 10/15/93, 10/17/93, 10/19/93, 10/21/93, 10/23/93, 10/25/93, 10/27/93, 10/29/93, 10/31/93, 11/02/93, 12/06/93, 12/22/93, 12/25/93, 12/30/93, and 01/09/94.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (14) Orchard Drugs did, from October 2, 1992, through November 15, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Orchard Drugs sold on each of the following 109 dates, over a 409-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #79 when not for a legitimate medical purpose:

10/02/92, 10/04/92, 10/07/92, 10/12/92, 10/18/92, 10/22/92, 10/24/92, 10/28/92, 11/06/92, 11/08/92, 12/01/92, 12/07/92, 12/09/92, 12/13/92, 12/15/92, 12/18/92, 12/20/92, 12/23/92, 12/25/92, 12/28/92, 12/31/92, 01/02/93, 01/06/93, 01/08/93, 01/11/93, 01/13/93, 01/17/93, 01/19/93, 01/24/93, 01/27/93, 01/29/93, 01/31/93, 02/02/93, 02/04/93, 02/06/93, 02/08/93, 02/12/93, 02/14/93, 02/17/93, 02/20/93, 02/24/93, 02/28/93, 03/02/93, 03/06/93, 03/08/93, 03/10/93, 03/12/93, 03/14/93, 03/16/93, 03/18/93, 03/20/93, 03/26/93, 04/05/93, 04/08/93, 04/09/93, 04/11/93, 04/17/93, 04/27/93, 04/30/93, 05/02/93, 05/05/93, 05/08/93, 05/10/93, 05/13/93, 05/20/93, 05/28/93, 05/30/93, 06/02/93, 06/05/93, 06/08/93, 06/12/93, 06/19/93, 06/21/93, 06/24/93, 06/29/93, 07/01/93, 07/03/93, 07/05/93, 07/08/93, 07/10/93, 07/12/93, 07/17/93, 07/20/93, 07/24/93, 07/26/93, 07/30/93, 08/04/93, 08/07/93, 08/09/93, 08/13/93, 08/17/93, 08/21/93, 08/28/93, 09/06/93, 09/16/93, 09/18/93, 09/26/93, 10/02/93,

10/09/93, 10/11/93, 10/13/93, 10/16/93, 10/19/93, 10/23/93, 10/25/93,
10/30/93, 11/06/93, 11/13/93, and 11/15/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (15) Orchard Drugs did, from March 9, 1993, through December 31, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Orchard Drugs sold on each of the following 119 dates, over a 297-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #80 when not for a legitimate medical purpose:

03/09/93, 03/11/93, 03/13/93, 03/18/93, 03/20/93, 03/26/93, 03/30/93,
04/02/93, 04/06/93, 04/07/93, 04/09/93, 04/10/93, 04/12/93, 04/13/93,
04/14/93, 04/15/93, 04/17/93, 04/18/93, 04/20/93, 04/21/93, 04/22/93,
04/23/93, 04/24/93, 04/25/93, 04/26/93, 04/28/93, 04/30/93, 05/05/93,
05/06/93, 05/07/93, 05/08/93, 05/09/93, 05/15/93, 05/16/93, 05/18/93,
05/20/93, 05/21/93, 05/22/93, 05/23/93, 05/25/93, 05/27/93, 05/29/93,
05/31/93, 06/02/93, 06/04/93, 06/09/93, 06/11/93, 06/14/93, 06/16/93,
06/18/93, 06/20/93, 06/22/93, 06/24/93, 06/25/93, 06/28/93, 06/30/93,
07/05/93, 07/07/93, 07/09/93, 07/12/93, 07/14/93, 07/16/93, 07/22/93,
07/24/93, 07/26/93, 07/28/93, 07/30/93, 08/02/93, 08/06/93, 08/09/93,
08/16/93, 08/21/93, 08/24/93, 08/26/93, 08/28/93, 08/30/93, 09/01/93,
09/04/93, 09/10/93, 09/12/93, 09/13/93, 09/15/93, 09/17/93, 09/19/93,
09/21/93, 09/24/93, 10/01/93, 10/03/93, 10/05/93, 10/08/93, 10/11/93,
10/13/93, 10/15/93, 10/17/93, 10/21/93, 10/25/93, 10/30/93, 11/01/93,
11/05/93, 11/07/93, 11/09/93, 11/11/93, 11/14/93, 11/16/93, 11/18/93,
11/27/93, 11/29/93, 12/03/93, 12/05/93, 12/07/93, 12/09/93, 12/11/93,
12/13/93, 12/17/93, 12/19/93, 12/21/93, 12/23/93, 12/25/93, and 12/31/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (16) Orchard Drugs did, from August 19, 1991, through December 30, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Orchard Drugs sold on each of the following 180 dates, over an 864-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #99 when not for a legitimate medical purpose:

08/19/91, 08/23/91, 08/27/91, 08/29/91, 09/03/91, 09/06/91, 09/10/91,
09/12/91, 09/17/91, 10/11/91, 10/14/91, 10/22/91, 10/25/91, 10/31/91,
11/06/91, 11/12/91, 11/19/91, 11/22/91, 12/03/91, 12/10/91, 12/12/91,
12/18/91, 12/21/91, 12/27/91, 01/02/92, 01/09/92, 01/19/92, 01/22/92,
01/29/92, 02/07/92, 02/14/92, 02/18/92, 02/24/92, 03/03/92, 03/09/92,
03/14/92, 03/19/92, 03/26/92, 03/31/92, 04/07/92, 04/14/92, 04/18/92,
04/22/92, 05/05/92, 05/19/92, 05/22/92, 05/26/92, 05/29/92, 06/02/92,
06/09/92, 06/14/92, 06/16/92, 06/22/92, 06/24/92, 06/27/92, 07/01/92,
07/21/92, 07/23/92, 07/27/92, 08/02/92, 08/16/92, 08/18/92, 08/23/92,
08/26/92, 08/31/92, 09/03/92, 09/08/92, 09/10/92, 09/15/92, 09/21/92,
09/24/92, 09/30/92, 10/02/92, 10/06/92, 10/09/92, 10/16/92, 10/18/92,
10/21/92, 10/30/92, 11/06/92, 11/12/92, 11/19/92, 11/21/92, 11/24/92,
12/02/92, 03/02/93, 03/04/93, 03/11/93, 03/13/93, 03/17/93, 03/21/93,
03/25/93, 03/30/93, 04/03/93, 04/05/93, 04/08/93, 04/12/93, 04/15/93,
04/19/93, 04/21/93, 04/29/93, 05/06/93, 05/09/93, 05/12/93, 05/15/93,
05/23/93, 05/25/93, 05/29/93, 06/03/93, 06/05/93, 06/07/93, 06/09/93,
06/11/93, 06/14/93, 06/16/93, 06/20/93, 06/23/93, 06/26/93, 06/30/93,

07/02/93, 07/04/93, 07/06/93, 07/09/93, 07/12/93, 07/14/93, 07/17/93, 07/19/93, 07/21/93, 07/24/93, 07/26/93, 07/29/93, 08/01/93, 08/03/93, 08/07/93, 08/11/93, 08/13/93, 08/15/93, 08/17/93, 08/19/93, 08/22/93, 08/25/93, 08/27/93, 08/30/93, 09/01/93, 09/03/93, 09/05/93, 09/09/93, 09/11/93, 09/13/93, 09/15/93, 09/24/93, 09/28/93, 09/30/93, 10/02/93, 10/06/93, 10/11/93, 10/13/93, 10/15/93, 10/17/93, 10/20/93, 10/22/93, 10/30/93, 11/05/93, 11/08/93, 11/12/93, 11/14/93, 11/18/93, 11/20/93, 11/24/93, 11/26/93, 11/28/93, 12/02/93, 12/04/93, 12/06/93, 12/09/93, 12/13/93, 12/16/93, 12/18/93, 12/28/93, and 12/30/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (17) Orchard Drugs did, from September 13, 1991, through March 6, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Orchard Drugs sold on each of the following 191 dates, over a 905-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #111 when not for a legitimate medical purpose:

09/13/91, 09/26/91, 10/02/91, 10/09/91, 10/14/91, 12/03/91, 12/13/91, 12/24/91, 01/02/92, 01/10/92, 01/16/92, 01/25/92, 02/03/92, 02/11/92, 02/17/92, 02/24/92, 03/05/92, 03/15/92, 03/22/92, 03/28/92, 04/10/92, 04/18/92, 04/24/92, 04/29/92, 06/13/92, 06/26/92, 07/03/92, 07/08/92, 07/12/92, 07/17/92, 07/22/92, 07/26/92, 07/30/92, 08/03/92, 08/07/92, 08/15/92, 08/19/92, 08/21/92, 08/29/92, 09/04/92, 09/07/92, 09/08/92, 09/12/92, 09/15/92, 09/18/92, 09/20/92, 09/22/92, 09/26/92, 09/28/92, 10/06/92, 10/08/92, 10/16/92, 10/23/92, 10/26/92, 10/30/92, 11/08/92, 11/11/92, 11/13/92, 11/20/92, 11/26/92, 12/05/92, 12/09/92, 12/15/92, 12/19/92, 12/22/92, 12/26/92, 12/31/92, 01/03/93, 01/10/93, 01/14/93, 01/17/93, 01/20/93, 01/24/93, 01/28/93, 02/03/93, 02/07/93, 02/10/93, 02/14/93, 02/20/93, 02/26/93, 03/07/93, 03/15/93, 03/19/93, 04/11/93, 04/18/93, 04/27/93, 04/30/93, 05/02/93, 05/05/93, 05/11/93, 05/14/93, 05/19/93, 05/21/93, 05/23/93, 05/26/93, 05/28/93, 05/31/93, 06/04/93, 06/06/93, 06/12/93, 06/16/93, 06/18/93, 06/20/93, 06/22/93, 06/24/93, 06/26/93, 06/28/93, 06/30/93, 07/03/93, 07/08/93, 07/10/93, 07/12/93, 07/15/93, 07/17/93, 07/24/93, 07/26/93, 07/28/93, 07/30/93, 08/01/93, 08/03/93, 08/06/93, 08/08/93, 08/10/93, 08/13/93, 08/15/93, 08/17/93, 08/20/93, 08/22/93, 08/25/93, 08/27/93, 08/29/93, 08/31/93, 09/03/93, 09/06/93, 09/08/93, 09/10/93, 09/12/93, 09/15/93, 09/16/93, 09/18/93, 09/21/93, 09/23/93, 09/25/93, 09/27/93, 09/29/93, 10/01/93, 10/03/93, 10/05/93, 10/07/93, 10/09/93, 10/11/93, 10/13/93, 10/16/93, 10/18/93, 10/20/93, 10/22/93, 10/24/93, 10/26/93, 10/28/93, 10/30/93, 11/01/93, 11/03/93, 11/09/93, 11/11/93, 11/14/93, 11/16/93, 11/19/93, 11/23/93, 11/26/93, 11/28/93, 11/30/93, 12/08/93, 12/10/93, 12/12/93, 12/14/93, 12/16/93, 12/18/93, 12/20/93, 12/22/93, 12/24/93, 12/26/93, 01/20/94, 01/30/94, 02/05/94, 02/08/94, 02/10/94, 02/14/94, 02/20/94, 02/26/94, 03/04/94, and 03/06/94.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (18) Orchard Drugs did, from February 12, 1993, through July 25, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Orchard Drugs sold on each of the following 30 dates, over a 163-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #117 when not for a legitimate medical purpose:

02/12/93, 02/19/93, 02/23/93, 02/25/93, 03/01/93, 03/03/93, 03/08/93, 03/20/93, 03/22/93, 03/31/93, 04/02/93, 04/05/93, 04/10/93, 04/13/93, 04/19/93, 04/24/93, 04/29/93, 05/02/93, 05/04/93, 05/10/93, 05/13/93, 05/17/93, 05/22/93, 06/02/93, 06/12/93, 06/28/93, 07/01/93, 07/03/93, 07/19/93, and 07/25/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (19) Orchard Drugs did, from December 29, 1992, through June 8, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Orchard Drugs sold on each of the following 72 dates, over a 161-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #127 when not for a legitimate medical purpose:

12/29/92, 12/31/92, 01/02/93, 01/06/93, 01/09/93, 01/11/93, 01/14/93, 01/16/93, 01/17/93, 01/19/93, 01/21/93, 01/24/93, 01/26/93, 01/28/93, 01/30/93, 01/31/93, 02/04/93, 02/06/93, 02/08/93, 02/10/93, 02/12/93, 02/13/93, 02/15/93, 02/17/93, 02/19/93, 02/21/93, 02/22/93, 02/24/93, 02/25/93, 03/03/93, 03/05/93, 03/06/93, 03/08/93, 03/12/93, 03/14/93, 03/15/93, 03/18/93, 03/20/93, 03/22/93, 03/25/93, 03/27/93, 03/28/93, 03/29/93, 04/11/93, 04/12/93, 04/13/93, 04/15/93, 04/17/93, 04/18/93, 04/19/93, 04/21/93, 04/23/93, 04/27/93, 05/02/93, 05/03/93, 05/05/93, 05/06/93, 05/16/93, 05/17/93, 05/19/93, 05/20/93, 05/22/93, 05/23/93, 05/25/93, 05/28/93, 05/29/93, 05/30/93, 05/31/93, 06/02/93, 06/04/93, 06/06/93, and 06/08/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

CONCLUSION OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (19) of the Findings of Fact constitute violating provisions of the federal narcotic law or Chapter 2925. or 3719. of the Revised Code as provided in Division (A)(3) of Section 4729.57 of the Ohio Revised Code.

ACTION OF THE BOARD

Pursuant to Section 4729.57 of the Ohio Revised Code, the State Board of Pharmacy hereby takes the following actions in the matter of Orchard Drugs:

- (A) On the basis of the Findings of Fact and Conclusion of Law set forth above, the State Board of Pharmacy hereby suspends indefinitely the Terminal Distributor of Dangerous Drugs License, No. 02-0606500, of Orchard Drugs.
- (B) Further, the Board stays the suspension and places Orchard Drugs on probation for five years, effective as of the date of the mailing of this Order. The terms of probation are as follows:
- (1) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Orchard Drugs' license is not in good standing and thereby denies the privilege of being a training site for pharmacy interns.
- (2) Orchard Drugs must not violate the drug laws of the state of Ohio, any other state, or the federal government.

- (3) Orchard Drugs must abide by the rules of the Ohio State Board of Pharmacy.
- (4) Orchard Drugs must comply with the terms of this Order.

The Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

- (C) On the basis of the Findings of Fact and Conclusion of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of twenty thousand dollars (\$20,000) due and owing within thirty (30) days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.

The motion was seconded by Mr. Maslak and approved by the Board (Aye-8/Nay-0).

RES. 97-100 Mr. Lamping moved that the Board adopt the following Order:

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-960322-049)

In The Matter Of:

JACK JAMES WILHELM, R.Ph.
1905 Sunnyslawn Drive
Toledo, Ohio 43614
(R.Ph. No. 03-3-09450)

INTRODUCTION

THE MATTER OF JACK JAMES WILHELM CAME TO HEARING ON JANUARY 28, 1997, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

JACK JAMES WILHELM WAS REPRESENTED BY CHARLES M. BOSS, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Dale Fritz, Ohio State Board of Pharmacy
- (2) Joann Predina, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Robert Oberlin Urfer
- (2) Joseph F. Adams, St. Vincent's Medical Center

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Notice of Opportunity for Hearing letter in the matter of Orchard Drugs dated March 22, 1996.
- (2) Exhibit 1A--Notice of Appearance and Certificate of Service in the matter of Orchard Drugs by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (3) Exhibit 1B--Request for Hearing and Certificate of Service in the matter of Orchard Drugs by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (4) Exhibit 1C--Notice of Opportunity for Hearing letter in the matter of Robert Oberlin Urfer dated March 22, 1996.
- (5) Exhibit 1D--Notice of Appearance and Certificate of Service in the matter of Robert Oberlin Urfer by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (6) Exhibit 1E--Request for Hearing and Certificate of Service in the matter of Robert Oberlin Urfer by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (7) Exhibit 1F--Notice of Opportunity for Hearing letter in the matter of Jack James Wilhelm dated March 22, 1996.
- (8) Exhibit 1G--Notice of Appearance and Certificate of Service in the matter of Jack James Wilhelm by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (9) Exhibit 1H--Request for Hearing and Certificate of Service in the matter of Jack James Wilhelm by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (10) Exhibit 1I--Two-page Hearing Schedule letter dated April 16, 1996.
- (11) Exhibit 1J--Two-page Hearing Schedule letter dated June 26, 1996.
- (12) Exhibit 1K--Fax copy of notice of representation in the matter of Jack James Wilhelm by Charles M. Boss dated November 19, 1996.
- (13) Exhibit 1L--Motion for Continuance, Memorandum in Support, and Certificate of Service in the matter of Orchard Drugs by David W. Grauer and Janice K. Van Dyne dated November 25, 1996.
- (14) Exhibit 1M--Motion for Continuance, Memorandum in Support, and Certificate of Service in the matter of Robert Oberlin Urfer by David W. Grauer and Janice K. Van Dyne dated November 25, 1996.
- (15) Exhibit 1N--Response to Continuance Request in the matter of Robert Urfer and Orchard Drugs dated December 3, 1996.
- (16) Exhibit 1O--Amended Notice of Opportunity for Hearing letter in the matter of Orchard Drugs dated December 3, 1996.
- (17) Exhibit 1P--Amended Notice of Opportunity for Hearing letter in the matter of Robert Oberlin Urfer dated December 3, 1996.
- (18) Exhibit 1Q--Amended Notice of Opportunity for Hearing letter in the matter of Jack James Wilhelm dated December 4, 1996.
- (19) Exhibit 1R--Notice of Withdrawal of Counsel and Certificate of Service in the matter of Jack James Wilhelm by David W. Grauer and Janice K. Van Dyne dated December 4, 1996.
- (20) Exhibit 1S--Letter from Julie Dey dated December 4, 1996; Motion for Continuance, Memorandum in Support; and Certificate of Service in the matter of Jack James Wilhelm by Charles M. Boss first received on December 4, 1996.
- (21) Exhibit 1T--Letter to Charles M. Boss from Franklin Z. Wickham dated December 4, 1996.
- (22) Exhibit 1U--Letter to Janice K. Van Dyne and David W. Grauer from Franklin Z. Wickham dated January 7, 1997.
- (23) Exhibit 1V--Letter to Charles M. Boss from Franklin Z. Wickham dated January 7, 1997.
- (24) Exhibit 1W--Application for Registration as a Terminal Distributor of Dangerous Drugs of Orchard Drug dated May 5, 1991; copy of Records of Incorporation Certificate; four-page copy of Articles of Incorporation; and six Renewal Applications for DDD License, No. 02-0606500, for a Terminal Distributor of Dangerous Drugs License of Orchard Drugs for the following time periods: January 1, 1997, to December 31, 1997, dated October 4, 1996; January 1, 1996, to December 31, 1996, dated October 14, 1995; January 1, 1995, to December 31, 1995, dated October 29, 1994; January 1, 1994, to December 31, 1994, dated October 5, 1993; January 1, 1993, to December 31, 1993, dated November 16, 1992; and January 1, 1992, to December 31, 1992, dated September 21, 1991.
- (25) Exhibit 1X--Pharmacist File Front Sheet of Robert Oberlin Urfer showing original date of registration as August 4, 1969; and Renewal Application for Pharmacist License, No.

- 03-1-09283, for a license to practice pharmacy in Ohio from September 15, 1996, to September 15, 1997 of Robert Oberlin Urfer dated July 18, 1996.
- (26) Exhibit 1Y--Pharmacist File Front Sheet of Jack James Wilhelm showing original date of registration as February 25, 1970; and Renewal Application for Pharmacist License, No. 03-3-09450, for a license to practice pharmacy in Ohio from September 15, 1996, to September 15, 1997, of Jack James Wilhelm dated July 28, 1996.
 - (27) Exhibit 1Z--Six-page Order of the State Board of Pharmacy, Docket No. D-910429-069, in the matter of Jack James Wilhelm dated August 16, 1991.
 - (28) Exhibit 2--Sealed Record-Samuel's Products Exempt Narcotics Register of Orchard Drug dated from June 24, 1991, to December 8, 1992.
 - (29) Exhibit 2A--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from December 9, 1992, to February 28, 1993.
 - (30) Exhibit 2B--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from February 28, 1993, to May 1, 1993.
 - (31) Exhibit 2C--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from May 1, 1993, to June 22, 1993.
 - (32) Exhibit 2D--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from June 22, 1993, to August 22, 1993.
 - (33) Exhibit 2E--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from August 22, 1993, to October 16, 1993.
 - (34) Exhibit 2F--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from October 16, 1993, to January 16, 1994.
 - (35) Exhibit 2G--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from January 16, 1994, to March 15, 1994.
 - (36) Exhibit 3--Accountability Statement of Orchard Drug for Demerol 50mg Tablet dated March 30, 1994.
 - (37) Exhibit 3A--Accountability Statement of Orchard Drug for Demerol 100mg Tablet dated March 30, 1994.
 - (38) Exhibit 3B--Accountability Statement of Orchard Drug for Dexedrine 5 Spansule dated March 30, 1994.
 - (39) Exhibit 3C--Accountability Statement of Orchard Drug for Dexedrine 10 Spansule dated March 30, 1994.
 - (40) Exhibit 3D--Accountability Statement of Orchard Drug for Dilaudid 2mg dated March 29, 1994.
 - (41) Exhibit 3E--Accountability Statement of Orchard Drug for Dilaudid 4mg dated March 29, 1994.
 - (42) Exhibit 3F--Accountability Statement of Orchard Drug for Mepergan Fortis dated March 30, 1994.
 - (43) Exhibit 3G--Accountability Statement of Orchard Drug for Methadone 5mg dated March 29, 1994.
 - (44) Exhibit 3H--Accountability Statement of Orchard Drug for Methadone 10mg dated May 2, 1994.
 - (45) Exhibit 3I--Accountability Statement of Orchard Drug for MS Contin 15mg Tablets dated March 30, 1994.
 - (46) Exhibit 3J--Accountability Statement of Orchard Drug for MS Contin 30mg Tablets dated May 2, 1994.
 - (47) Exhibit 3K--Accountability Statement of Orchard Drug for MS Contin 60mg Tablets dated March 30, 1994.
 - (48) Exhibit 3L--Accountability Statement of Orchard Drug for MS Contin 100mg Tablets dated March 30, 1994.
 - (49) Exhibit 3M--Accountability Statement of Orchard Drug for Nembutal 100 Capsule dated March 30, 1994.
 - (50) Exhibit 3N--Accountability Statement of Orchard Drug for Oxycodone/APAP dated May 2, 1994.
 - (51) Exhibit 3O--Accountability Statement of Orchard Drug for Oxycodone/ASA dated March 29, 1994.
 - (52) Exhibit 3P--Accountability Statement of Orchard Drug for Percocet dated May 2, 1994.
 - (53) Exhibit 3Q--Accountability Statement of Orchard Drug for Percodan dated May 2, 1994.
 - (54) Exhibit 3R--Accountability Statement of Orchard Drug for Roxicet dated March 29, 1994.

- (55) Exhibit 3S--Accountability Statement of Orchard Drug for Roxilox dated March 29, 1994.
- (56) Exhibit 3T--Accountability Statement of Orchard Drug for Roxiprin dated May 2, 1994.
- (57) Exhibit 3U--Accountability Statement of Orchard Drug for Tylox dated March 29, 1994.
- (58) Exhibit 4--Sealed Record-Prescription No. 295208.
- (59) Exhibit 5--Sealed Record-Prescription No. 300001.
- (60) Exhibit 6--Sealed Record-Prescription No. 304008.
- (61) Exhibit 7--Sealed Record-Prescription No. 308350.
- (62) Exhibit 8--Sealed Record-Prescription No. 313451.
- (63) Exhibit 9--Sealed Record-Ten-page Tax Insurance Summary of Orchard Drugs for Mark Miller dated from August 13, 1992, through June 1, 1994, dated June 1, 1994.
- (64) Exhibit 10--Sealed Record-Copies of thirty-nine pages of refill log book entries of Orchard Drugs dated from February 4, 1993, through November 13, 1993.
- (65) Exhibit 10A--Sealed Record-Copies of four pages of refill log book entries of Orchard Drugs dated from July 20, 1993, through September 30, 1993.
- (66) Exhibit 10B--Sealed Record-Copy of one page of refill log book entries of Orchard Drugs dated from October 23, 1992, through October 24, 1992.
- (67) Exhibit 11--Sealed Record-Copies of twenty-four pages of refill log book entries of Orchard Drugs dated from November 26, 1993, through May 27, 1994.
- (68) Exhibit 11A--Sealed Record-Copies of five pages of refill log book entries of Orchard Drugs dated from December 17, 1993, through January 15, 1994.
- (69) Exhibit 11B--Sealed Record-Copies of twelve pages of refill log book entries of Orchard Drugs dated from February 20, 1994, through May 5, 1994.
- (70) Exhibit 11C--Sealed Record-Copies of fifteen pages of refill log book entries of Orchard Drugs dated from May 25, 1993, through May 12, 1994.
- (71) Exhibit 12--Sealed Record-Two-page statement of James D. Diethelm, M.D. signed and notarized on June 19, 1994.
- (72) Exhibit 13--Sealed Record-Prescription No. 299716.
- (73) Exhibit 14--Sealed Record-Prescription No. 304997.
- (74) Exhibit 15--Sealed Record-Prescription No. 306131.
- (75) Exhibit 16--Sealed Record-Prescription No. 290379.
- (76) Exhibit 17--Sealed Record-Prescription No. 311332.
- (77) Exhibit 18--Sealed Record-Prescription No. 300304.
- (78) Exhibit 19--Sealed Record-Prescription No. 304855.
- (79) Exhibit 20--Sealed Record-Prescription No. 306348.
- (80) Exhibit 21--Sealed Record-Prescription No. 306888.
- (81) Exhibit 22--Sealed Record-Prescription No. 307942.
- (82) Exhibit 23--Sealed Record-Prescription No. 308516.
- (83) Exhibit 24--Sealed Record-Prescription No. 308849.
- (84) Exhibit 25--Sealed Record-Prescription No. 309039.
- (85) Exhibit 26--Sealed Record-Prescription No. 309239.
- (86) Exhibit 27--Sealed Record-Prescription No. 309384.
- (87) Exhibit 28--Sealed Record-Prescription No. 312142.
- (88) Exhibit 29--Sealed Record-Prescription No. 314886.
- (89) Exhibit 30--Sealed Record-Prescription No. 314978.
- (90) Exhibit 31--Sealed Record-Prescription No. 314980.
- (91) Exhibit 32--Sealed Record-Prescription No. 315175.
- (92) Exhibit 33--Sealed Record-Statement of Benjamin W. Butler, M.D. dated June 10, 1994.
- (93) Exhibit 34--Sealed Record-Statement of Dr. Michelle Nicholson-Wilson signed and notarized on June 9, 1994.
- (94) Exhibit 35--Sealed Record-Copy of telephone message from Orchard Drug dated July 22, 1992.
- (95) Exhibit 36--Sealed Record-Statement of Hosea Payne, M.D. signed and notarized on June 9, 1994.
- (96) Exhibit 37--Sealed Record-Statement of R. L. Finken, M.D. signed and notarized on June 10, 1994.
- (97) Exhibit 38--Copy of price list for schedule V codeine cough syrups written on a piece of note pad that advertises Cardene.
- (98) Exhibit 39--Three-page table of Lucas County Exempt Sales by Zip Code.
- (99) Exhibit 40--Three-page table of Lucas County Pharmacies Exempt Narcotic Sales without the #1 and #2 in Sales.

- (100) Exhibit 41--Three-page table of Lucas County Exempt Sales Without Highest Sales Pharmacy.
- (101) Exhibit 42--Map of Toledo, Ohio area showing location of Orchard Drug in blue, patient's home addresses in red, and other pharmacies in the Toledo area in green.
- (102) Exhibit 43--Sealed Record--Two-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 13.
- (103) Exhibit 44--Sealed Record--Table showing exempt narcotic sales made by Robert Urfer to Patient No. 13.
- (104) Exhibit 45--Sealed Record--Table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 13.
- (105) Exhibit 46--Sealed Record--Four-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 139.
- (106) Exhibit 47--Sealed Record--Table showing exempt narcotic sales made by Robert Urfer to Patient No. 139.
- (107) Exhibit 48--Sealed Record--Three-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 139.
- (108) Exhibit 49--Sealed Record--Table showing exempt narcotic sales made by Orchard Drug to Patient No. 20.
- (109) Exhibit 50--Sealed Record--Table showing exempt narcotic sales made by Robert Urfer to Patient No. 20.
- (110) Exhibit 51--Sealed Record--Table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 20.
- (111) Exhibit 52--Sealed Record--Table showing exempt narcotic sales made by Orchard Drug to Patient No. 45.
- (112) Exhibit 53--Sealed Record--Table showing exempt narcotic sales made by Robert Urfer to Patient No. 45.
- (113) Exhibit 54--Sealed Record--Table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 45.
- (114) Exhibit 55--Sealed Record--Two-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 61.
- (115) Exhibit 56--Sealed Record--Table showing exempt narcotic sales made by Robert Urfer to Patient No. 61.
- (116) Exhibit 57--Sealed Record--Two-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 61.
- (117) Exhibit 58--Sealed Record--Five-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 66.
- (118) Exhibit 59--Sealed Record--Two-page table showing exempt narcotic sales made by Robert Urfer to Patient No. 66.
- (119) Exhibit 60--Sealed Record--Two-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 66.
- (120) Exhibit 61--Sealed Record--Three-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 79.
- (121) Exhibit 62--Sealed Record--Table showing exempt narcotic sales made by Robert Urfer to Patient No. 79.
- (122) Exhibit 63--Sealed Record--Two-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 79.
- (123) Exhibit 64--Sealed Record--Three-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 80.
- (124) Exhibit 65--Sealed Record--Table showing exempt narcotic sales made by Robert Urfer to Patient No. 80.
- (125) Exhibit 66--Sealed Record--Three-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 80.
- (126) Exhibit 67--Sealed Record--Five-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 99.
- (127) Exhibit 68--Sealed Record--Table showing exempt narcotic sales made by Robert Urfer to Patient No. 99.
- (128) Exhibit 69--Sealed Record--Two-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 99.
- (129) Exhibit 70--Sealed Record--Five-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 111.
- (130) Exhibit 71--Sealed Record--Table showing exempt narcotic sales made by Robert Urfer to Patient No. 111.

- (131) Exhibit 72--Sealed Record-Three-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 111.
- (132) Exhibit 73--Sealed Record-Table showing exempt narcotic sales made by Orchard Drug to Patient No. 117.
- (133) Exhibit 74--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 117.
- (134) Exhibit 75--Sealed Record-Table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 117.
- (135) Exhibit 76--Sealed Record-Two-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 127.
- (136) Exhibit 77--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 127.
- (137) Exhibit 78--Sealed Record-Two-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 127.
- (138) Exhibit 79--Sealed Record-Prescription No. 302997.
- (139) Exhibit 80--Sealed Record-Confidential Patient Key for Exempt Narcotic Sales at Orchard Drug.

Respondent's Exhibits:

- (1) Exhibit Wilhelm A--Two-page affidavit of Michael D. Quigley signed and notarized on January 25, 1997.
- (2) Exhibit Urfer A--Three-page copy of Affidavit of Robert O. Urfer signed and notarized on January 23, 1997.
- (3) Exhibit Urfer C--UWIL, Inc. Six Year Analysis of Various Financial Info. and Ratios and Percentage of Gross Sales.
- (4) Exhibit Urfer E--Copy of note, dated August 20, 1996, on prescription blank signed by James D. Diethelm, M.D.; and copy of prescription number 290161.
- (5) Exhibit Urfer G--Copies of six Dangerous Drug Distributor Inspection Reports of Orchard Drugs dated as follows: December 12, 1990; June 11, 1991; September 17, 1992; December 29, 1993; March 16, 1994; and August 15, 1996.
- (6) Exhibit Urfer I--Two-page Affidavit of Kim Williams signed and notarized on January 24, 1997.
- (7) Exhibit Urfer J--Two-page Affidavit of Phillip J. Nelson signed and notarized on January 24, 1997.
- (8) Exhibit Urfer K--Letter from Thomas P. Connolly dated January 24, 1997.

FINDINGS OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the Board of Pharmacy indicate that Jack James Wilhelm was originally licensed in the state of Ohio on February 25, 1970, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio. Records further reflect that Jack James Wilhelm has been disciplined by the Board on August 16, 1991, for having committed acts constituting gross immorality, dishonesty and unprofessional conduct in the practice of pharmacy, being addicted to or abusing drugs, and willfully violating provisions of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.
- (2) Jack James Wilhelm did, on or about the following dates, sell under the exemptions of Section 3719.15 of the Ohio Revised Code to the same person (on each occasion) preparations included within Section 3719.15, when he knew or by reasonable diligence could have ascertained that the sale provided the recipient with more than one such preparation within a forty-eight consecutive hour period:

<u>Date</u>	<u>Patient No.</u>	<u>Drug</u>
02/22/93	127	Cheracol
02/25/93	127	Cheracol

03/15/93	127	Cheracol
03/29/93	127	Cheracol
03/30/93	45	Cheracol
04/07/93	80	Guiatuss AC
04/09/93	79	Guiatuss AC
04/10/93	80	Guiatuss AC
04/12/93	127	Cheracol
04/13/93	127	Cheracol
04/13/93	80	Guiatuss AC
04/14/93	80	Guiatuss AC
04/15/93	80	Guiatuss AC
04/19/93	127	Cheracol
04/21/93	80	Guiatuss AC
04/22/93	80	Guiatuss AC
04/23/93	80	Guiatuss AC
04/23/93	137	Rid-A-Pain
04/26/93	80	Guiatuss AC
04/28/93	13	Cheracol
05/06/93	127	Cheracol
05/06/93	80	Guiatuss AC
05/07/93	80	Guiatuss AC
05/09/93	139	Novadyne
05/17/93	127	Cheracol
05/20/93	127	Cheracol
05/21/93	80	Guiatuss AC
05/31/93	127	Cheracol
09/13/93	80	Guiatuss AC
10/25/93	80	Guiatuss AC
11/08/93	61	Cheracol
11/13/93	13	Novadyne DH

Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.

- (3) Jack James Wilhelm did, on or about the following dates, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on 33 occasions from January 25, 1993, to November 13, 1993, without a valid prescription, Jack James Wilhelm dispensed a total of 900 tablets of Soma Compound with Codeine, a schedule III controlled substance:

<u>Rx No.</u>	<u>Date</u>	<u>Quantity</u>
295208	01/25/93	45
295208	02/05/93	45
295208	02/22/93	45
295208	03/05/93	25
295208	03/12/93	25
295208	03/19/93	25
295208	03/26/93	25
295208	04/03/93	25
295208	04/10/93	25
295208	04/17/93	25
295208	04/27/93	25
295208	05/04/93	25
300001	05/12/93	25
300001	05/20/93	25
300001	05/31/93	25
300001	06/18/93	25
300001	07/01/93	25
300001	07/15/93	25
300001	07/23/93	25

300001	08/04/93	25
300001	08/09/93	25
300001	08/13/93	30
304008	08/18/93	10
304008	08/23/93	25
304008	09/09/93	25
304008	09/14/93	25
304008	09/18/93	50
304008	09/29/93	25
304008	10/17/93	25
304008	10/21/93	25
304008	10/29/93	25
304008	11/05/93	25
304008	11/13/93	25

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (4) Jack James Wilhelm did, on or about the following dates, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jack James Wilhelm sold the following units of Xanax over the amount authorized by the practitioner and not for a legitimate medical purpose:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Illegal Amount Dispensed</u>
299716	07/21/93	Xanax 0.25mg	15
302997	09/29/93	Xanax 0.25mg	25
304997	09/18/93	Xanax 0.25mg	15
306131	12/24/93	Xanax 0.5mg	25
306131	12/28/93	Xanax 0.5mg	25
306131	01/06/94	Xanax 0.5mg	25
306131	01/14/94	Xanax 0.5mg	50

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (5) Jack James Wilhelm did, on or about February 22, 1992, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jack James Wilhelm sold 25 units of Xanax 0.25mg pursuant to prescription number 290379 when not authorized by the practitioner and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (6) Jack James Wilhelm did, on or about the following dates, knowingly sell a controlled substance in an amount equal to or exceeding the bulk amount, but in an amount less than three times that amount when the conduct was not in accordance with Chapter 3719. of the Ohio Revised Code, to wit: Jack James Wilhelm sold Xanax 0.5mg pursuant to the following prescription refills exceeding the number authorized by law:

<u>Rx No.</u>	<u>Date</u>	<u>Quantity</u>
311332	02/21/94	30
311332	03/11/94	30
311332	03/16/94	10
311332	03/18/94	30
311332	03/24/94	30
311332	03/30/94	30
311332	04/05/94	30
311332	04/11/94	30

311332	04/15/94	30
311332	04/22/94	30
311332	04/29/94	30
311332	05/05/94	30

Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.

- (7) Jack James Wilhelm did, on or about the following dates, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jack James Wilhelm sold the following drugs when presented with false and/or forged prescriptions after he had been told by a Board Agent and after verifying with a practitioner himself that such prescriptions would not likely be legitimate:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
308516	11/24/93	Percocet	90
308849	12/01/93	Percodan	90
309039	12/03/93	Percodan	90
309239	12/10/93	Percodan	90
309384	12/11/93	Percodan	90

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (8) Jack James Wilhelm did, on or about the following dates, knowingly sell a controlled substance in an amount equal to or exceeding the bulk amount, but in an amount less than three times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jack James Wilhelm sold the following drugs when presented with false and/or forged prescriptions after he had been told by a Board Agent and after verifying with a practitioner himself that such prescriptions would not likely be legitimate:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
306348	09/08/93	Dilaudid 4	60
306888	10/20/93	Percocet	60
307942	11/11/93	Percodan	60

Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (9) Jack James Wilhelm did, on or about the following dates, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jack James Wilhelm sold the following drugs when presented with false and/or forged prescriptions after he had been told by a Board Agent and after verifying with a practitioner himself that such prescriptions would not likely be legitimate:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
304855	09/06/93	Tylenol #4	90
304855	09/13/93	Tylenol #4	90
304855	09/21/93	Tylenol #4	90
304855	09/27/93	Tylenol #4	90
304855	10/04/93	Tylenol #4	90
304855	10/11/93	Tylenol #4	90
314978	04/06/94	Tylenol #4	90

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (10) Jack James Wilhelm did, on or about the following dates, knowingly sell a controlled substance in an amount equal to or exceeding the bulk amount, but in an amount less than three times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jack James Wilhelm sold the following drugs when presented with false and/or forged prescriptions after he had been told by a Board Agent and after verifying with a practitioner himself that such prescriptions would not likely be legitimate:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
300304	05/13/93	APAP with Codeine #4	45
300304	05/25/93	APAP with Codeine #4	45
300304	06/01/93	APAP with Codeine #4	45
314886	04/06/94	Lorcet 10/650	80
315175	04/12/94	Lorcet 10/650	80
314886	04/19/94	Lorcet 10/650	80
315175	04/26/94	Lorcet 10/650	80
315175	05/02/94	Lorcet 10/650	80
315175	05/05/94	Lorcet 10/650	80
315175	05/12/94	Lorcet 10/650	80

Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (11) Jack James Wilhelm did, on or about the following dates, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jack James Wilhelm sold the following drugs when presented with false and/or forged prescriptions after he had been told by a Board Agent and after verifying with a practitioner himself that such prescriptions would not likely be legitimate:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
312142	02/04/94	Tylenol #3	20
312142	02/08/94	Tylenol #3	20
312142	02/10/94	Tylenol #3	20
312142	03/03/94	Tylenol #3	20

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (12) Jack James Wilhelm did, on or about April 8, 1994, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jack James Wilhelm sold 80 units of Darvocet-N 100/650 pursuant to prescription number 314980 after he had been told by a Board Agent and after verifying with a practitioner himself that such prescription would not likely be legitimate. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (13) Jack James Wilhelm did, on or about the following dates, knowingly possess false or forged prescriptions, to wit: after he had been told by a Board Agent and after verifying with a practitioner himself that such prescriptions would not likely be legitimate, Jack James Wilhelm sold the drugs and kept the following false and/or forged prescriptions on file at Orchard Drugs:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
300304	05/13/93	APAP with Codeine #4	45
300304	05/25/93	APAP with Codeine #4	45

300304	06/01/93	APAP with Codeine #4	45
304855	09/06/93	Tylenol #4	90
304855	09/13/93	Tylenol #4	90
304855	09/21/93	Tylenol #4	90
304855	09/27/93	Tylenol #4	90
304855	10/04/93	Tylenol #4	90
304855	10/11/93	Tylenol #4	90
306348	09/08/93	Dilaudid 4	60
306888	10/20/93	Percocet	60
307942	11/11/93	Percodan	60
308516	11/24/93	Percocet	90
308849	12/01/93	Percodan	90
309039	12/03/93	Percodan	90
309239	12/10/93	Percodan	90
309384	12/11/93	Percodan	90
312142	02/04/94	Tylenol #3	20
312142	02/08/94	Tylenol #3	20
312142	02/10/94	Tylenol #3	20
312142	03/03/94	Tylenol #3	20
314886	04/06/94	Lorcet 10/650	80
314886	04/19/94	Lorcet 10/650	80
314978	04/06/94	Tylenol #4	90
314980	04/08/94	Darvocet-N 100/650	80
315175	04/12/94	Lorcet 10/650	80
315175	04/26/94	Lorcet 10/650	80
315175	05/02/94	Lorcet 10/650	80
315175	05/05/94	Lorcet 10/650	80
315175	05/12/94	Lorcet 10/650	80

Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (14) Jack James Wilhelm did, from April 14, 1993, through November 19, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each of the following 34 dates, Jack James Wilhelm sold an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #13, when the patient received a total of 50 preparations from the pharmacy over a 219-day time period and not for a legitimate medical purpose:

04/14/93, 04/17/93, 04/21/93, 04/23/93, 04/27/93, 04/28/93, 05/11/93, 05/17/93, 06/02/93, 06/09/93, 06/18/93, 06/29/93, 07/02/93, 07/15/93, 07/26/93, 07/30/93, 08/13/93, 08/27/93, 08/29/93, 09/01/93, 09/05/93, 09/07/93, 09/10/93, 09/15/93, 09/24/93, 09/26/93, 09/28/93, 10/01/93, 10/04/93, 11/01/93, 11/03/93, 11/12/93, 11/13/93, and 11/19/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (15) Jack James Wilhelm did, from December 22, 1992, through December 28, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each of the following 118 dates, Jack James Wilhelm sold an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #139 when the patient received a total of 169 preparations from the pharmacy over a 371-day time period and not for a legitimate medical purpose:

12/22/92, 12/24/92, 12/28/92, 12/30/92, 01/05/93, 01/07/93, 01/13/93, 01/20/93, 01/24/93, 01/26/93, 01/29/93, 02/01/93, 02/03/93, 02/05/93, 02/07/93, 02/10/93, 02/14/93, 02/17/93, 02/20/93, 03/03/93, 03/08/93, 03/11/93, 03/13/93, 03/15/93, 03/17/93, 03/22/93, 03/24/93, 03/31/93, 04/03/93, 04/07/93, 04/10/93, 04/14/93, 04/16/93, 04/18/93, 04/21/93, 04/23/93, 04/26/93, 04/28/93, 05/03/93, 05/05/93, 05/07/93, 05/09/93, 05/12/93, 05/14/93, 05/16/93, 05/18/93, 06/07/93, 06/09/93, 06/12/93, 06/15/93, 06/17/93, 06/21/93, 06/23/93, 06/25/93, 06/27/93, 06/29/93, 07/03/93, 07/07/93, 07/09/93, 07/12/93, 07/14/93, 07/16/93, 07/18/93, 07/20/93, 07/26/93, 07/28/93, 07/30/93, 08/03/93, 08/05/93, 08/09/93, 08/11/93, 08/13/93, 08/17/93, 08/19/93, 08/25/93, 08/27/93, 08/29/93, 09/02/93, 09/06/93, 09/08/93, 09/14/93, 09/16/93, 09/18/93, 09/20/93, 09/22/93, 09/24/93, 09/26/93, 09/28/93, 09/30/93, 10/04/93, 10/08/93, 10/12/93, 10/14/93, 10/20/93, 10/22/93, 10/26/93, 10/28/93, 11/03/93, 11/09/93, 11/11/93, 11/13/93, 11/15/93, 11/17/93, 11/22/93, 11/24/93, 11/26/93, 11/28/93, 11/30/93, 12/02/93, 12/06/93, 12/10/93, 12/12/93, 12/14/93, 12/16/93, 12/20/93, 12/22/93, 12/24/93, and 12/28/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (16) Jack James Wilhelm did, from April 22, 1993, through November 28, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each of the following 19 dates, Jack James Wilhelm sold an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #20 when the patient received a total of 28 preparations from the pharmacy over a 245-day time period when not for a legitimate medical purpose:

04/22/93, 05/25/93, 06/17/93, 06/29/93, 07/21/93, 08/05/93, 08/12/93, 08/14/93, 08/16/93, 08/26/93, 09/06/93, 09/11/93, 09/13/93, 10/06/93, 10/22/93, 10/24/93, 11/09/93, 11/15/93, and 11/28/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (17) Jack James Wilhelm did, from January 15, 1993, through June 8, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each of the following 28 dates, Jack James Wilhelm sold an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #45 when the patient received a total of 34 preparations from the pharmacy over a 144-day time period and not for a legitimate medical purpose:

01/15/93, 01/19/93, 01/21/93, 01/26/93, 01/28/93, 01/30/93, 02/04/93, 02/09/93, 02/11/93, 02/18/93, 02/20/93, 02/22/93, 02/26/93, 03/01/93, 03/03/93, 03/09/93, 03/23/93, 03/30/93, 04/11/93, 04/13/93, 04/15/93, 04/17/93, 05/21/93, 05/28/93, 05/31/93, 06/02/93, 06/04/93, and 06/08/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (18) Jack James Wilhelm did, from March 5, 1993, through December 28, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each of the following 59 dates, Jack James Wilhelm sold an exempt narcotic preparation excepted pursuant to Section

3719.15(A)(3) of the Ohio Revised Code to patient #61 when the patient received a total of 84 preparations from the pharmacy over a 298-day time period and not for a legitimate medical purpose:

03/05/93, 03/15/93, 03/24/93, 04/01/93, 04/07/93, 04/13/93, 04/23/93, 04/27/93, 05/07/93, 05/11/93, 05/18/93, 05/25/93, 05/31/93, 06/04/93, 06/08/93, 06/16/93, 06/22/93, 06/24/93, 06/28/93, 06/30/93, 07/02/93, 07/06/93, 07/08/93, 07/12/93, 07/14/93, 07/16/93, 07/20/93, 07/26/93, 07/28/93, 07/30/93, 08/03/93, 08/05/93, 08/09/93, 08/11/93, 08/13/93, 08/17/93, 08/19/93, 08/23/93, 08/25/93, 08/27/93, 08/29/93, 10/20/93, 10/22/93, 10/27/93, 10/29/93, 11/02/93, 11/04/93, 11/08/93, 11/10/93, 11/12/93, 11/16/93, 11/18/93, 11/21/93, 11/23/93, 11/30/93, 12/07/93, 12/19/93, 12/24/93, and 12/28/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (19) Jack James Wilhelm did, from October 8, 1991, through January 9, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each of the following 98 dates, Jack James Wilhelm sold an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #66 when the patient received a total of 200 preparations from the pharmacy over an 824-day time period and not for a legitimate medical purpose:

10/08/91, 10/15/91, 01/01/93, 01/07/93, 01/27/93, 01/30/93, 02/03/93, 02/07/93, 02/09/93, 02/17/93, 02/23/93, 03/02/93, 03/04/93, 03/08/93, 03/10/93, 03/12/93, 03/16/93, 03/18/93, 03/22/93, 03/24/93, 03/30/93, 04/03/93, 04/05/93, 04/09/93, 04/11/93, 04/13/93, 04/15/93, 04/17/93, 04/19/93, 04/21/93, 04/23/93, 04/27/93, 04/29/93, 05/05/93, 05/07/93, 05/11/93, 05/13/93, 05/15/93, 05/17/93, 05/19/93, 05/25/93, 05/27/93, 05/31/93, 06/02/93, 06/10/93, 06/14/93, 06/24/93, 06/28/93, 06/30/93, 07/02/93, 07/06/93, 07/08/93, 07/12/93, 07/14/93, 07/17/93, 07/19/93, 07/21/93, 07/23/93, 07/27/93, 07/29/93, 08/02/93, 08/06/93, 08/10/93, 08/12/93, 08/14/93, 08/16/93, 08/18/93, 08/20/93, 08/24/93, 08/26/93, 08/30/93, 09/01/93, 09/03/93, 09/05/93, 09/07/93, 09/09/93, 09/11/93, 09/13/93, 09/15/93, 09/17/93, 09/21/93, 09/23/93, 09/27/93, 10/01/93, 10/05/93, 10/13/93, 10/15/93, 10/19/93, 10/21/93, 10/23/93, 10/25/93, 10/27/93, 10/29/93, 11/02/93, 12/06/93, 12/22/93, 12/30/93 and 01/09/94.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (20) Jack James Wilhelm did, from December 18, 1992, through November 15, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each of the following 65 dates, Jack James Wilhelm sold an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #79 when the patient received a total of 109 preparations from the pharmacy over a 409-day time period and not for a legitimate medical purpose:

12/18/92, 12/23/92, 12/25/92, 12/28/92, 12/31/92, 01/06/93, 01/08/93, 01/11/93, 01/13/93, 01/19/93, 01/27/93, 01/29/93, 02/02/93, 02/04/93, 02/08/93, 02/12/93, 02/14/93, 02/17/93, 02/20/93, 02/24/93, 03/02/93, 03/08/93, 03/10/93, 03/12/93, 03/16/93, 03/18/93, 03/26/93, 04/05/93, 04/08/93, 04/09/93, 04/17/93, 04/27/93, 05/02/93, 05/05/93, 05/10/93, 05/13/93, 05/20/93, 06/02/93, 06/08/93, 06/12/93, 06/21/93, 06/24/93, 06/29/93, 07/01/93, 07/03/93, 07/08/93, 07/12/93, 07/17/93, 07/20/93,

07/26/93, 07/30/93, 08/09/93, 08/13/93, 08/17/93, 09/06/93, 09/16/93,
09/18/93, 09/26/93, 10/11/93, 10/13/93, 10/19/93, 10/23/93, 10/25/93,
11/13/93, and 11/15/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (21) Jack James Wilhelm did, from March 9, 1993, through December 31, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each of the following 94 dates, Jack James Wilhelm sold an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #80 when the patient received a total of 119 preparations from the pharmacy over a 297-day time period and not for a legitimate medical purpose:

03/09/93, 03/11/93, 03/13/93, 03/18/93, 03/26/93, 03/30/93, 04/02/93,
04/06/93, 04/07/93, 04/09/93, 04/10/93, 04/12/93, 04/13/93, 04/14/93,
04/15/93, 04/17/93, 04/20/93, 04/21/93, 04/22/93, 04/23/93, 04/26/93,
04/28/93, 04/30/93, 05/05/93, 05/06/93, 05/07/93, 05/11/93, 05/15/93,
05/18/93, 05/20/93, 05/21/93, 05/25/93, 05/27/93, 05/31/93, 06/02/93,
06/04/93, 06/09/93, 06/11/93, 06/14/93, 06/16/93, 06/18/93, 06/20/93,
06/22/93, 06/24/93, 06/28/93, 06/30/93, 07/07/93, 07/09/93, 07/12/93,
07/14/93, 07/16/93, 07/26/93, 07/28/93, 07/30/93, 08/02/93, 08/06/93,
08/09/93, 08/16/93, 08/24/93, 08/26/93, 08/30/93, 09/01/93, 09/13/93,
09/15/93, 09/17/93, 09/21/93, 09/24/93, 10/01/93, 10/05/93, 10/08/93,
10/11/93, 10/13/93, 10/15/93, 10/17/93, 10/21/93, 10/25/93, 11/01/93,
11/05/93, 11/09/93, 11/11/93, 11/16/93, 11/18/93, 11/29/93, 12/03/93,
12/05/93, 12/07/93, 12/09/93, 12/13/93, 12/17/93, 12/19/93, 12/21/93,
12/23/93, 12/25/93, and 12/31/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (22) Jack James Wilhelm did, from August 19, 1991, through December 30, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each of the following 82 dates, Jack James Wilhelm sold an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #99 when the patient received a total of 180 preparations from the pharmacy over an 864-day time period and not for a legitimate medical purpose:

08/19/91, 08/23/91, 08/27/91, 09/03/91, 09/06/91, 09/10/91, 09/12/91, 09/17/91,
10/11/91, 10/14/91, 03/02/93, 03/04/93, 03/11/93, 03/13/93, 03/17/93, 03/25/93,
03/30/93, 04/03/93, 04/05/93, 04/08/93, 04/15/93, 04/19/93, 04/21/93, 04/29/93,
05/06/93, 05/12/93, 05/15/93, 05/25/93, 06/03/93, 06/07/93, 06/09/93, 06/11/93,
06/14/93, 06/16/93, 06/23/93, 07/02/93, 07/06/93, 07/09/93, 07/12/93, 07/14/93,
07/17/93, 07/19/93, 07/21/93, 07/26/93, 07/29/93, 08/03/93, 08/11/93, 08/13/93,
08/17/93, 08/19/93, 08/25/93, 08/27/93, 08/30/93, 09/01/93, 09/03/93, 09/05/93,
09/09/93, 09/11/93, 09/13/93, 09/15/93, 09/24/93, 09/28/93, 09/30/93, 10/06/93,
10/11/93, 10/15/93, 10/20/93, 10/22/93, 11/05/93, 11/08/93, 11/12/93, 11/18/93,
11/24/93, 11/26/93, 11/28/93, 12/02/93, 12/06/93, 12/09/93, 12/13/93, 12/16/93,
12/28/93, and 12/30/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (23) Jack James Wilhelm did, from September 13, 1991, through March 4, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each of the following 95 dates, Jack James Wilhelm sold an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #111 when the patient received a total of 193 preparations from the pharmacy over a 905-day time period and not for a legitimate medical purpose:

09/13/91, 10/02/91, 10/09/91, 10/14/91, 03/05/92, 12/22/92, 12/31/92, 01/14/93, 01/20/93, 01/28/93, 02/03/93, 02/10/93, 02/14/93, 02/20/93, 02/26/93, 03/15/93, 03/19/93, 04/27/93, 04/30/93, 05/05/93, 05/11/93, 05/14/93, 05/19/93, 05/21/93, 05/26/93, 05/28/93, 05/31/93, 06/04/93, 06/12/93, 06/16/93, 06/18/93, 06/22/93, 06/24/93, 06/28/93, 06/30/93, 07/03/93, 07/08/93, 07/12/93, 07/15/93, 07/17/93, 07/26/93, 07/28/93, 07/30/93, 08/03/93, 08/06/93, 08/10/93, 08/13/93, 08/17/93, 08/20/93, 08/25/93, 08/27/93, 08/29/93, 09/03/93, 09/06/93, 09/08/93, 09/10/93, 09/15/93, 09/16/93, 09/18/93, 09/21/93, 09/23/93, 09/27/93, 09/29/93, 10/01/93, 10/05/93, 10/07/93, 10/11/93, 10/13/93, 10/18/93, 10/20/93, 10/22/93, 10/26/93, 10/28/93, 11/01/93, 11/03/93, 11/05/93, 11/09/93, 11/11/93, 11/16/93, 11/23/93, 11/26/93, 11/28/93, 11/30/93, 12/08/93, 12/10/93, 12/12/93, 12/14/93, 12/16/93, 12/20/93, 12/22/93, 12/24/93, 02/05/94, 02/10/94, 02/14/94, and 03/04/94.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (24) Jack James Wilhelm did, from February 19, 1993, through July 3, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each of the following 17 dates, Jack James Wilhelm sold an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #117 when the patient received a total of 28 preparations from the pharmacy over a 135-day time period and not for a legitimate medical purpose:

02/19/93, 02/23/93, 02/25/93, 03/08/93, 03/31/93, 04/10/93, 04/13/93, 04/29/93, 05/02/93, 05/04/93, 05/13/93, 05/17/93, 06/02/93, 06/12/93, 06/28/93, 07/01/93, and 07/03/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (25) Jack James Wilhelm did, from December 31, 1992, through June 8, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each of the following 48 dates, Jack James Wilhelm sold an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code patient #127 when the patient received a total of 72 preparations from the pharmacy over a 161-day time period and not for a legitimate medical purpose:

12/31/92, 01/11/93, 01/14/93, 01/19/93, 01/21/93, 01/26/93, 01/28/93, 01/30/93, 02/04/93, 02/08/93, 02/10/93, 02/12/93, 02/15/93, 02/17/93, 02/19/93, 02/22/93, 02/24/93, 02/25/93, 03/03/93, 03/05/93, 03/08/93, 03/09/93, 03/12/93, 03/15/93, 03/18/93, 03/22/93, 03/25/93, 03/29/93, 04/12/93, 04/13/93, 04/15/93, 04/17/93, 04/19/93, 04/21/93, 04/23/93, 04/27/93, 05/03/93, 05/05/93, 05/06/93, 05/17/93, 05/19/93, 05/20/93, 05/25/93, 05/28/93, 05/31/93, 06/02/93, 06/04/93, and 06/08/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (25) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (25) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. or 3719. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Jack James Wilhelm:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card, No. 03-1-09450, held by Jack James Wilhelm indefinitely and such suspension is effective as of the date of the mailing of this Order. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Jack James Wilhelm may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
 - (1) Two years after the effective date of this Order, the Board will reinstate Jack James Wilhelm's license to practice pharmacy in Ohio provided that he takes and successfully completes the Jurisprudence Examination offered by the Board prior to that date. If Jack James Wilhelm has not successfully completed the examination prior to two years from the effective date of this Order, his license will remain suspended until this condition has been achieved.
 - (2) Further, upon reinstatement of Jack James Wilhelm's license, his identification card will be placed on probation for five years. The terms of probation are as follows:
 - (a) Jack James Wilhelm may not serve as a responsible pharmacist.
 - (b) Jack James Wilhelm must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (c) Jack James Wilhelm must abide by the rules of the Ohio State Board of Pharmacy.
 - (d) Jack James Wilhelm must comply with the terms of this Order.The Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.
- (B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of ten thousand dollars (\$10,000) due and owing within thirty (30) days of the

issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320.

Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Jack James Wilhelm's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.

Division (B) of Section 4729.16 of the Revised Code provides that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of the notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.

The motion was seconded by Mrs. Adelman and approved by the Board (Aye-5/Nay-4).

RES. 97-101 Mr. Hanna moved that the Board adopt the following Order:

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-960322-045)

In The Matter Of:

ROBERT OBERLIN URFER, R.Ph.
2816 Barrington Drive
Toledo, Ohio 43606
(R.Ph. No. 03-1-09283)

INTRODUCTION

THE MATTER OF ROBERT OBERLIN URFER CAME TO HEARING ON JANUARY 28, 1997, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

ROBERT OBERLIN URFER WAS REPRESENTED BY DAVID W. GRAUER, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Dale Fritz, Ohio State Board of Pharmacy
- (2) Joann Predina, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Robert Oberlin Urfer, Respondent
- (2) Joseph F. Adams, St. Vincent's Medical Center

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Notice of Opportunity for Hearing letter in the matter of Orchard Drugs dated March 22, 1996.
- (2) Exhibit 1A--Notice of Appearance and Certificate of Service in the matter of Orchard Drugs by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (3) Exhibit 1B--Request for Hearing and Certificate of Service in the matter of Orchard Drugs by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (4) Exhibit 1C--Notice of Opportunity for Hearing letter in the matter of Robert Oberlin Urfer dated March 22, 1996.
- (5) Exhibit 1D--Notice of Appearance and Certificate of Service in the matter of Robert Oberlin Urfer by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (6) Exhibit 1E--Request for Hearing and Certificate of Service in the matter of Robert Oberlin Urfer by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (7) Exhibit 1F--Notice of Opportunity for Hearing letter in the matter of Jack James Wilhelm dated March 22, 1996.
- (8) Exhibit 1G--Notice of Appearance and Certificate of Service in the matter of Jack James Wilhelm by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (9) Exhibit 1H--Request for Hearing and Certificate of Service in the matter of Jack James Wilhelm by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (10) Exhibit 1I--Two-page Hearing Schedule letter dated April 16, 1996.
- (11) Exhibit 1J--Two-page Hearing Schedule letter dated June 26, 1996.
- (12) Exhibit 1K--Fax copy of notice of representation in the matter of Jack James Wilhelm by Charles M. Boss dated November 19, 1996.
- (13) Exhibit 1L--Motion for Continuance, Memorandum in Support, and Certificate of Service in the matter of Orchard Drugs by David W. Grauer and Janice K. Van Dyne dated November 25, 1996.
- (14) Exhibit 1M--Motion for Continuance, Memorandum in Support, and Certificate of Service in the matter of Robert Oberlin Urfer by David W. Grauer and Janice K. Van Dyne dated November 25, 1996.
- (15) Exhibit 1N--Response to Continuance Request in the matter of Robert Urfer and Orchard Drugs dated December 3, 1996.
- (16) Exhibit 1O--Amended Notice of Opportunity for Hearing letter in the matter of Orchard Drugs dated December 3, 1996.
- (17) Exhibit 1P--Amended Notice of Opportunity for Hearing letter in the matter of Robert Oberlin Urfer dated December 3, 1996.
- (18) Exhibit 1Q--Amended Notice of Opportunity for Hearing letter in the matter of Jack James Wilhelm dated December 4, 1996.
- (19) Exhibit 1R--Notice of Withdrawal of Counsel and Certificate of Service in the matter of Jack James Wilhelm by David W. Grauer and Janice K. Van Dyne dated December 4, 1996.
- (20) Exhibit 1S--Letter from Julie Dey dated December 4, 1996; Motion for Continuance, Memorandum in Support; and Certificate of Service in the matter of Jack James Wilhelm by Charles M. Boss first received on December 4, 1996.
- (21) Exhibit 1T--Letter to Charles M. Boss from Franklin Z. Wickham dated December 4, 1996.
- (22) Exhibit 1U--Letter to Janice K. Van Dyne and David W. Grauer from Franklin Z. Wickham dated January 7, 1997.
- (23) Exhibit 1V--Letter to Charles M. Boss from Franklin Z. Wickham dated January 7, 1997.
- (24) Exhibit 1W--Application for Registration as a Terminal Distributor of Dangerous Drugs of Orchard Drug dated May 5, 1991; copy of Records of Incorporation Certificate; four-page copy of Articles of Incorporation; and six Renewal Applications for DDD License, No. 02-0606500, for a Terminal Distributor of Dangerous Drugs License of Orchard Drugs for the following time periods: January 1, 1997, to December 31, 1997, dated October 4, 1996; January 1, 1996, to December 31, 1996, dated October 14, 1995; January 1, 1995, to December 31, 1995, dated October 29, 1994; January 1, 1994, to December 31, 1994, dated October 5, 1993; January 1, 1993, to December 31, 1993, dated November 16, 1992; and January 1, 1992, to December 31, 1992, dated September 21, 1991.
- (25) Exhibit 1X--Pharmacist File Front Sheet of Robert Oberlin Urfer showing original date of registration as August 4, 1969; and Renewal Application for Pharmacist License, No.

- 03-1-09283, for a license to practice pharmacy in Ohio from September 15, 1996, to September 15, 1997 of Robert Oberlin Urfer dated July 18, 1996.
- (26) Exhibit 1Y--Pharmacist File Front Sheet of Jack James Wilhelm showing original date of registration as February 25, 1970; and Renewal Application for Pharmacist License, No. 03-3-09450, for a license to practice pharmacy in Ohio from September 15, 1996, to September 15, 1997, of Jack James Wilhelm dated July 28, 1996.
 - (27) Exhibit 1Z--Six-page Order of the State Board of Pharmacy, Docket No. D-910429-069, in the matter of Jack James Wilhelm dated August 16, 1991.
 - (28) Exhibit 2--Sealed Record-Samuel's Products Exempt Narcotics Register of Orchard Drug dated from June 24, 1991, to December 8, 1992.
 - (29) Exhibit 2A--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from December 9, 1992, to February 28, 1993.
 - (30) Exhibit 2B--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from February 28, 1993, to May 1, 1993.
 - (31) Exhibit 2C--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from May 1, 1993, to June 22, 1993.
 - (32) Exhibit 2D--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from June 22, 1993, to August 22, 1993.
 - (33) Exhibit 2E--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from August 22, 1993, to October 16, 1993.
 - (34) Exhibit 2F--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from October 16, 1993, to January 16, 1994.
 - (35) Exhibit 2G--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from January 16, 1994, to March 15, 1994.
 - (36) Exhibit 3--Accountability Statement of Orchard Drug for Demerol 50mg Tablet dated March 30, 1994.
 - (37) Exhibit 3A--Accountability Statement of Orchard Drug for Demerol 100mg Tablet dated March 30, 1994.
 - (38) Exhibit 3B--Accountability Statement of Orchard Drug for Dexedrine 5 Spansule dated March 30, 1994.
 - (39) Exhibit 3C--Accountability Statement of Orchard Drug for Dexedrine 10 Spansule dated March 30, 1994.
 - (40) Exhibit 3D--Accountability Statement of Orchard Drug for Dilaudid 2mg dated March 29, 1994.
 - (41) Exhibit 3E--Accountability Statement of Orchard Drug for Dilaudid 4mg dated March 29, 1994.
 - (42) Exhibit 3F--Accountability Statement of Orchard Drug for Mepergan Fortis dated March 30, 1994.
 - (43) Exhibit 3G--Accountability Statement of Orchard Drug for Methadone 5mg dated March 29, 1994.
 - (44) Exhibit 3H--Accountability Statement of Orchard Drug for Methadone 10mg dated May 2, 1994.
 - (45) Exhibit 3I--Accountability Statement of Orchard Drug for MS Contin 15mg Tablets dated March 30, 1994.
 - (46) Exhibit 3J--Accountability Statement of Orchard Drug for MS Contin 30mg Tablets dated May 2, 1994.
 - (47) Exhibit 3K--Accountability Statement of Orchard Drug for MS Contin 60mg Tablets dated March 30, 1994.
 - (48) Exhibit 3L--Accountability Statement of Orchard Drug for MS Contin 100mg Tablets dated March 30, 1994.
 - (49) Exhibit 3M--Accountability Statement of Orchard Drug for Nembutal 100 Capsule dated March 30, 1994.
 - (50) Exhibit 3N--Accountability Statement of Orchard Drug for Oxycodone/APAP dated May 2, 1994.
 - (51) Exhibit 3O--Accountability Statement of Orchard Drug for Oxycodone/ASA dated March 29, 1994.
 - (52) Exhibit 3P--Accountability Statement of Orchard Drug for Percocet dated May 2, 1994.
 - (53) Exhibit 3Q--Accountability Statement of Orchard Drug for Percodan dated May 2, 1994.
 - (54) Exhibit 3R--Accountability Statement of Orchard Drug for Roxicet dated March 29, 1994.

- (55) Exhibit 3S--Accountability Statement of Orchard Drug for Roxilox dated March 29, 1994.
- (56) Exhibit 3T--Accountability Statement of Orchard Drug for Roxiprin dated May 2, 1994.
- (57) Exhibit 3U--Accountability Statement of Orchard Drug for Tylox dated March 29, 1994.
- (58) Exhibit 4--Sealed Record-Prescription No. 295208.
- (59) Exhibit 5--Sealed Record-Prescription No. 300001.
- (60) Exhibit 6--Sealed Record-Prescription No. 304008.
- (61) Exhibit 7--Sealed Record-Prescription No. 308350.
- (62) Exhibit 8--Sealed Record-Prescription No. 313451.
- (63) Exhibit 9--Sealed Record-Ten-page Tax Insurance Summary of Orchard Drugs for Mark Miller dated from August 13, 1992, through June 1, 1994, dated June 1, 1994.
- (64) Exhibit 10--Sealed Record-Copies of thirty-nine pages of refill log book entries of Orchard Drugs dated from February 4, 1993, through November 13, 1993.
- (65) Exhibit 10A--Sealed Record-Copies of four pages of refill log book entries of Orchard Drugs dated from July 20, 1993, through September 30, 1993.
- (66) Exhibit 10B--Sealed Record-Copy of one page of refill log book entries of Orchard Drugs dated from October 23, 1992, through October 24, 1992.
- (67) Exhibit 11--Sealed Record-Copies of twenty-four pages of refill log book entries of Orchard Drugs dated from November 26, 1993, through May 27, 1994.
- (68) Exhibit 11A--Sealed Record-Copies of five pages of refill log book entries of Orchard Drugs dated from December 17, 1993, through January 15, 1994.
- (69) Exhibit 11B--Sealed Record-Copies of twelve pages of refill log book entries of Orchard Drugs dated from February 20, 1994, through May 5, 1994.
- (70) Exhibit 11C--Sealed Record-Copies of fifteen pages of refill log book entries of Orchard Drugs dated from May 25, 1993, through May 12, 1994.
- (71) Exhibit 12--Sealed Record-Two-page statement of James D. Diethelm, M.D. signed and notarized on June 19, 1994.
- (72) Exhibit 13--Sealed Record-Prescription No. 299716.
- (73) Exhibit 14--Sealed Record-Prescription No. 304997.
- (74) Exhibit 15--Sealed Record-Prescription No. 306131.
- (75) Exhibit 16--Sealed Record-Prescription No. 290379.
- (76) Exhibit 17--Sealed Record-Prescription No. 311332.
- (77) Exhibit 18--Sealed Record-Prescription No. 300304.
- (78) Exhibit 19--Sealed Record-Prescription No. 304855.
- (79) Exhibit 20--Sealed Record-Prescription No. 306348.
- (80) Exhibit 21--Sealed Record-Prescription No. 306888.
- (81) Exhibit 22--Sealed Record-Prescription No. 307942.
- (82) Exhibit 23--Sealed Record-Prescription No. 308516.
- (83) Exhibit 24--Sealed Record-Prescription No. 308849.
- (84) Exhibit 25--Sealed Record-Prescription No. 309039.
- (85) Exhibit 26--Sealed Record-Prescription No. 309239.
- (86) Exhibit 27--Sealed Record-Prescription No. 309384.
- (87) Exhibit 28--Sealed Record-Prescription No. 312142.
- (88) Exhibit 29--Sealed Record-Prescription No. 314886.
- (89) Exhibit 30--Sealed Record-Prescription No. 314978.
- (90) Exhibit 31--Sealed Record-Prescription No. 314980.
- (91) Exhibit 32--Sealed Record-Prescription No. 315175.
- (92) Exhibit 33--Sealed Record-Statement of Benjamin W. Butler, M.D. dated June 10, 1994.
- (93) Exhibit 34--Sealed Record-Statement of Dr. Michelle Nicholson-Wilson signed and notarized on June 9, 1994.
- (94) Exhibit 35--Sealed Record-Copy of telephone message from Orchard Drug dated July 22, 1992.
- (95) Exhibit 36--Sealed Record-Statement of Hosea Payne, M.D. signed and notarized on June 9, 1994.
- (96) Exhibit 37--Sealed Record-Statement of R. L. Finken, M.D. signed and notarized on June 10, 1994.
- (97) Exhibit 38--Copy of price list for schedule V codeine cough syrups written on a piece of note pad that advertises Cardene.
- (98) Exhibit 39--Three-page table of Lucas County Exempt Sales by Zip Code.
- (99) Exhibit 40--Three-page table of Lucas County Pharmacies Exempt Narcotic Sales without the #1 and #2 in Sales.

- (100) Exhibit 41--Three-page table of Lucas County Exempt Sales Without Highest Sales Pharmacy.
- (101) Exhibit 42--Map of Toledo, Ohio area showing location of Orchard Drug in blue, patient's home addresses in red, and other pharmacies in the Toledo area in green.
- (102) Exhibit 43--Sealed Record--Two-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 13.
- (103) Exhibit 44--Sealed Record--Table showing exempt narcotic sales made by Robert Urfer to Patient No. 13.
- (104) Exhibit 45--Sealed Record--Table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 13.
- (105) Exhibit 46--Sealed Record--Four-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 139.
- (106) Exhibit 47--Sealed Record--Table showing exempt narcotic sales made by Robert Urfer to Patient No. 139.
- (107) Exhibit 48--Sealed Record--Three-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 139.
- (108) Exhibit 49--Sealed Record--Table showing exempt narcotic sales made by Orchard Drug to Patient No. 20.
- (109) Exhibit 50--Sealed Record--Table showing exempt narcotic sales made by Robert Urfer to Patient No. 20.
- (110) Exhibit 51--Sealed Record--Table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 20.
- (111) Exhibit 52--Sealed Record--Table showing exempt narcotic sales made by Orchard Drug to Patient No. 45.
- (112) Exhibit 53--Sealed Record--Table showing exempt narcotic sales made by Robert Urfer to Patient No. 45.
- (113) Exhibit 54--Sealed Record--Table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 45.
- (114) Exhibit 55--Sealed Record--Two-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 61.
- (115) Exhibit 56--Sealed Record--Table showing exempt narcotic sales made by Robert Urfer to Patient No. 61.
- (116) Exhibit 57--Sealed Record--Two-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 61.
- (117) Exhibit 58--Sealed Record--Five-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 66.
- (118) Exhibit 59--Sealed Record--Two-page table showing exempt narcotic sales made by Robert Urfer to Patient No. 66.
- (119) Exhibit 60--Sealed Record--Two-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 66.
- (120) Exhibit 61--Sealed Record--Three-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 79.
- (121) Exhibit 62--Sealed Record--Table showing exempt narcotic sales made by Robert Urfer to Patient No. 79.
- (122) Exhibit 63--Sealed Record--Two-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 79.
- (123) Exhibit 64--Sealed Record--Three-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 80.
- (124) Exhibit 65--Sealed Record--Table showing exempt narcotic sales made by Robert Urfer to Patient No. 80.
- (125) Exhibit 66--Sealed Record--Three-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 80.
- (126) Exhibit 67--Sealed Record--Five-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 99.
- (127) Exhibit 68--Sealed Record--Table showing exempt narcotic sales made by Robert Urfer to Patient No. 99.
- (128) Exhibit 69--Sealed Record--Two-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 99.
- (129) Exhibit 70--Sealed Record--Five-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 111.
- (130) Exhibit 71--Sealed Record--Table showing exempt narcotic sales made by Robert Urfer to Patient No. 111.

- (131) Exhibit 72--Sealed Record-Three-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 111.
- (132) Exhibit 73--Sealed Record-Table showing exempt narcotic sales made by Orchard Drug to Patient No. 117.
- (133) Exhibit 74--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 117.
- (134) Exhibit 75--Sealed Record-Table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 117.
- (135) Exhibit 76--Sealed Record-Two-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 127.
- (136) Exhibit 77--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 127.
- (137) Exhibit 78--Sealed Record-Two-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 127.
- (138) Exhibit 79--Sealed Record-Prescription No. 302997.
- (139) Exhibit 80--Sealed Record-Confidential Patient Key for Exempt Narcotic Sales at Orchard Drug.

Respondent's Exhibits:

- (1) Exhibit Wilhelm A--Two-page affidavit of Michael D. Quigley signed and notarized on January 25, 1997.
- (2) Exhibit Urfer A--Three-page copy of Affidavit of Robert O. Urfer signed and notarized on January 23, 1997.
- (3) Exhibit Urfer C--UWIL, Inc. Six Year Analysis of Various Financial Info. and Ratios and Percentage of Gross Sales.
- (4) Exhibit Urfer E--Copy of note, dated August 20, 1996, on prescription blank signed by James D. Diethelm, M.D.; and copy of prescription number 290161.
- (5) Exhibit Urfer G--Copies of six Dangerous Drug Distributor Inspection Reports of Orchard Drugs dated as follows: December 12, 1990; June 11, 1991; September 17, 1992; December 29, 1993; March 16, 1994; and August 15, 1996.
- (6) Exhibit Urfer I--Two-page Affidavit of Kim Williams signed and notarized on January 24, 1997.
- (7) Exhibit Urfer J--Two-page Affidavit of Phillip J. Nelson signed and notarized on January 24, 1997.
- (8) Exhibit Urfer K--Letter from Thomas P. Connolly dated January 24, 1997.

FINDINGS OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the Board of Pharmacy indicate that Robert Oberlin Urfer was originally licensed in the state of Ohio on August 4, 1969, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio. Records further reflect that, during the relevant time periods stated herein, Robert Oberlin Urfer was the Responsible Pharmacist at Orchard Drugs, 4025 Talmadge Road, Toledo, Ohio 43623, pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
- (2) Robert Oberlin Urfer as the Responsible Pharmacist did, on or about the following dates, sell, under the exemptions of Section 3719.15 of the Ohio Revised Code to the same person (on each occasion) preparations included within Section 3719.15, when Robert Oberlin Urfer and pharmacists under his control knew or by reasonable diligence could have ascertained that the sale provided the recipient with more than one such preparation within a forty-eight consecutive hour period:

<u>Date</u>	<u>Patient No.</u>	<u>Drug</u>	<u>R.Ph.</u>
09/08/92	111	Cheracol	AS
01/17/93	127	Cheracol	AS

01/31/93	127	Cheracol	AS
02/13/93	127	Cheracol	RU
02/22/93	127	Cheracol	JW
02/25/93	127	Cheracol	JW
03/06/93	127	Cheracol	RU
03/15/93	127	Cheracol	JW
03/28/93	127	Cheracol	AS
03/29/93	127	Cheracol	JW
03/29/93	45	Cheracol	AS
03/30/93	45	Cheracol	JW
04/07/93	80	Guiatuss AC	JW
04/09/93	79	Guiatuss AC	JW
04/10/93	80	Guiatuss AC	JW
04/12/93	127	Cheracol	JW
04/13/93	127	Cheracol	JW
04/13/93	80	Guiatuss AC	JW
04/14/93	80	Guiatuss AC	JW
04/15/93	80	Guiatuss AC	JW
04/18/93	80	Guiatuss AC	AS
04/18/93	127	Cheracol	AS
04/19/93	139	Novadyne	AS
04/19/93	127	Cheracol	JW
04/21/93	80	Guiatuss AC	JW
04/22/93	80	Guiatuss AC	JW
04/23/93	80	Guiatuss AC	JW
04/23/93	137	Rid-A-Pain	JW
04/24/93	80	Guiatuss AC	RU
04/25/93	80	Guiatuss AC	AS
04/26/93	80	Guiatuss AC	JW
04/28/93	13	Cheracol	JW
05/03/93	127	Cheracol	JW
05/06/93	127	Cheracol	JW
05/06/93	80	Guiatuss AC	JW
05/07/93	80	Guiatuss AC	JW
05/08/93	80	Guiatuss AC	RU
05/08/93	139	Novadyne	RU
05/09/93	80	Guiatuss AC	AS
05/09/93	139	Novadyne	JW
05/16/93	80	Guiatuss AC	AS
05/17/93	127	Cheracol	JW
05/20/93	127	Cheracol	JW
05/21/93	80	Guiatuss AC	JW
05/22/93	80	Guiatuss AC	RU
05/23/93	80	Guiatuss AC	AS
05/23/93	127	Cheracol	AS
05/29/93	127	Cheracol	RU
05/30/93	127	Cheracol	AS
05/31/93	127	Cheracol	JW
06/25/93	80	Guiatuss AC	RU
09/13/93	80	Guiatuss AC	JW
11/08/93	61	Cheracol	JW
11/13/93	13	Novadyne DH	JW

Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.

- (3) Robert Oberlin Urfer as the Responsible Pharmacist did, from February 4, 1992, to March 16, 1994, fail to keep records of all controlled substances received or dispensed in accordance with division (G) of Section 3719.07 of the Ohio Revised Code, to wit: Robert Oberlin Urfer as the Responsible Pharmacist failed to keep accurate records of the following controlled substances received and/or dispensed:

<u>Drug</u>	<u>Quantity</u>	<u>Shortage or Overage</u>	<u>Percent of Drug Supply</u>
Demerol 50mg Tabs	63	Shortage	1.4%
Demerol 100mg Tabs	82	Overage	23%
Dexedrine 5mg Spansule	116	Shortage	23%
Dexedrine 10mg Spansule	24	Overage	1.3%
Dilaudid 2mg Tab	30	Overage	5%
Dilaudid 4mg Tabs	0	None	0%
Mepergan Fortis Caps	16	Shortage	4%
Methadone 5mg Tab	180	Overage	12%
Methadone 10mg Tab	28	Shortage	<1%
Ms Contin 15mg Tabs	35	Shortage	10%
Ms Contin 30mg Tabs	87	Shortage	7%
Ms Contin 60mg Tabs	60	Overage	13%
Ms Contin 100mg Tabs	0	None	0%
Nembutal 100mg Caps	36	Shortage	2%
Oxycodone W/APAP Tabs	206	Overage	4%
Oxycodone W/ASA Tabs	81	Overage	7%
Percocet Tabs	695	Overage	13.6%
Percodan Tabs	1	Overage	<1%
Roxicet Tabs	540	Shortage	7.3%
Roxilox Caps	198	Shortage	13%
Roxiprin Tabs	90	Shortage	7%
Tylox Caps	73	Shortage	4%

Such conduct is in violation of Section 3719.07 of the Ohio Revised Code.

- (4) Robert Oberlin Urfer as the Responsible Pharmacist did, on or about the following dates, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on 69 occasions from January 25, 1993, to May 26, 1994, without a valid prescription, Robert Oberlin Urfer or someone under his control dispensed a total of 1905 tablets of Soma Compound with Codeine, a schedule III controlled substance:

<u>Rx No.</u>	<u>Date</u>	<u>Quantity</u>	<u>R.Ph.</u>
295208	01/25/93	45	JW
295208	02/05/93	45	JW
295208	02/22/93	45	JW
295208	03/05/93	25	JW
295208	03/12/93	25	JW
295208	03/19/93	25	JW
295208	03/26/93	25	JW
295208	04/03/93	25	JW
295208	04/10/93	25	JW
295208	04/17/93	25	JW
295208	04/27/93	25	JW
295208	05/04/93	25	JW
300001	05/12/93	25	JW
300001	05/20/93	25	JW
300001	05/31/93	25	JW
300001	06/05/93	25	RU
300001	06/11/93	25	AS
300001	06/18/93	25	JW
300001	06/25/93	25	AS
300001	07/01/93	25	JW
300001	07/10/93	25	RU
300001	07/15/93	25	JW
300001	07/23/93	25	JW
300001	07/29/93	25	NONE
300001	08/04/93	25	JW

300001	08/09/93	25	JW
300001	08/13/93	30	JW
304008	08/18/93	10	JW
304008	08/23/93	25	JW
304008	08/28/93	25	RU
304008	09/04/93	25	RU
304008	09/09/93	25	JW
304008	09/14/93	25	JW
304008	09/18/93	50	JW
304008	09/25/93	25	RU
304008	09/29/93	25	JW
304008	10/09/93	25	RU
304008	10/17/93	25	JW
304008	10/21/93	25	JW
304008	10/29/93	25	JW
304008	11/05/93	25	JW
304008	11/13/93	25	JW
308350	11/20/93	25	RU
308350	11/28/93	25	JW
308350	12/04/93	25	RU
308350	12/18/93	25	RU
308350	12/24/93	25	JW
308350	12/28/93	25	JW
308350	01/06/94	30	JW
308350	01/14/94	50	JW
308350	01/26/94	30	RU
308350	02/03/94	30	JW
308350	02/12/94	30	RU
308350	02/17/94	30	JW
308350	02/26/94	30	RU
313451	03/05/94	30	RU
313451	03/11/94	30	JW
313451	03/16/94	10	JW
313451	03/18/94	30	JW
313451	03/24/94	30	JW
313451	03/30/94	30	JW
313451	04/05/94	30	JW
313451	04/11/94	30	JW
313451	04/15/94	30	JW
313451	04/22/94	30	JW
313451	05/05/94	30	JW
313451	05/12/94	30	JW
313451	05/18/94	30	JW
313451	05/26/94	30	JW

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (5) Robert Oberlin Urfer as the Responsible Pharmacist did, on or about the following dates, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or a pharmacist under his control sold the following units of Xanax over the amount authorized by the practitioner and not for a legitimate medical purpose:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Illegal Amount Dispensed</u>	<u>R.Ph.</u>
299716	07/21/93	Xanax 0.25mg	15	JW
302997	09/25/93	Xanax 0.25mg	20	RU
302997	09/29/93	Xanax 0.25mg	25	JW
304997	09/18/93	Xanax 0.25mg	15	JW
306131	12/18/93	Xanax 0.5mg	5	RU

306131	12/24/93	Xanax 0.5mg	25	JW
306131	12/28/93	Xanax 0.5mg	25	JW
306131	01/06/94	Xanax 0.5mg	25	JW
306131	01/14/94	Xanax 0.5mg	50	JW

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (6) Robert Oberlin Urfer as the Responsible Pharmacist did, on or about the following dates, knowingly sell a controlled substance in an amount equal to or exceeding the bulk amount, but in an amount less than three times that amount when the conduct was not in accordance with Chapter 3719. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or pharmacists under his control sold the following prescription refills above the number authorized by law:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>	<u>R.Ph.</u>
290379	10/23/92	Xanax 0.25mg	45	FW
311332	01/26/94	Xanax 0.5mg	30	JW
311332	02/03/94	Xanax 0.5mg	30	JW
311332	02/17/94	Xanax 0.5mg	30	JW
311332	02/21/94	Xanax 0.5mg	30	JW
311332	03/11/94	Xanax 0.5mg	30	JW
311332	03/16/94	Xanax 0.5mg	10	JW
311332	03/18/94	Xanax 0.5mg	30	JW
311332	03/24/94	Xanax 0.5mg	30	JW
311332	03/30/94	Xanax 0.5mg	30	JW
311332	04/05/94	Xanax 0.5mg	30	JW
311332	04/11/94	Xanax 0.5mg	30	JW
311332	04/15/94	Xanax 0.5mg	30	JW
311332	04/22/94	Xanax 0.5mg	30	JW
311332	04/29/94	Xanax 0.5mg	30	JW
311332	05/05/94	Xanax 0.5mg	30	JW

Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (7) Robert Oberlin Urfer as the Responsible Pharmacist did, on or about the following dates, intentionally create and/or knowingly possess false or forged prescriptions, to wit: the following prescriptions were removed from the files and verified as being altered and/or forged:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>	<u>R.Ph.</u>
300304	05/13/93	APAP with Codeine #4	45	JW
300304	05/25/93	APAP with Codeine #4	45	JW
300304	06/01/93	APAP with Codeine #4	45	JW
304855	09/06/93	Tylenol #4	90	JW
306348	09/08/93	Dilaudid 4	60	JW
304855	09/13/93	Tylenol #4	90	JW
304855	09/21/93	Tylenol #4	90	JW
304855	09/27/93	Tylenol #4	90	JW
304855	10/04/93	Tylenol #4	90	JW
306888	10/20/93	Percocet	60	JW
304855	10/11/93	Tylenol #4	90	JW
307942	11/11/93	Percodan	60	JW
308516	11/24/93	Percocet	90	JW
308849	12/01/93	Percodan	90	JW
309039	12/03/93	Percodan	90	JW
309239	12/10/93	Percodan	90	JW
309384	12/11/93	Percodan	90	JW
312142	02/04/94	Tylenol #3	20	JW
312142	02/08/94	Tylenol #3	20	JW
312142	02/10/94	Tylenol #3	20	JW

312142	03/03/94	Tylenol #3	20	JW
314886	04/06/94	Lorcet 10/650	80	JW
314978	04/06/94	Tylenol #4	90	JW
314980	04/08/94	Darvocet-N 100/650	80	JW
315175	04/12/94	Lorcet 10/650	80	JW
314886	04/19/94	Lorcet 10/650	80	JW
315175	04/26/94	Lorcet 10/650	80	JW
315175	05/02/94	Lorcet 10/650	80	JW
315175	05/05/94	Lorcet 10/650	80	JW
315175	05/12/94	Lorcet 10/650	80	JW

Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (8) Robert Oberlin Urfer as the Responsible Pharmacist did, from April 14, 1993, through November 19, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or a pharmacist under his control sold on each of the following 50 dates, over a 219-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #13 when not for a legitimate medical purpose:

04/14/93, 04/17/93, 04/21/93, 04/23/93, 04/27/93, 04/28/93, 05/01/93, 05/03/93, 05/11/93, 05/17/93, 05/22/93, 06/02/93, 06/04/93, 06/06/93, 06/09/93, 06/18/93, 06/29/93, 07/02/93, 07/05/93, 07/07/93, 07/10/93, 07/15/93, 07/18/93, 07/26/93, 07/30/93, 08/11/93, 08/13/93, 08/15/93, 08/27/93, 08/29/93, 09/01/93, 09/05/93, 09/07/93, 09/10/93, 09/12/93, 09/15/93, 09/24/93, 09/26/93, 09/28/93, 10/01/93, 10/04/93, 10/16/93, 10/25/93, 10/30/93, 11/01/93, 11/03/93, 11/06/93, 11/12/93, 11/13/93, and 11/19/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (9) Robert Oberlin Urfer as the Responsible Pharmacist did, from December 22, 1992, through December 28, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or a pharmacist under his control sold on each of the following 169 dates, over a 371-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #139 when not for a legitimate medical purpose:

12/22/92, 12/24/92, 12/26/92, 12/28/92, 12/30/92, 01/03/93, 01/05/93, 01/07/93, 01/09/93, 01/11/93, 01/13/93, 01/16/93, 01/20/93, 01/22/93, 01/24/93, 01/26/93, 01/29/93, 02/01/93, 02/03/93, 02/05/93, 02/07/93, 02/10/93, 02/12/93, 02/14/93, 02/17/93, 02/20/93, 02/22/93, 02/24/93, 02/27/93, 03/01/93, 03/03/93, 03/06/93, 03/08/93, 03/11/93, 03/13/93, 03/15/93, 03/17/93, 03/20/93, 03/22/93, 03/24/93, 03/27/93, 03/29/93, 03/31/93, 04/03/93, 04/07/93, 04/10/93, 04/14/93, 04/16/93, 04/18/93, 04/19/93, 04/21/93, 04/23/93, 04/26/93, 04/28/93, 05/01/93, 05/03/93, 05/05/93, 05/07/93, 05/08/93, 05/09/93, 05/12/93, 05/14/93, 05/16/93, 05/18/93, 05/21/93, 05/23/93, 05/26/93, 05/30/93, 06/01/93, 06/03/93, 06/05/93, 06/07/93, 06/09/93, 06/12/93, 06/15/93, 06/17/93, 06/19/93, 06/21/93, 06/23/93, 06/25/93, 06/27/93, 06/29/93, 07/03/93, 07/05/93, 07/07/93, 07/09/93, 07/12/93, 07/14/93, 07/16/93, 07/18/93, 07/20/93, 07/22/93, 07/24/93, 07/26/93, 07/28/93, 07/30/93, 08/03/93, 08/05/93, 08/07/93, 08/09/93, 08/11/93, 08/13/93, 08/15/93, 08/17/93, 08/19/93, 08/21/93, 08/23/93, 08/25/93, 08/27/93, 08/29/93, 08/31/93, 09/02/93,

09/04/93, 09/06/93, 09/08/93, 09/10/93, 09/12/93, 09/14/93, 09/16/93, 09/18/93, 09/20/93, 09/22/93, 09/24/93, 09/26/93, 09/28/93, 09/30/93, 10/04/93, 10/06/93, 10/08/93, 10/10/93, 10/12/93, 10/14/93, 10/16/93, 10/18/93, 10/20/93, 10/22/93, 10/24/93, 10/26/93, 10/28/93, 10/30/93, 11/01/93, 11/03/93, 11/05/93, 11/07/93, 11/09/93, 11/11/93, 11/13/93, 11/15/93, 11/17/93, 11/19/93, 11/22/93, 11/24/93, 11/26/93, 11/28/93, 11/30/93, 12/02/93, 12/04/93, 12/06/93, 12/08/93, 12/10/93, 12/12/93, 12/14/93, 12/16/93, 12/18/93, 12/20/93, 12/22/93, 12/24/93, 12/26/93, and 12/28/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (10) Robert Oberlin Urfer as the Responsible Pharmacist did, from March 28, 1993, through November 28, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or a pharmacist under his control sold on each of the following 28 dates, over a 245-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #20 when not for a legitimate medical purpose:

03/28/93, 04/09/93, 04/22/93, 04/26/93, 05/16/93, 05/25/93, 06/17/93, 06/29/93, 07/02/93, 07/10/93, 07/21/93, 07/24/93, 08/05/93, 08/12/93, 08/14/93, 08/16/93, 08/22/93, 08/26/93, 08/28/93, 09/06/93, 09/11/93, 09/13/93, 10/06/93, 10/22/93, 10/24/93, 11/09/93, 11/15/93, and 11/28/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (11) Robert Oberlin Urfer as the Responsible Pharmacist did, from January 15, 1993, through June 8, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or a pharmacist under his control sold on each of the following 34 dates, over a 144-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #45 when not for a legitimate medical purpose:

01/15/93, 01/17/93, 01/19/93, 01/21/93, 01/23/93, 01/26/93, 01/28/93, 01/30/93, 02/04/93, 02/06/93, 02/09/93, 02/11/93, 02/18/93, 02/20/93, 02/22/93, 02/26/93, 03/01/93, 03/03/93, 03/09/93, 03/21/93, 03/23/93, 03/28/93, 03/29/93, 03/30/93, 04/11/93, 04/13/93, 04/15/93, 04/17/93, 05/21/93, 05/28/93, 05/31/93, 06/02/93, 06/04/93, and 06/08/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (12) Robert Oberlin Urfer as the Responsible Pharmacist did, from March 5, 1993, through January 8, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or a pharmacist under his control sold on each of the following 85 dates, over a 309-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #61 when not for a legitimate medical purpose:

03/05/93, 03/15/93, 03/24/93, 03/28/93, 04/01/93, 04/07/93, 04/11/93, 04/13/93, 04/23/93, 04/27/93, 05/01/93, 05/07/93, 05/11/93, 05/18/93, 05/23/93, 05/25/93, 05/29/93, 05/31/93, 06/04/93, 06/08/93, 06/13/93, 06/16/93, 06/20/93, 06/22/93, 06/24/93, 06/26/93, 06/28/93, 06/30/93, 07/02/93, 07/04/93, 07/06/93, 07/08/93, 07/10/93, 07/12/93, 07/14/93, 07/16/93, 07/18/93, 07/20/93, 07/22/93, 07/24/93, 07/26/93, 07/28/93, 07/30/93, 08/01/93, 08/03/93, 08/05/93, 08/07/93, 08/09/93, 08/11/93, 08/13/93, 08/15/93, 08/17/93, 08/19/93, 08/21/93, 08/23/93, 08/25/93, 08/27/93, 08/29/93, 08/31/93, 10/17/93, 10/20/93, 10/22/93, 10/24/93, 10/27/93, 10/29/93, 11/02/93, 11/04/93, 11/07/93, 11/08/93, 11/10/93, 11/12/93, 11/14/93, 11/16/93, 11/18/93, 11/21/93, 11/23/93, 11/25/93, 11/27/93, 11/30/93, 12/07/93, 12/19/93, 12/24/93, 12/26/93, 12/28/93, and 01/08/94.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (13) Robert Oberlin Urfer as the Responsible Pharmacist did, from October 8, 1991, through January 9, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or a pharmacist under his control sold on each of the following 200 dates, over an 824-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #66 when not for a legitimate medical purpose:

10/08/91, 10/15/91, 10/22/91, 10/29/91, 11/07/91, 11/12/91, 11/25/91, 12/15/91, 01/01/92, 01/15/92, 01/24/92, 02/01/92, 02/07/92, 02/12/92, 02/19/92, 02/26/92, 03/01/92, 03/06/92, 03/12/92, 03/18/92, 03/25/92, 03/28/92, 04/03/92, 04/13/92, 04/18/92, 04/24/92, 04/30/92, 05/06/92, 05/24/92, 05/30/92, 06/07/92, 06/17/92, 06/21/92, 06/26/92, 07/02/92, 07/05/92, 07/13/92, 07/15/92, 07/21/92, 07/25/92, 08/03/92, 08/09/92, 08/13/92, 08/15/92, 08/28/92, 08/30/92, 09/07/92, 09/11/92, 09/13/92, 09/17/92, 09/27/92, 10/01/92, 10/09/92, 10/17/92, 10/20/92, 10/22/92, 10/28/92, 10/30/92, 11/01/92, 11/03/92, 11/05/92, 11/07/92, 11/09/92, 11/11/92, 11/13/92, 11/15/92, 11/19/92, 11/19/92, 11/21/92, 11/25/92, 11/27/92, 12/01/92, 12/03/92, 12/09/92, 01/01/93, 01/03/93, 01/07/93, 01/27/93, 01/30/93, 02/03/93, 02/05/93, 02/07/93, 02/09/93, 02/13/93, 02/21/93, 02/23/93, 02/26/93, 02/28/93, 03/02/93, 03/04/93, 03/06/93, 03/08/93, 03/10/93, 03/12/93, 03/14/93, 03/16/93, 03/18/93, 03/20/93, 03/22/93, 03/24/93, 03/26/93, 03/28/93, 03/30/93, 04/03/93, 04/05/93, 04/07/93, 04/09/93, 04/11/93, 04/13/93, 04/15/93, 04/17/93, 04/19/93, 04/21/93, 04/23/93, 04/25/93, 04/27/93, 04/29/93, 05/01/93, 05/03/93, 05/05/93, 05/07/93, 05/11/93, 05/13/93, 05/15/93, 05/17/93, 05/19/93, 05/21/93, 05/23/93, 05/25/93, 05/27/93, 05/29/93, 05/31/93, 06/02/93, 06/06/93, 06/10/93, 06/14/93, 06/20/93, 06/24/93, 06/26/93, 06/28/93, 06/30/93, 07/02/93, 07/06/93, 07/08/93, 07/10/93, 07/12/93, 07/14/93, 07/17/93, 07/19/93, 07/21/93, 07/23/93, 07/25/93, 07/27/93, 07/29/93, 07/31/93, 08/02/93, 08/04/93, 08/06/93, 08/08/93, 08/10/93, 08/12/93, 08/14/93, 08/16/93, 08/18/93, 08/20/93, 08/22/93, 08/24/93, 08/26/93, 08/28/93, 08/30/93, 09/01/93, 09/03/93, 09/15/93, 09/17/93, 09/19/93, 09/21/93, 09/23/93, 09/25/93, 09/27/93, 09/29/93, 10/01/93, 10/03/93, 10/05/93, 10/09/93, 10/11/93, 10/13/93, 10/15/93, 10/17/93, 10/19/93, 10/21/93, 10/23/93, 10/25/93, 10/27/93, 10/29/93, 10/31/93, 11/02/93, 12/06/93, 12/22/93, 12/25/93, 12/30/93, and 01/09/94.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (14) Robert Oberlin Urfer as the Responsible Pharmacist did, from October 2, 1992, through November 15, 1993, knowingly sell a controlled substance in an amount

equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or a pharmacist under his control sold on each of the following 109 dates, over a 409-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #79 when not for a legitimate medical purpose:

10/02/92, 10/04/92, 10/07/92, 10/12/92, 10/18/92, 10/22/92, 10/24/92, 10/28/92, 11/06/92, 11/08/92, 12/01/92, 12/07/92, 12/09/92, 12/13/92, 12/15/92, 12/18/92, 12/20/92, 12/23/92, 12/25/92, 12/28/92, 12/31/92, 01/02/93, 01/06/93, 01/08/93, 01/11/93, 01/13/93, 01/17/93, 01/19/93, 01/24/93, 01/27/93, 01/29/93, 01/31/93, 02/02/93, 02/04/93, 02/06/93, 02/08/93, 02/12/93, 02/14/93, 02/17/93, 02/20/93, 02/24/93, 02/28/93, 03/02/93, 03/06/93, 03/08/93, 03/10/93, 03/12/93, 03/14/93, 03/16/93, 03/18/93, 03/20/93, 03/26/93, 04/05/93, 04/08/93, 04/09/93, 04/11/93, 04/17/93, 04/27/93, 04/30/93, 05/02/93, 05/05/93, 05/08/93, 05/10/93, 05/13/93, 05/20/93, 05/28/93, 05/30/93, 06/02/93, 06/05/93, 06/08/93, 06/12/93, 06/19/93, 06/21/93, 06/24/93, 06/29/93, 07/01/93, 07/03/93, 07/05/93, 07/08/93, 07/10/93, 07/12/93, 07/17/93, 07/20/93, 07/24/93, 07/26/93, 07/30/93, 08/04/93, 08/07/93, 08/09/93, 08/13/93, 08/17/93, 08/21/93, 08/28/93, 09/06/93, 09/16/93, 09/18/93, 09/26/93, 10/02/93, 10/09/93, 10/11/93, 10/13/93, 10/16/93, 10/19/93, 10/23/93, 10/25/93, 10/30/93, 11/06/93, 11/13/93, and 11/15/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (15) Robert Oberlin Urfer as the Responsible Pharmacist did, from March 9, 1993, through December 31, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or a pharmacist under his control sold on each of the following 119 dates, over a 297-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #80 when not for a legitimate medical purpose:

03/09/93, 03/11/93, 03/13/93, 03/18/93, 03/20/93, 03/26/93, 03/30/93, 04/02/93, 04/06/93, 04/07/93, 04/09/93, 04/10/93, 04/12/93, 04/13/93, 04/14/93, 04/15/93, 04/17/93, 04/18/93, 04/20/93, 04/21/93, 04/22/93, 04/23/93, 04/24/93, 04/25/93, 04/26/93, 04/28/93, 04/30/93, 05/05/93, 05/06/93, 05/07/93, 05/08/93, 05/09/93, 05/15/93, 05/16/93, 05/18/93, 05/20/93, 05/21/93, 05/22/93, 05/23/93, 05/25/93, 05/27/93, 05/29/93, 05/31/93, 06/02/93, 06/04/93, 06/09/93, 06/11/93, 06/14/93, 06/16/93, 06/18/93, 06/20/93, 06/22/93, 06/24/93, 06/25/93, 06/28/93, 06/30/93, 07/05/93, 07/07/93, 07/09/93, 07/12/93, 07/14/93, 07/16/93, 07/22/93, 07/24/93, 07/26/93, 07/28/93, 07/30/93, 08/02/93, 08/06/93, 08/09/93, 08/16/93, 08/21/93, 08/24/93, 08/26/93, 08/28/93, 08/30/93, 09/01/93, 09/04/93, 09/10/93, 09/12/93, 09/13/93, 09/15/93, 09/17/93, 09/19/93, 09/21/93, 09/24/93, 10/01/93, 10/03/93, 10/05/93, 10/08/93, 10/11/93, 10/13/93, 10/15/93, 10/17/93, 10/21/93, 10/25/93, 10/30/93, 11/01/93, 11/05/93, 11/07/93, 11/09/93, 11/11/93, 11/14/93, 11/16/93, 11/18/93, 11/27/93, 11/29/93, 12/03/93, 12/05/93, 12/07/93, 12/09/93, 12/11/93, 12/13/93, 12/17/93, 12/19/93, 12/21/93, 12/23/93, 12/25/93, and 12/31/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code as was in effect prior to July 1, 1996).

- (16) Robert Oberlin Urfer as the Responsible Pharmacist did, from August 19, 1991, through December 30, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than

one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or a pharmacist under his control sold on each of the following 180 dates, over an 864-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #99 when not for a legitimate medical purpose:

08/19/91, 08/23/91, 08/27/91, 08/29/91, 09/03/91, 09/06/91, 09/10/91, 09/12/91, 09/17/91, 10/11/91, 10/14/91, 10/22/91, 10/25/91, 10/31/91, 11/06/91, 11/12/91, 11/19/91, 11/22/91, 12/03/91, 12/10/91, 12/12/91, 12/18/91, 12/21/91, 12/27/91, 01/02/92, 01/09/92, 01/19/92, 01/22/92, 01/29/92, 02/07/92, 02/14/92, 02/18/92, 02/24/92, 03/03/92, 03/09/92, 03/14/92, 03/19/92, 03/26/92, 03/31/92, 04/07/92, 04/14/92, 04/18/92, 04/22/92, 05/05/92, 05/19/92, 05/22/92, 05/26/92, 05/29/92, 06/02/92, 06/09/92, 06/14/92, 06/16/92, 06/22/92, 06/24/92, 06/27/92, 07/01/92, 07/21/92, 07/23/92, 07/27/92, 08/02/92, 08/16/92, 08/18/92, 08/23/92, 08/26/92, 08/31/92, 09/03/92, 09/08/92, 09/10/92, 09/15/92, 09/21/92, 09/24/92, 09/30/92, 10/02/92, 10/06/92, 10/09/92, 10/16/92, 10/18/92, 10/21/92, 10/30/92, 11/06/92, 11/12/92, 11/19/92, 11/21/92, 11/24/92, 12/02/92, 03/02/93, 03/04/93, 03/11/93, 03/13/93, 03/17/93, 03/21/93, 03/25/93, 03/30/93, 04/03/93, 04/05/93, 04/08/93, 04/12/93, 04/15/93, 04/19/93, 04/21/93, 04/29/93, 05/06/93, 05/09/93, 05/12/93, 05/15/93, 05/23/93, 05/25/93, 05/29/93, 06/03/93, 06/05/93, 06/07/93, 06/09/93, 06/11/93, 06/14/93, 06/16/93, 06/20/93, 06/23/93, 06/26/93, 06/30/93, 07/02/93, 07/04/93, 07/06/93, 07/09/93, 07/12/93, 07/14/93, 07/17/93, 07/19/93, 07/21/93, 07/24/93, 07/26/93, 07/29/93, 08/01/93, 08/03/93, 08/07/93, 08/11/93, 08/13/93, 08/15/93, 08/17/93, 08/19/93, 08/22/93, 08/25/93, 08/27/93, 08/30/93, 09/01/93, 09/03/93, 09/05/93, 09/09/93, 09/11/93, 09/13/93, 09/15/93, 09/24/93, 09/28/93, 09/30/93, 10/02/93, 10/06/93, 10/11/93, 10/13/93, 10/15/93, 10/17/93, 10/20/93, 10/22/93, 10/30/93, 11/05/93, 11/08/93, 11/12/93, 11/14/93, 11/18/93, 11/20/93, 11/24/93, 11/26/93, 11/28/93, 12/02/93, 12/04/93, 12/06/93, 12/09/93, 12/13/93, 12/16/93, 12/18/93, 12/28/93, and 12/30/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (17) Robert Oberlin Urfer as the Responsible Pharmacist did, from September 13, 1991, through March 6, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or a pharmacist under his control sold on each of the following 191 dates, over a 905-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #111 when not for a legitimate medical purpose:

09/13/91, 09/26/91, 10/02/91, 10/09/91, 10/14/91, 12/03/91, 12/13/91, 12/24/91, 01/02/92, 01/10/92, 01/16/92, 01/25/92, 02/03/92, 02/11/92, 02/17/92, 02/24/92, 03/05/92, 03/15/92, 03/22/92, 03/28/92, 04/10/92, 04/18/92, 04/24/92, 04/29/92, 06/13/92, 06/26/92, 07/03/92, 07/08/92, 07/12/92, 07/17/92, 07/22/92, 07/26/92, 07/30/92, 08/03/92, 08/07/92, 08/15/92, 08/19/92, 08/21/92, 08/29/92, 09/04/92, 09/07/92, 09/08/92, 09/12/92, 09/15/92, 09/18/92, 09/20/92, 09/22/92, 09/26/92, 09/28/92, 10/06/92, 10/08/92, 10/16/92, 10/23/92, 10/26/92, 10/30/92, 11/08/92, 11/11/92, 11/13/92, 11/20/92, 11/26/92, 12/05/92, 12/09/92, 12/15/92, 12/19/92, 12/22/92, 12/26/92, 12/31/92, 01/03/93, 01/10/93, 01/14/93, 01/17/93, 01/20/93, 01/24/93, 01/28/93, 02/03/93, 02/07/93, 02/10/93, 02/14/93, 02/20/93, 02/26/93, 03/07/93, 03/15/93, 03/19/93, 04/11/93, 04/18/93, 04/27/93, 04/30/93, 05/02/93, 05/05/93, 05/11/93, 05/14/93, 05/19/93, 05/21/93, 05/23/93, 05/26/93, 05/28/93, 05/31/93, 06/04/93, 06/06/93, 06/12/93, 06/16/93, 06/18/93, 06/20/93, 06/22/93, 06/24/93,

06/26/93, 06/28/93, 06/30/93, 07/03/93, 07/08/93, 07/10/93, 07/12/93, 07/15/93, 07/17/93, 07/24/93, 07/26/93, 07/28/93, 07/30/93, 08/01/93, 08/03/93, 08/06/93, 08/08/93, 08/10/93, 08/13/93, 08/15/93, 08/17/93, 08/20/93, 08/22/93, 08/25/93, 08/27/93, 08/29/93, 08/31/93, 09/03/93, 09/06/93, 09/08/93, 09/10/93, 09/12/93, 09/15/93, 09/16/93, 09/18/93, 09/21/93, 09/23/93, 09/25/93, 09/27/93, 09/29/93, 10/01/93, 10/03/93, 10/05/93, 10/07/93, 10/09/93, 10/11/93, 10/13/93, 10/16/93, 10/18/93, 10/20/93, 10/22/93, 10/24/93, 10/26/93, 10/28/93, 10/30/93, 11/01/93, 11/03/93, 11/09/93, 11/11/93, 11/14/93, 11/16/93, 11/19/93, 11/23/93, 11/26/93, 11/28/93, 11/30/93, 12/08/93, 12/10/93, 12/12/93, 12/14/93, 12/16/93, 12/18/93, 12/20/93, 12/22/93, 12/24/93, 12/26/93, 01/20/94, 01/30/94, 02/05/94, 02/08/94, 02/10/94, 02/14/94, 02/20/94, 02/26/94, 03/04/94, and 03/06/94.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (18) Robert Oberlin Urfer as the Responsible Pharmacist did, from February 12, 1993, through July 25, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or a pharmacist under his control sold on each of the following 30 dates, over a 163-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #117 when not for a legitimate medical purpose:

02/12/93, 02/19/93, 02/23/93, 02/25/93, 03/01/93, 03/03/93, 03/08/93, 03/20/93, 03/22/93, 03/31/93, 04/02/93, 04/05/93, 04/10/93, 04/13/93, 04/19/93, 04/24/93, 04/29/93, 05/02/93, 05/04/93, 05/10/93, 05/13/93, 05/17/93, 05/22/93, 06/02/93, 06/12/93, 06/28/93, 07/01/93, 07/03/93, 07/19/93, and 07/25/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code as was in effect prior to July 1, 1996).

- (19) Robert Oberlin Urfer as the Responsible Pharmacist did, from December 29, 1992, through June 8, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or a pharmacist under his control sold on each of the following 72 dates, over a 161-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #127 when not for a legitimate medical purpose:

12/29/92, 12/31/92, 01/02/93, 01/06/93, 01/09/93, 01/11/93, 01/14/93, 01/16/93, 01/17/93, 01/19/93, 01/21/93, 01/24/93, 01/26/93, 01/28/93, 01/30/93, 01/31/93, 02/04/93, 02/06/93, 02/08/93, 02/10/93, 02/12/93, 02/13/93, 02/15/93, 02/17/93, 02/19/93, 02/21/93, 02/22/93, 02/24/93, 02/25/93, 03/03/93, 03/05/93, 03/06/93, 03/08/93, 03/12/93, 03/14/93, 03/15/93, 03/18/93, 03/20/93, 03/22/93, 03/25/93, 03/27/93, 03/28/93, 03/29/93, 04/11/93, 04/12/93, 04/13/93, 04/15/93, 04/17/93, 04/18/93, 04/19/93, 04/21/93, 04/23/93, 04/27/93, 05/02/93, 05/03/93, 05/05/93, 05/06/93, 05/16/93, 05/17/93, 05/19/93, 05/20/93, 05/22/93, 05/23/93, 05/25/93, 05/28/93, 05/29/93, 05/30/93, 05/31/93, 06/02/93, 06/04/93, 06/06/93, and 06/08/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (19) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (19) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. or 3719. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Robert Oberlin Urfer:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-1-09283, held by Robert Oberlin Urfer.
- (B) Further, the Board stays the suspension and places Robert Oberlin Urfer on probation for five years, effective as of the mailing of this Order. The terms of probation are as follows:
 - (1) Robert Oberlin Urfer must take and successfully complete, prior to July 31, 1997, the Jurisprudence Examination offered by the Board. If Robert Oberlin Urfer has not successfully completed the examination prior to July 31, 1997, his license will be suspended until this condition has been achieved. Division (B) of Section 4729.16 of the Ohio Revised Code provides: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.
 - (2) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Robert Oberlin Urfer's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.
 - (3) Robert Oberlin Urfer must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (4) Robert Oberlin Urfer must abide by the rules of the Ohio State Board of Pharmacy.
 - (5) Robert Oberlin Urfer must comply with the terms of this Order.

The Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

- (C) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of twenty thousand dollars (\$20,000) due and owing within thirty (30) days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.

The motion was seconded by Mr. Cavendish and approved by the Board (Aye-8/Nay-0).

RES. 97-102 Mrs. Plant moved that the Board adopt the following Order:

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-960214-040)

In The Matter Of:

THOMAS A. SZYMCZAK, R.Ph.
6721 Stonegate Street
Temperance, Michigan 48182
(R.Ph. No. 03-3-10438)

INTRODUCTION

THE MATTER OF THOMAS A. SZYMCZAK CAME TO HEARING ON JANUARY 27, 1997, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

THOMAS A. SZYMCZAK WAS REPRESENTED BY HARLAND M. BRITZ, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Dale Fritz, Ohio State Board of Pharmacy
- (2) Thomas A. Szymczak, Respondent

Respondent's Witnesses:

- (1) Donald R. Rettig, The Pharm

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Notice of Opportunity letter dated February 14, 1996.
- (2) Exhibit 1A--Hearing Request letter dated March 11, 1996.
- (3) Exhibit 1B--Hearing Schedule letter dated March 15, 1996.
- (4) Exhibit 1C--Continuance Request letter dated March 19, 1996.
- (5) Exhibit 1D--Hearing Schedule letter dated March 27, 1996.
- (6) Exhibit 1E--Amendment/Addendum Notice dated March 27, 1996.

- (7) Exhibit 1F--Pharmacist File Front Sheet of Thomas A. Szymczak showing original date of registration as July 30, 1973, and Renewal Application for Pharmacist License, No. 03-3-10438, for a license to practice pharmacy in Ohio from September 15, 1996, to September 15, 1997, of Thomas A. Szymczak dated July 25, 1996.
- (8) Exhibit 2--Sealed Record-Twenty-seven-page Rite Aid Pharmacy #2310 Pharmacist's Statement dated from May 1, 1993, through June 28, 1995, for Family No. 017881, Member No. 01788101.
- (9) Exhibit 3--Sealed Record-Prescription No. 192878.
- (10) Exhibit 4--Sealed Record-Prescription No. 192881.
- (11) Exhibit 5--Sealed Record-Table of Missing and Misfiled Prescriptions from Rite Aid #2310.
- (12) Exhibit 6--Sealed Record-Five-page Rite Aid Pharmacy #2310 Drug Usage Report dated from May 1, 1993, through December 31, 1993, for Valium 2mg tablet, Valium 5mg tablet, Valium 10mg tablet, Diazepam 2mg tablet, Diazepam 5mg tablet, and Diazepam 10mg tablet.
- (13) Exhibit 6A--Sealed Record-Seventeen-page Rite Aid Pharmacy #2310 Drug Usage Report dated from January 1, 1994, through January 12, 1995, for Valium 2mg tablet, Valium 5mg tablet, Valium 10mg tablet, Diazepam 2mg tablet, Diazepam 5mg tablet, and Diazepam 10mg tablet.
- (14) Exhibit 6B--Sealed Record-Six-page Rite Aid Pharmacy #2310 Drug Usage Report dated from May 1, 1993, through January 1, 1994, for Diazepam 5mg tablet, Diazepam 10mg tablet, and Diazepam 2mg tablet.
- (15) Exhibit 6C--Sealed Record-Rite Aid Pharmacy #2310 Drug Usage Report dated from January 2, 1994, through June 1, 1994, for the following drugs: Diazepam 5mg tablets, Diazepam 10mg tablets, and Diazepam 2mg tablets.
- (16) Exhibit 6D--Sealed Record-Rite Aid Pharmacy #2310 DUR Report by NDC Detail dated from December 1, 1994, through January 12, 1995, for Valium 2mg tablet, Diazepam 2mg tablet, Diazepam 5mg tablet, and Diazepam 10mg tablet, report dated January 19, 1995.
- (17) Exhibit 7--Sealed Record-Prescription No. 197706.
- (18) Exhibit 8--Sealed Record-Prescription No. 201938.
- (19) Exhibit 9--Sealed Record-Two-page table listing prescriptions from Rite Aid #2310 that had no documented physician authorization.
- (20) Exhibit 10--Sealed Record-Prescriptions numbered 180836 and 180837.
- (21) Exhibit 11--Sealed Record-Prescriptions numbered 173726, 173727, and 173728.
- (22) Exhibit 12--Sealed Record-Prescriptions numbered 219816, 219817, and 219818.
- (23) Exhibit 13--Sealed Record-Prescriptions numbered 165034 and 168729.
- (24) Exhibit 14--Sealed Record-Prescriptions numbered 168729 and 176050.
- (25) Exhibit 15--Sealed Record-Prescriptions numbered 201196 and 207491.
- (26) Exhibit 16--Sealed Record-Prescription No. 166754.
- (27) Exhibit 17--Sealed Record-Prescription No. 174018.
- (28) Exhibit 18--Sealed Record-Prescriptions numbered 138601 and 147376.
- (29) Exhibit 19--Sealed Record-Prescription No. 217960.
- (30) Exhibit 20--Sealed Record-Prescription No. 169073.
- (31) Exhibit 21--Sealed Record-Prescription No. 208975.
- (32) Exhibit 22--Sealed Record-Prescription No. 216226.
- (33) Exhibit 23--Sealed Record-Prescription No. 232246.
- (34) Exhibit 24--Sealed Record-Prescription No. 216401.
- (35) Exhibit 25--Sealed Record-Prescription No. 230666.
- (36) Exhibit 26--Sealed Record-Prescription No. 162717.
- (37) Exhibit 27--Sealed Record-Prescriptions numbered 195352 and 235451.
- (38) Exhibit 28--Sealed Record-Prescriptions numbered 165003, 165004, 165005, 165006, 165007, 165008, and 165010.
- (39) Exhibit 29--Sealed Record-Prescription No. 205532.
- (40) Exhibit 30--Sealed Record-Prescription No. 167622.
- (41) Exhibit 31--Sealed Record-Prescriptions numbered 222183 and 4047549.
- (42) Exhibit 32--Sealed Record-Prescription No. 148022.
- (43) Exhibit 33--Sealed Record-Prescriptions numbered 167684, 167685, and 167686.
- (44) Exhibit 34--Sealed Record-Prescriptions numbered 178554 and 185076.
- (45) Exhibit 35--Sealed Record-Prescription No. 218559.
- (46) Exhibit 36--Sealed Record-Prescriptions numbered 218559 and 228831.
- (47) Exhibit 37--Sealed Record-Prescription No. 174516.

- (48) Exhibit 38--Sealed Record-Prescription No. 188167.
- (49) Exhibit 39--Sealed Record-Prescription No. 155014.
- (50) Exhibit 40--Sealed Record-Prescriptions numbered 132097 and 143252.
- (51) Exhibit 41--Sealed Record-Prescription No. 213324.
- (52) Exhibit 42--Sealed Record-Prescriptions numbered 191734 and 234687.
- (53) Exhibit 43--Sealed Record-Prescription No. 183351.
- (54) Exhibit 44--Sealed Record-Prescription No. 178528.
- (55) Exhibit 45--Sealed Record-Prescription No. 176093.
- (56) Exhibit 46--Sealed Record-Prescription No. 161392.
- (57) Exhibit 47--Sealed Record-Prescription No. 161336.
- (58) Exhibit 48--Sealed Record-Prescription No. 207772.
- (59) Exhibit 49--Sealed Record-Prescription No. 161862.
- (60) Exhibit 50--Sealed Record-Prescription No. 161863.
- (61) Exhibit 51--Sealed Record-Prescription No. 164939.
- (62) Exhibit 52--Sealed Record-Prescription No. 180581.
- (63) Exhibit 53--Sealed Record-Prescription No. 190587.
- (64) Exhibit 54--Sealed Record-Prescription No. 2012.
- (65) Exhibit 55--Sealed Record-Prescription No. 205575.
- (66) Exhibit 56--Sealed Record-Prescriptions numbered 217630, 217631, and 217632.
- (67) Exhibit 57--Sealed Record-Page 36 of Rite Aid Pharmacy #2310 Deleted Prescription Report dated from May 1, 1993, through June 8, 1995.
- (68) Exhibit 58--Sealed Record-Prescription No. 230968.
- (69) Exhibit 59--Sealed Record-Page 48 of Rite Aid Pharmacy #2310 Deleted Prescription Report dated from May 1, 1993, through June 8, 1995.
- (70) Exhibit 60--Sealed Record-Prescription No. 233739.
- (71) Exhibit 61--Sealed Record-Page 60 of Rite Aid Pharmacy #2310 Deleted Prescription Report dated from May 1, 1993, through June 8, 1995.
- (72) Exhibit 62--Sealed Record-RADP Patient History dated from December 1, 1992, to January 12, 1995, and three-page Pharmacist's Statement dated from December 1, 1992, through January 12, 1995, for Family No. 017379, Member No. 01737902.
- (73) Exhibit 62A--Sealed Record-Prescription No. 229450.
- (74) Exhibit 63--Sealed Record-RADP Patient History dated from December 1, 1992, to January 12, 1995, and four-page Rite Aid Pharmacy #2310 Pharmacist's Statement dated from December 1, 1992, through January 12, 1995, for Family No. 001670, Member No. 00167001.
- (75) Exhibit 64--Sealed Record-RADP Patient History dated from May 1, 1993, to January 12, 1995, and twelve-page Rite Aid Pharmacy #2310 Pharmacist's Statement dated from May 1, 1993, through January 12, 1995, for Family No. 016064, Member No. 01606401.
- (76) Exhibit 65--Sealed Record-RADP Patient History dated from December 1, 1992, to January 12, 1995, and two-page Rite Aid Pharmacy #2310 Pharmacist's Statement dated from December 1, 1992, through January 12, 1995, for Family No. 001998, Member No. 00199804.
- (77) Exhibit 66--Sealed Record-Two-page Rite Aid Pharmacy #2310 Pharmacist's Statement dated from May 1, 1993, through August 9, 1995, for Family No. 001240, Member No. 00124002.
- (78) Exhibit 67--Sealed Record-Rite Aid Pharmacy #2310 Pharmacist's Statement dated from May 1, 1993, through August 9, 1995, for Family No. 003418, Member No. 00341801.
- (79) Exhibit 68--Sealed Record-Six-page Rite Aid Pharmacy #2310 Pharmacist's Statement dated from December 1, 1992, through January 12, 1995, for Family No. 007817, Member No. 00781701.
- (80) Exhibit 69--Sealed Record-Prescriptions numbered 167163 and 167164.
- (81) Exhibit 70--Sealed Record-Prescription No. 172645.
- (82) Exhibit 71--Sealed Record-Prescription No. 175000.
- (83) Exhibit 72--Sealed Record-Prescription No. 176754.
- (84) Exhibit 73--Sealed Record-Prescriptions numbered 177610 and 177611.
- (85) Exhibit 74--Sealed Record-Prescription No. 181249.
- (86) Exhibit 75--Sealed Record-Prescriptions numbered 187046 and 187047.
- (87) Exhibit 76--Sealed Record-Prescriptions numbered 191326 and 191327.
- (88) Exhibit 77--Sealed Record-Prescriptions numbered 191326 and 195638.
- (89) Exhibit 78--Sealed Record-Prescriptions numbered 199373 and 199374.
- (90) Exhibit 79--Sealed Record-Prescription No. 223745.

- (91) Exhibit 80--Sealed Record--Seven-page Rite Aid Pharmacy #2310 Pharmacist's Statement dated from May 1, 1993, through August 2, 1995, for Family No. 013836, Member No. 01383601.
- (92) Exhibit 81--Sealed Record--Two-page Rite Aid Pharmacy #2310 Pharmacist's Statement dated from May 1, 1993, through June 28, 1995, for Family No. 018397, Member No. 01839701.
- (93) Exhibit 82--Sealed Record--Rite Aid Pharmacy #2310 Pharmacist's Statement dated from May 1, 1993, through August 2, 1995, for Family No. 018397, Member No. 01839702.
- (94) Exhibit 83--Sealed Record--Page 73 of Rite Aid Pharmacy #2310 Deleted Prescription Report dated from May 1, 1993, through June 29, 1995.
- (95) Exhibit 84--Sealed Record--Rite Aid Pharmacy #2310 Prescription Register dated from February 9, 1994, through February 9, 1994.
- (96) Exhibit 85--Sealed Record--Rite Aid Pharmacy #2310 Prescription Register dated from September 15, 1994, through September 15, 1994.
- (97) Exhibit 86--Sealed Record--Rite Aid 2310 Audit for the drugs Anadrol 50mg for the time period of May 1, 1993, through January 12, 1995; Android 10mg for the time period of May 1, 1993, through January 12, 1995; and Android 25mg for the time period of May 1, 1993, through January 12, 1995.
- (98) Exhibit 87--Sealed Record--Page Two of Amerisource Corporation Scheduled Drug Sales and Credits Report for June 1, 1994, through January 12, 1995, regarding Rite Aid Corp 2310, report dated January 19, 1995.
- (99) Exhibit 88--Sealed Record--Letter from Cheryl Crute of the Harvard Drug Group dated January 13, 1995, and copies of the following: report of purchase by Rite Aid #2310 for Anadrol Tab 50mg on October 12, 1993; GWWD Name Brand sales report, system date January 13, 1995; report of purchase by Rite Aid #2310 for Hydrocodone Bit/APAP 7.5/500mg on July 30, 1993; APAP w/Codeine #2 on October 1, 1993; and APAP w/Codeine #2 on September 17, 1993; and Great Lakes Wholesale Generics purchase order, system date January 13, 1995.
- (100) Exhibit 89--Sealed Record--Rite Aid Pharmacy #2310 Drug Usage Report dated from May 1, 1993, through January 19, 1995, for Anadrol-50 tablet, Android 10 tablet, and Android 25 tablet.
- (101) Exhibit 90--Sealed Record--Handwritten statement of Kristin M. Bailey and Jeanette S. Nichols dated January 26, 1993 (sic 1994).
- (102) Exhibit 91--Sealed Record--Brown paper sack containing two unopened stock bottles, in boxes, of Anadrol-50 both with Lot No. 27814, expiration June, 1995; opened stock bottle of Anadrol-50 containing 15 units, Lot No. 07815, expiration June, 1994; and handwritten receipt for same from Dale Fritz on December 20, 1995.

Respondent's Exhibits:

- (1) Exhibit A--Letter from Suzanne Smitley dated January 16, 1997.
- (2) Exhibit B--Copy of letter from Rev. Alfred J. Miller dated January 21, 1997.
- (3) Exhibit C--Letter from Barbara M. Rudnicki dated January 21, 1997.
- (4) Exhibit D--Copy of letter from John O'Leary dated January 20, 1997.
- (5) Exhibit E--Copy of letter from Robert J. Schlembach dated January 23, 1997.
- (6) Exhibit F--Letter from Amy E. Pettaway, not dated.

FINDINGS OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the Board of Pharmacy indicate that Thomas A. Szymczak was originally licensed in the state of Ohio on July 30, 1973, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio.
- (2) Thomas A. Szymczak did, on or about the following dates, intentionally make and/or knowingly possess false or forged prescriptions, to wit: Thomas A. Szymczak created and/or possessed the following prescriptions for Alprazolam 0.5mg which were not authorized by a physician:

<u>Rx No.</u>	<u>Date</u>	<u>Type</u>	<u>Quantity</u>
192878	12/30/93	new	180
192878	12/30/93	refill	180
192878	12/30/93	refill	180
192878	12/30/93	refill	180
192878	12/30/93	refill	180
205376	03/28/94	new	210
205376	03/28/94	refill	210
205376	03/28/94	refill	210
205376	07/18/94	refill	240
205376	08/31/94	refill	240
217091	06/22/94	new	240
231419	10/06/94	new	180

Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (3) Thomas A. Szymczak did, on or about December 30, 1993, make false or forged prescriptions for a dangerous drug, to wit: Thomas A. Szymczak created the following documents for Fioricet which were not authorized by a physician:

<u>Rx No.</u>	<u>Date</u>	<u>Type</u>	<u>Quantity</u>
192881	12/30/93	new	100
192881	12/30/93	refill	100
192881	12/30/93	refill	100

Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (4) Thomas A. Szymczak did, on or about the following dates, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Thomas A. Szymczak sold Alprazolam 0.5mg, a schedule IV controlled substance, without legitimate prescriptions:

<u>Rx No.</u>	<u>Date</u>	<u>Type</u>	<u>Quantity</u>
192878	12/30/93	new	180
192878	12/30/93	refill	180
192878	12/30/93	refill	180
192878	12/30/93	refill	180
192878	12/30/93	refill	180
205376	03/28/94	new	210
205376	03/28/94	refill	210
205376	03/28/94	refill	210
217091	06/22/94	new	240
205376	07/18/94	refill	240
205376	08/31/94	refill	240
231419	10/06/94	new	180

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (5) Thomas A. Szymczak did, during times relevant to the periods stated herein, fail to keep complete and accurate records of dangerous drugs dispensed, to wit: the following list is indicative of Mr. Szymczak practices:

- (a) Controlled substance prescriptions were found misfiled in the non-controlled file, non-controlled substance prescriptions were found in the controlled substance file, and some prescriptions were not located in any pharmacy files;

- (b) Some prescription records were kept in a place other than the pharmacy area, unsecured and accessible to store personnel;
- (c) Prescriptions were not routinely initialed;
- (d) Hard-copy prescriptions and computer records do not indicate refill authorization;
- (e) Pertinent prescription information was incomplete or omitted entirely;
- (f) Multiple prescriptions were partially filled, and original prescriptions were returned to the patient;
- (g) Original prescriptions numbered 180581, 190587, and 2012, indicate that Diazepam was dispensed; however, refill records indicate that Valium was dispensed; and
- (h) Original prescriptions numbered 217632, 230968, 233739, and 229450 were located in prescription files, however, they were not found in the computer data.

Such conduct is in violation of Rule 4729-5-17 of the Ohio Administrative Code.

- (6) Thomas A. Szymczak did, on or about the following dates, knowingly sell a controlled substance in an amount equal to or exceeding the bulk amount, but in an amount less than three times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: while practicing pharmacy at Rite Aid #2310, 213 Main St., Toledo, Ohio, Thomas A. Szymczak dispensed the following refills when not authorized by the physician:

<u>Rx No.</u>	<u>Date</u>	<u>Drug/Strength</u>	<u>Quantity</u>
148022	05/18/93	Diazepam 5mg	50
167685	08/05/93	Diazepam 5mg	50
168729	08/05/93	Diazepam 5mg	30
174516	08/30/93	Diazepam 10mg	90
176050	10/13/93	Diazepam 5mg	30
185076	12/11/93	Diazepam 5mg	8
188167	12/20/93	Diazepam 10mg	90
207491	05/16/94	Diazepam 5mg	30
207491	06/13/94	Diazepam 5mg	30
218559	07/05/94	Diazepam 5mg	50
207491	07/14/94	Diazepam 5mg	30
207491	08/08/94	Diazepam 5mg	30
216226	08/03/94	Diazepam 5mg	30
228831	09/20/94	Diazepam 5mg	50
217960	09/12/94	Diazepam 2mg	60
232246	11/28/94	Valium 5mg	30
234687	11/28/94	Diazepam 2mg	90
234687	12/22/94	Diazepam 2mg	90
228831	12/14/94	Diazepam 5mg	50

Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (7) Thomas A. Szymczak did, on or about August 4, 1993, knowingly sell a controlled substance in an amount equal to or exceeding the bulk amount, but in an amount less than three times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: while practicing pharmacy at Rite Aid #2310, 213 Main St., Toledo, Ohio, Thomas A. Szymczak sold 120 units of Diazepam 10mg, a schedule IV controlled

substance, pursuant to prescription number 167622, not a legitimate prescription. Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (8) Thomas A. Szymczak did, on or about the following dates, intentionally make and/or knowingly possess false or forged prescriptions, to wit: Thomas A. Szymczak created and maintained on file the following unauthorized prescriptions:

<u>Rx No.</u>	<u>Date</u>	<u>Drug/Strength</u>	<u>Quantity</u>
148022	05/18/93	Diazepam 5mg	50
167622	08/04/93	Diazepam 10mg	120
167685	08/05/93	Diazepam 5mg	50
168729	08/05/93	Diazepam 5mg	30
174516	08/30/93	Diazepam 10mg	90
176050	10/13/93	Diazepam 5mg	30
185076	12/11/93	Diazepam 5mg	8
188167	12/20/93	Diazepam 10mg	90
207491	05/16/94	Diazepam 5mg	30
207491	06/13/94	Diazepam 5mg	30
218559	07/05/94	Diazepam 5mg	50
207491	07/14/94	Diazepam 5mg	30
207491	08/08/94	Diazepam 5mg	30
216226	08/03/94	Diazepam 5mg	30
228831	09/20/94	Diazepam 5mg	50
217960	09/12/94	Diazepam 2mg	60
232246	11/28/94	Valium 5mg	30
234687	11/28/94	Diazepam 2mg	90
234687	12/22/94	Diazepam 2mg	90
228831	12/14/94	Diazepam 5mg	50

Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (9) Thomas A. Szymczak did, on or about the following dates, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: while practicing pharmacy at Rite Aid #2310, 213 Main St., Toledo, Ohio, Thomas A. Szymczak sold Vicodin, a schedule III controlled substance, on the following occasions without legitimate prescriptions:

<u>Rx No.</u>	<u>Date</u>	<u>Quantity</u>
167164	06/28/93	56
167164	07/04/93	56
167164	07/10/93	56
167164	07/17/93	56
167164	07/23/93	56
172645	08/09/93	80
175000	08/28/93	60
176754	09/10/93	56
177610	09/16/93	56
177610	09/27/93	56
177610	10/03/93	56
181249	10/11/93	56
181249	10/16/93	56
181249	10/22/93	56
184093	10/29/93	56
184093	11/05/93	56
184093	11/10/93	56
187046	11/19/93	52
187046	11/24/93	52
187046	11/29/93	52

191326	12/20/93	56
191326	12/30/93	56
191326	01/05/94	56
191326	01/12/94	56
195638	01/19/94	56
195638	01/24/94	56
195638	02/02/94	56
195638	02/09/94	56
199373	02/16/94	56
199373	02/23/94	56
199373	02/28/94	56
199373	03/05/94	56
199373	03/09/94	56
203445	03/16/94	56
203445	03/22/94	56
203445	03/29/94	56
203445	04/05/94	56
223745	09/07/94	56

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (10) Thomas A. Szymczak did, on or about the following dates, intentionally make and/or knowingly possess false or forged prescriptions, to wit: Thomas A. Szymczak created and maintained on file at Rite Aid #2310, 213 Main St., Toledo, Ohio, the following unauthorized prescriptions filled with Vicodin:

<u>Rx No.</u>	<u>Date</u>	<u>Quantity</u>
167164	06/28/93	56
167164	07/04/93	56
167164	07/10/93	56
167164	07/17/93	56
167164	07/23/93	56
172645	08/09/93	80
175000	08/28/93	60
176754	09/10/93	56
177610	09/16/93	56
177610	09/27/93	56
177610	10/03/93	56
181249	10/11/93	56
181249	10/16/93	56
181249	10/22/93	56
184093	10/29/93	56
184093	11/05/93	56
184093	11/10/93	56
187046	11/19/93	52
187046	11/24/93	52
187046	11/29/93	52
191326	12/20/93	56
191326	12/30/93	56
191326	01/05/94	56
191326	01/12/94	56
195638	01/19/94	56
195638	01/24/94	56
195638	02/02/94	56
195638	02/09/94	56
199373	02/16/94	56
199373	02/23/94	56
199373	02/28/94	56
199373	03/05/94	56
199373	03/09/94	56
203445	03/16/94	56

203445	03/22/94	56
203445	03/29/94	56
203445	04/05/94	56
223745	09/07/94	56

Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (11) Thomas A. Szymczak did, on or about February 5, 1995, knowing that he had no privilege to do so, destroy, remove, or conceal computer data, to wit: on February 5, 1995, Thomas A. Szymczak deleted the following controlled substance prescriptions, filled for him and/or his wife, from the computer system of Rite Aid #2310:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
157082	04/07/93	Diphenoxylate Hydrochloride & Atropine Sulfate	100
198587	02/09/94	ASA/Codeine 325/30	100
228209	09/15/94	ASA/Codeine 325/30	100
225980	08/29/94	Alprazolam 0.25mg	100

Such conduct is in violation of Section 2913.42 of the Ohio Revised Code.

- (12) Thomas A. Szymczak did, on or about the following dates, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Thomas A. Szymczak sold the following controlled substances without legitimate prescriptions:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
157082	04/07/93	Diphenoxylate Hydrochloride & Atropine Sulfate	100
225980	08/29/94	Alprazolam 0.25mg	100

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (13) Thomas A. Szymczak did, on or about the following dates, knowingly sell a controlled substance in an amount equal to or exceeding the minimum bulk amount, but in an amount less than three times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Thomas A. Szymczak sold the following controlled substances without legitimate prescriptions:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
198587	02/09/94	ASA/Codeine 325/30	100
228209	09/15/94	ASA/Codeine 325/30	100

Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (14) Thomas A. Szymczak did, on or about the following dates, make a false or forged prescription for dangerous drugs, to wit: while practicing pharmacy at Rite Aid #2310, 213 Main St., Toledo, Ohio, Thomas A. Szymczak created the following prescriptions which were not authorized by a physician:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
195448	01/17/94	Ilophen DM	480
203836	03/17/94	Fluocinonide Ointment	60
203835	03/17/94	Lodine 300mg	120
195447	01/17/94	Trimox 500mg	30
195448	09/12/94	Ilophen DM	480

229708	09/25/94	Garamycin CRM	60
249660	02/18/95	Tussidin DM	360

Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (15) Thomas A. Szymczak did, on or about the following dates, with the purpose to deprive, knowingly obtain or exert control over the property of Rite Aid #2310, 213 Main St., Toledo, Ohio, to wit: Thomas A. Szymczak stole the following drugs from Rite Aid #2310 for himself and/or his wife, Linda:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
157082	04/07/93	Diphenoxylate Hydrochloride & Atropine Sulfate	100
195448	01/17/94	lophen DM	480
195447	01/17/94	Trimox 500mg	30
198587	02/09/94	ASA/Codeine 325/30	100
203836	03/17/94	Fluocinonide Ointment	60
203835	03/17/94	Lodine 300mg	120
225980	08/29/94	Alprazolam 0.25mg	100
195448	09/12/94	lophen DM	480
228209	09/15/94	ASA/Codeine 325/30	100
229708	09/25/94	Garamycin CRM	60
249660	02/18/95	Tussidin DM	360

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (16) Thomas A. Szymczak did, during times relevant to the periods stated herein, allow persons other than a registered pharmacist to receive and record telephone prescriptions, when the conduct was not in accordance with Rule 4729-5-30 of the Ohio Administrative Code, to wit: Thomas A. Szymczak repeatedly instructed his technicians to take prescription orders over the telephone. Such conduct is in violation of Sections 3719.05 and 4729.37 of the Ohio Revised Code.
- (17) Thomas A. Szymczak did, on or about the following dates, make false or forged prescriptions for dangerous drugs, to wit: Thomas A. Szymczak created the following documents for dangerous drugs which were not authorized by a physician:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
152293	05/31/93	Dipyridamole 50mg	60
152295	05/31/93	Florinef Acetate 0.1mg	60
151195	05/31/93	Glucagon Kit 1mg	1
151195	05/31/93	Glucagon Kit 1mg	1
151195	05/31/93	Glucagon Kit 1mg	1
151195	05/31/93	Glucagon Kit 1mg	1
152296	05/31/93	Imuran 50mg	60
152294	05/31/93	Pepcid 20mg	30
151193	05/31/93	Prednisone 5mg	45
151920	05/31/93	Provera 10mg	10
151919	05/31/93	Sandimmune 100mg	30
151919	05/31/93	Sandimmune 100mg	30
151919	05/31/93	Sandimmune 100mg	30
151919	05/31/93	Sandimmune 100mg	30
160164	05/31/93	Zoloft 50mg	40
152293	06/23/93	Dipyridamole 50mg	60
151195	06/23/93	Glucagon Kit 1mg	1
151195	06/23/93	Glucagon Kit 1mg	1
151195	06/23/93	Glucagon Kit 1mg	1
151195	06/23/93	Glucagon Kit 1mg	1
152296	06/23/93	Imuran 50mg	60
151193	06/23/93	Prednisone 5mg	45
151919	06/23/93	Sandimmune 100mg	30

151919	06/23/93	Sandimmune 100mg	30
151919	06/23/93	Sandimmune 100mg	30
151919	06/23/93	Sandimmune 100mg	30
151919	06/23/93	Sandimmune 100mg	30
151919	06/23/93	Sandimmune 100mg	30
160164	06/23/93	Zoloft 50mg	30
151195	07/25/93	Glucagon Kit 1mg	1
151195	07/25/93	Glucagon Kit 1mg	1
151195	07/25/93	Glucagon Kit 1mg	1
151195	07/25/93	Glucagon Kit 1mg	1
152296	07/25/93	Imuran 50mg	60
151193	07/25/93	Prednisone 5mg	45
160164	07/25/93	Zoloft 50mg	30
152293	08/09/93	Dipyridamole 50mg	60
152293	08/22/93	Dipyridamole 50mg	60
152295	08/22/93	Florinef Acetate 0.1mg	60
151195	08/22/93	Glucagon Kit 1mg	1
151195	08/22/93	Glucagon Kit 1mg	1
151195	08/22/93	Glucagon Kit 1mg	1
151195	08/22/93	Glucagon Kit 1mg	1
151195	08/22/93	Glucagon Kit 1mg	1
151195	08/22/93	Glucagon Kit 1mg	1
152296	08/22/93	Imuran 50mg	60
152294	08/22/93	Pepcid 20mg	30
151193	08/22/93	Prednisone 5mg	45
151920	08/22/93	Provera 10mg	10
151919	08/22/93	Sandimmune 100mg	30
151919	08/22/93	Sandimmune 100mg	30
151919	08/22/93	Sandimmune 100mg	30
160164	08/22/93	Zoloft 50mg	30
152293	09/20/93	Dipyridamole 50mg	60
152295	09/20/93	Florinef Acetate 0.1mg	60
151195	09/20/93	Glucagon Kit 1mg	1
151195	09/20/93	Glucagon Kit 1mg	1
151195	09/20/93	Glucagon Kit 1mg	1
152296	09/20/93	Imuran 50mg	60
152294	09/20/93	Pepcid 20mg	30
151193	09/20/93	Prednisone 5mg	45
151919	09/20/93	Sandimmune 100mg	30
151919	09/20/93	Sandimmune 100mg	30
160164	09/20/93	Zoloft 50mg	30
152293	10/14/93	Dipyridamole 50mg	60
152295	10/14/93	Florinef Acetate 0.1mg	60
151195	10/14/93	Glucagon Kit 1mg	1
151195	10/14/93	Glucagon Kit 1mg	1
152296	10/14/93	Imuran 50mg	60
152294	10/14/93	Pepcid 20mg	30
151193	10/14/93	Prednisone 5mg	45
151919	10/14/93	Sandimmune 100mg	30
151919	10/14/93	Sandimmune 100mg	30
151919	10/14/93	Sandimmune 100mg	30
151919	10/14/93	Sandimmune 100mg	30
160164	10/14/93	Zoloft 50mg	30
152293	11/15/93	Dipyridamole 50mg	60
152295	11/15/93	Florinef Acetate 0.1mg	60
151195	11/15/93	Glucagon Kit 1mg	1
151195	11/15/93	Glucagon Kit 1mg	1
151195	11/15/93	Glucagon Kit 1mg	1
151195	11/15/93	Glucagon Kit 1mg	1
152296	11/15/93	Imuran 50mg	60
152294	11/15/93	Pepcid 20mg	30
151193	11/15/93	Prednisone 5mg	45

192869	12/30/93	Sandimmune 100mg	30
192869	12/30/93	Sandimmune 100mg	30
192869	12/30/93	Sandimmune 100mg	30
192869	12/30/93	Sandimmune 100mg	30
192869	12/30/93	Sandimmune 100mg	30
192876	12/30/93	Zolof 50mg	30
192876	12/30/93	Zolof 50mg	30
192876	02/16/94	Zolof 50mg	30
205392	03/28/94	Florinef Acetate 0.1mg	70
205392	03/28/94	Florinef Acetate 0.1mg	70
205392	03/28/94	Florinef Acetate 0.1mg	70
205393	03/28/94	Loperamide 2mg	35
205393	03/28/94	Loperamide 2mg	35
205393	03/28/94	Loperamide 2mg	35
202192	06/15/94	Imuran 50mg	60
216200	06/15/94	Loperamide 2mg	100
202194	06/15/94	Pepcid 20mg	30
202191	06/15/94	Prednisone 5mg	45
202196	06/15/94	Zolof 50mg	45
217090	06/22/94	Florinef Acetate 0.1mg	200
217094	06/22/94	Glucagon Kit 1mg	15
217094	07/18/94	Glucagon Kit 1mg	15
202192	07/18/94	Imuran 50mg	100
216200	07/18/94	Loperamide 2 MG	100
202194	07/18/94	Pepcid 20mg	100
202191	07/18/94	Prednisone 5mg	150
202196	07/18/94	Zolof 50mg	120
202192	09/04/94	Imuran 50mg	70
202194	09/04/94	Pepcid 20mg	35
202191	09/04/94	Prednisone 5mg	53
226743	09/04/94	Zithromax 250mg	30
231421	10/06/94	Imuran 50mg	60
231417	10/06/94	Pepcid 20mg	30
231414	10/06/94	Prednisone 5mg	45
231417	11/14/94	Pepcid 20mg	30
231414	11/14/94	Prednisone 5mg	45
231421	11/26/94	Imuran 50mg	60

Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (18) Thomas A. Szymczak did, from May 1, 1993, to January 18, 1995, with the purpose to deprive, knowingly obtain or exert control over the property of Rite Aid #2310, 213 Main St., Toledo, Ohio beyond the express or implied consent of the owner, to wit: Thomas A. Szymczak stole 700 units of Anadrol 50mg, a schedule III controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (19) Thomas A. Szymczak did, on or about December 20, 1995, possess a controlled substance in an amount equal to or exceeding the bulk amount, but in an amount less than three times that amount, to wit: Thomas A. Szymczak possessed, outside the confines of the pharmacy and without a prescription, 215 units of Anadrol 50mg. Such conduct is in violation of Section 2925.03(A)(4) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (19) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (4) and (6) through (19) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925., 3719., or 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Thomas A. Szymczak:

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card, No. 03-3-10438, held by Thomas A. Szymczak for one year and such suspension is effective as of the date of the mailing of this Order. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Thomas A. Szymczak may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) Upon reinstatement of Thomas A. Szymczak's license to practice pharmacy in Ohio, the pharmacist identification card, No. 03-3-10438, will be placed on probation for five years. The terms of probation are as follows:
 - (1) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of pharmacy hereby declares that Thomas A. Szymczak's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.
 - (2) Thomas A. Szymczak may not serve as a responsible pharmacist.
 - (3) Thomas A. Szymczak must inform all employers of his probationary status with the Ohio State Board of Pharmacy.
 - (4) Thomas A. Szymczak must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (5) Thomas A. Szymczak must abide by the rules of the Ohio State Board of Pharmacy.
 - (6) Thomas A. Szymczak must comply with the terms of this Order.

The Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

Division (B) of Section 4729.16 of the Revised Code provides that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of the notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.

The motion was seconded by Mr. Cavendish and approved by the Board (Aye-6/Nay-1/Abstain-1[Hanna]).

Mrs. Plant moved that the Minutes of the December 2, 3, 4, 5, 6, 1996 meeting be approved. The motion was seconded by Mr. Maslak and approved (Aye-8/Nay-0).

6:15 p.m. The Board recessed until Wednesday, January 29, 1997 at 8:00 a.m.

WEDNESDAY, JANUARY 29, 1997

8:40 a.m. ROLL CALL

The following members of the State Board of Pharmacy reconvened in Studio Three, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio:

Suzanne L. Neuber, R.Ph. (President); Amonte B. Littlejohn, R.Ph.; (Vice-President); Diane Adelman, R.Ph.; Robert Cavendish, R.Ph.; John Hanna, R.Ph.; Paul Lamping, R.Ph.; Joseph Maslak, R.Ph.; Ruth Plant, R.Ph.; and Nicholas Repke, Public Member.

RES. 97-103 The Board then discussed the additional information that John D. Kalvelage, President of Medicine-On-Time was to submit to the Board following his presentation in September and his reply to a telephone message by fax dated 01/28/97. The Board deferred any decision regarding amending Ohio Administrative Code rules to allow the return of discontinued drugs to the pharmacy for re-dispensing to the same patient at a later date. The Board noted that Medicine-On-Time must submit policies and procedures to ensure that contaminated drugs are not illegally returned to stock for dispensing to other patients, and that the pharmacy records must show those drugs which were re-dispensed and documentation of the individuals involved in all transactions involving that drug product. The Board stressed the fact that the present rules ensure the integrity of products that are dispensed to patients and returned to the pharmacy for dispensing to other patients.

RES. 97-104 Mr. Lamping moved that the Board approve payment of the National Association of Boards of Pharmacy membership dues (\$250.00) for 1997. The motion was seconded by Mr. Littlejohn and approved (Aye-7/Nay-0). Board member Joseph Maslak was not present when this matter was considered.

9:17 a.m.

The Board was joined by Assistant Attorney General Mary Hollern for the purpose of conducting an adjudication hearing pursuant to the provisions of Ohio Revised Code Chapters 119. and 4729. in the matters of Hutton's Pharmacy and Thomas Jefferson Hutton, R.Ph.

12:05 p.m.

The Board recessed for lunch until 1:00 p.m.

1:06 p.m.

The Board reconvened the hearing.

4:10 p.m. The hearing was concluded. The Board recessed until Thursday, January 30, 1997 at 9:00 a.m.

THURSDAY, JANUARY 30, 1997

9:25 a.m. The following members of the State Board of Pharmacy reconvened in Studio Three, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio:

Suzanne L. Neuber, R.Ph. (President); Amonte B. Littlejohn, R.Ph.; (Vice-President); Diane Adelman, R.Ph.; Robert Cavendish, R.Ph.; John Hanna, R.Ph.; Joseph Maslak, R.Ph.; Ruth Plant, R.Ph.; and Nicholas Repke, Public Member.

The Board reviewed administrative reports and correspondence not requiring action by the Board. The Executive Director reported that McKesson had not yet responded in writing to the Board's letter dated December 6, 1996 regarding the CareMax marketing programs.

9:36 a.m.

The Board was joined by Assistant Attorney General Mary Hollern for the purpose of conducting an Adjudication Hearing pursuant to Ohio Revised Code Chapters 119. and 4729. in the matter of R.Ph. Hubert B. Pleasant, Toledo.

10:22 a.m.

The hearing was concluded and the Board recessed for five minutes.

10:30 a.m.

Mrs. Plant moved that the Board go into Executive Session for the purpose of deliberating on the evidence and testimony presented during the hearings in the matters of Hutton's Pharmacy and Thomas J. Hutton, R.Ph.; and Hubert B. Pleasant, R.Ph. The motion was seconded by Mr. Repke and a roll call vote was conducted by President Neuber as follows: Adelman-Yes, Cavendish-Yes, Hanna-Yes, Littlejohn-Yes, Maslak-Yes, Plant-Yes, and Repke-Yes.

11:15 a.m.

RES. 97-105

The Executive Session was concluded and the meeting opened to the public. Mr. Hanna moved that the Board adopt the following Order:

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-960322-052)

In The Matter Of:

HUTTON'S PHARMACY
c/o Thomas J. Hutton, R.Ph.
2101 Dorr Street
Toledo, Ohio 43607
(Terminal Distributor No. 02-0080700)

INTRODUCTION

THE MATTER OF HUTTON'S PHARMACY CAME TO HEARING ON JANUARY 29, 1997, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

HUTTON'S PHARMACY WAS REPRESENTED BY MARK A. McCLAIN, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Dale Fritz, Ohio State Board of Pharmacy
- (2) Christopher K. Reed, Ohio State Board of Pharmacy
- (3) George Pavlich, Ohio State Board of Pharmacy
- (4) James Reye, Ohio State Board of Pharmacy
- (5) Joann Predina, R.Ph.; Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit Hutton 1--Notice of Opportunity for Hearing letter of Thomas Jefferson Hutton dated March 22, 1996.
- (2) Exhibit Hutton 1A--Hearing Request letter in the matter of Thomas Jefferson Hutton dated April 15, 1996.
- (3) Exhibit Hutton 1B--Two-page Hearing Schedule letter in the matter of Thomas Jefferson Hutton dated April 26, 1996.
- (4) Exhibit Hutton 1C--Hearing Schedule letter in the matter of Thomas Jefferson Hutton dated June 26, 1996.
- (5) Exhibit Hutton 1D--Summary Suspension Order/Notice of Opportunity letter in the matter of Thomas Jefferson Hutton dated September 18, 1996.
- (6) Exhibit Hutton 1E--Amended Summary Suspension Order/Notice of Opportunity letter in the matter of Thomas Jefferson Hutton dated October 8, 1996.
- (7) Exhibit Hutton 1F--Pharmacist File Front Sheet of Thomas Jefferson Hutton showing original date of registration as November 13, 1974, and Renewal Application for Pharmacist License, No. 03-1-11067, for a license to practice pharmacy in Ohio from September 15, 1995, to September 15, 1996, of Thomas Jefferson Hutton dated July 31, 1995.
- (8) Exhibit Hutton's Pharmacy 1--Notice of Opportunity for Hearing letter of Hutton's Pharmacy dated March 22, 1996.
- (9) Exhibit Hutton's Pharmacy 1A--Hearing Request letter in the matter of Hutton's Pharmacy dated April 15, 1996.
- (10) Exhibit Hutton's Pharmacy 1B--Two-page Hearing Schedule letter in the matter of Hutton's Pharmacy dated April 26, 1996.
- (11) Exhibit Hutton's Pharmacy 1C--Hearing Schedule letter in the matter of Hutton's Pharmacy dated June 26, 1996.
- (12) Exhibit Hutton and Hutton's Pharmacy 1--Letter of Representation and Hearing Continuance Request in the matter of Thomas J. Hutton and Hutton's Pharmacy from Mark A. McClain dated January 3, 1997.
- (13) Exhibit Hutton and Hutton's Pharmacy 1A--Letter from Franklin Z. Wickham dated January 7, 1997.
- (14) Exhibit Hutton and Hutton's Pharmacy 1B--Renewal Application for a Terminal Distributor of Dangerous Drugs License, No. 02-080700, of Hutton's Pharmacy signed and dated by Thomas J. Hutton on November 13, 1995.
- (15) Exhibit 2--Sealed Record-Copy of Hutton's Pharmacy Exempt Narcotic Log Book dated from January 13, 1990, to June 13, 1990.
- (16) Exhibit 2A--Sealed Record-Copy of Hutton's Pharmacy Exempt Narcotic Log Book dated from June 14, 1990, to December 3, 1990.
- (17) Exhibit 2B--Sealed Record-Copy of Hutton's Pharmacy Exempt Narcotics Log Book dated from December 3, 1990, to May 22, 1991.
- (18) Exhibit 2C--Sealed Record-Copy of Hutton's Pharmacy Exempt Narcotics Log Book dated from May 23, 1991, to October 9, 1991.
- (19) Exhibit 2D--Sealed Record-Copy of Hutton's Pharmacy Exempt Narcotics Log Book dated from October 10, 1991, to April 20, 1992.
- (20) Exhibit 2E--Sealed Record-Hutton's Pharmacy Exempt Narcotics Log Book dated from April 21, 1992, to November 3, 1992.
- (21) Exhibit 2F--Sealed Record-Hutton's Pharmacy Exempt Narcotics Log Book dated from November 4, 1992, to July 6, 1993.
- (22) Exhibit 2G--Sealed Record-Hutton's Pharmacy Exempt Narcotics Log Book dated from July 7, 1993, to March 2, 1994.
- (23) Exhibit 2H--Sealed Record-Hutton's Pharmacy Exempt Narcotics Log Book dated from March 3, 1994, to March 14, 1994.
- (24) Exhibit 2I--Sealed Record-Hutton's Pharmacy Exempt Narcotics Log Book dated from May 2, 1994, to December 31, 1995.
- (25) Exhibit 2J--Sealed Record-Hutton's Pharmacy Exempt Narcotics Log Book dated from January 2, 1996, to August 3, 1996.
- (26) Exhibit 3--Sealed Record-Accountability Statement of Hutton Pharmacy for Ritalin 5mg Tablets dated April 25, 1994.

- (27) Exhibit 4--Sealed Record-Accountability Statement of Hutton Pharmacy for Ritalin 20mg Tablets dated April 25, 1994.
- (28) Exhibit 5--Sealed Record-DEA Form 222, No. 891422412, of Hutton Pharmacy dated October 17, 1993.
- (29) Exhibit 5A--Sealed Record-DEA Form 222, No. 931287260, of Hutton Pharmacy dated February 21, 1994.
- (30) Exhibit 6--Sealed Record-Accountability Statement of Hutton Pharmacy for Oxycodone w/ASA and APAP (Percodan and Percocet Combined) for the time period of April 30, 1992, to April 30, 1993, statement dated April 25, 1994.
- (31) Exhibit 7--Sealed Record--Accountability Statement of Hutton Pharmacy for Oxycodone w/ASA and APAP (Percodan and Percocet Combined) for the time period of April 30, 1993, to March 14, 1994, statement dated April 25, 1994.
- (32) Exhibit 8--Sealed Record-Accountability Statement of Hutton Pharmacy for Oxycodone w/ASA and APAP (Percodan and Percocet Combined) for the time period of April 30, 1992, to March 14, 1994, statement dated April 25, 1994.
- (33) Exhibit 9--Sealed Record-Prescription Number 2600296.
- (34) Exhibit 10--Sealed Record-Prescription Number 2600359.
- (35) Exhibit 11--Sealed Record-Prescription Number 2600244.
- (36) Exhibit 12--Sealed Record-Prescription Number 2600261.
- (37) Exhibit 13--Sealed Record-Prescription Number 2600277.
- (38) Exhibit 14--Sealed Record-Prescription Number 2600279.
- (39) Exhibit 15--Sealed Record-Prescription Number 2600283.
- (40) Exhibit 16--Sealed Record-Prescription Number 2600284.
- (41) Exhibit 17--Sealed Record-Prescription not numbered, on blank of David W. Brown, M.D. written and dispensed on August 31, 1992.
- (42) Exhibit 18--Sealed Record-Prescription Number 2600292.
- (43) Exhibit 19--Sealed Record-Confidential Patient Key for Exempt Narcotic Sales at Hutton's Pharmacy.
- (44) Exhibit 19A--Four-page table labeled "Hutton Pharmacy" consisting of the following: Patient Number, Total Time Period of Sales, Exempt Narcotic # Sales Trafficked, Trafficking Time Period Preadmonition; 48-Hour Violations; Patient Profile; Rx Cite Paragraph; Post Admonition Trafficking Time; Exempt Narcotic # Sales Trafficked; Cont'd After 7-1-96 (SB2); Exempt Narcotic # Sales Trafficked and Summary Cite Paragraph.
- (45) Exhibit 20--Sealed Record-Copy of pages 1-4 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 1.
- (46) Exhibit 21--Sealed Record-Pages 4, 5, and 6 of a table labeled "Lucas County Exempt Survey by Number of Sales."
- (47) Exhibit 22--Sealed Record-Pages 10, 11, and 12 of a table labeled "Lucas County Exempt Sales Without Highest Sales Pharmacy."
- (48) Exhibit 23--Sealed Record-Pages 7, 8, and 9 of a table labeled "Lucas County Exempt Sales by Zip Code."
- (49) Exhibit 24--Sealed Record-Copy of pages 4-7 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 3.
- (50) Exhibit 25--Sealed Record-Copy of pages 7-9, 11, and 12 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 4.
- (51) Exhibit 26--Sealed Record-Copy of pages 12-14 of a report dated October 24, 1994, and copy of page 487 of a report dated January 3, 1994, showing exempt narcotic sales made to Patient No. 6.
- (52) Exhibit 27--Sealed Record-Copy of pages 14, 15, 17, and 18 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 5.
- (53) Exhibit 28--Sealed Record-Copy of pages 18-24 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 7.
- (54) Exhibit 29--Sealed Record-Copy of pages 24-28 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 8.
- (55) Exhibit 30--Sealed Record-Copy of pages 28-32 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 9.
- (56) Exhibit 31--Sealed Record-Copy of pages 32-34 of a report dated October 24, 1994, and copy of page 487 of a report dated January 3, 1994, showing exempt narcotic sales made to Patient No. 10.
- (57) Exhibit 32--Sealed Record-Copy of pages 34-39 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 11.

- (58) Exhibit 33--Sealed Record-Copy of pages 39-47 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 12.
- (59) Exhibit 34--Sealed Record-Copy of pages 47-57 of a report dated October 24, 1994, copy of page 487 of a report dated January 3, 1994, showing exempt narcotic sales made to Patient No. 13, and copy of patient profile for Patient No. 13.
- (60) Exhibit 35--Sealed Record-Copy of pages 57-59 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 14.
- (61) Exhibit 36--Sealed Record-Copy of pages 59-67 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 15.
- (62) Exhibit 37--Sealed Record-Copy of page 67 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 16.
- (63) Exhibit 37A--Sealed Record-Copy of handwritten statement of Patient No. 16 signed and notarized on March 15, 1994.
- (64) Exhibit 38--Sealed Record-Copy of pages 67-78 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 17.
- (65) Exhibit 39--Sealed Record-Copy of pages 78-80 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 18.
- (66) Exhibit 40--Sealed Record-Copy of pages 80-82 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 19.
- (67) Exhibit 41--Sealed Record-Copy of pages 82-84 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 20.
- (68) Exhibit 42--Sealed Record-Copy of pages 84-93 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 21.
- (69) Exhibit 43--Sealed Record-Copy of pages 93-102 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 22.
- (70) Exhibit 44--Sealed Record-Copy of pages 102-108 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 23.
- (71) Exhibit 45--Sealed Record-Copy of pages 108-110 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 24.
- (72) Exhibit 46--Sealed Record-Copy of pages 110-113 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 26.
- (73) Exhibit 46A--Sealed Record-Copy of four-page handwritten statement of Patient No. 26 signed and notarized on March 21, 1994.
- (74) Exhibit 47--Sealed Record-Copy of pages 113 and 114 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 27.
- (75) Exhibit 48--Sealed Record-Copy of pages 114-116 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 28.
- (76) Exhibit 49--Sealed Record-Copy of pages 116-118 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 29.
- (77) Exhibit 50--Sealed Record-Copy of pages 118-120 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 30.
- (78) Exhibit 51--Sealed Record-Copy of pages 120-122 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 31.
- (79) Exhibit 52--Sealed Record-Copy of pages 122-129 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 32.
- (80) Exhibit 52A--Sealed Record-Copy of two-page handwritten statement of Patient No. 32 signed and notarized on March 15, 1994.
- (81) Exhibit 53--Sealed Record-Copy of pages 130-133 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 34.
- (82) Exhibit 54--Sealed Record-Copy of pages 133-138 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 35.
- (83) Exhibit 55--Sealed Record-Copy of pages 138-142 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 37.
- (84) Exhibit 56--Sealed Record-Copy of pages 142 and 143 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 38.
- (85) Exhibit 57--Sealed Record-Copy of pages 143-145 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 39.
- (86) Exhibit 58--Sealed Record-Copy of pages 145 and 146 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 40.
- (87) Exhibit 59--Sealed Record-Copy of pages 146-150 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 41.

- (88) Exhibit 59A--Sealed Record-Copy of two-page handwritten statement of Patient No. 41 signed and notarized on March 15, 1994.
- (89) Exhibit 60--Sealed Record-Copy of pages 150-156 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 42.
- (90) Exhibit 61--Sealed Record-Copy of pages 157-162 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 43.
- (91) Exhibit 62--Sealed Record-Copy of pages 162-171 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 44.
- (92) Exhibit 63--Sealed Record-Copy of pages 171-178 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 45.
- (93) Exhibit 64--Sealed Record-Copy of pages 178 and 179 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 46.
- (94) Exhibit 65--Sealed Record-Copy of pages 179 and 180 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 47.
- (95) Exhibit 66--Sealed Record-Copy of pages 180-182 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 48.
- (96) Exhibit 67--Sealed Record-Copy of pages 182-187 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 49.
- (97) Exhibit 68--Sealed Record-Copy of pages 187-189 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 50.
- (98) Exhibit 69--Sealed Record-Copy of pages 189-199 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 52.
- (99) Exhibit 70--Sealed Record-Copy of pages 199-206 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 53 and copy of patient profile of Patient No. 53.
- (100) Exhibit 71--Sealed Record-Copy of pages 206-214 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 54.
- (101) Exhibit 72--Sealed Record-Copy of pages 214-219 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 55 and copy of patient profile of Patient No. 55.
- (102) Exhibit 73--Sealed Record-Copy of pages 219 and 220 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 58.
- (103) Exhibit 74--Sealed Record-Copy of pages 220-222 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 59.
- (104) Exhibit 75--Sealed Record-Copy of pages 222-227 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 57.
- (105) Exhibit 76--Sealed Record-Copy of pages 227-236 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 60 and copy of patient profile of Patient No. 60.
- (106) Exhibit 77--Sealed Record-Copy of pages 236-242 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 61.
- (107) Exhibit 78--Sealed Record-Copy of pages 242-250 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 62 and copy of patient profile of Patient No. 62.
- (108) Exhibit 78A--Sealed Record-Copy of three-page handwritten statement of Patient No. 62 signed and notarized on March 17, 1994.
- (109) Exhibit 78B--Sealed Record-Copy of handwritten statement from the spouse of Patient No. 62 signed and notarized on March 17, 1994.
- (110) Exhibit 79--Sealed Record-Copy of pages 250-259 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 63.
- (111) Exhibit 80--Sealed Record-Copy of pages 259-263 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 64.
- (112) Exhibit 81--Sealed Record-Copy of pages 263-272 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 65.
- (113) Exhibit 82--Sealed Record-Copy of pages 272-283 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 66.
- (114) Exhibit 83--Sealed Record-Copy of pages 283, 284, and 286-289 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 67.
- (115) Exhibit 84--Sealed Record-Copy of pages 289-292 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 68.
- (116) Exhibit 85--Sealed Record-Copy of pages 292-294 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 69.

- (117) Exhibit 86--Sealed Record-Copy of pages 294-297 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 70.
- (118) Exhibit 87--Sealed Record-Copy of pages 297 and 298 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 71.
- (119) Exhibit 88--Sealed Record-Copy of pages 298-300 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 72.
- (120) Exhibit 89--Sealed Record-Copy of pages 300 and 301 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 73.
- (121) Exhibit 90--Sealed Record-Copy of pages 301-303 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 74.
- (122) Exhibit 91--Sealed Record-Copy of pages 303-314 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 75 and copy of patient profile of Patient No. 75.
- (123) Exhibit 92--Sealed Record-Copy of pages 314-319 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 76.
- (124) Exhibit 93--Sealed Record-Copy of pages 319-326 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 77.
- (125) Exhibit 94--Sealed Record-Copy of pages 326-332 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 78.
- (126) Exhibit 95--Sealed Record-Copy of pages 332-345 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 79.
- (127) Exhibit 96--Sealed Record-Copy of pages 345-351 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 80.
- (128) Exhibit 97--Sealed Record-Copy of pages 352-360 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 81.
- (129) Exhibit 98--Sealed Record-Copy of pages 360-363 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 82.
- (130) Exhibit 99--Sealed Record-Copy of pages 363-365 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 83.
- (131) Exhibit 100--Sealed Record-Copy of pages 365-367 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 85.
- (132) Exhibit 101--Sealed Record-Copy of pages 367 and 368 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 87.
- (133) Exhibit 102--Sealed Record-Copy of pages 368-373 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 88.
- (134) Exhibit 103--Family Pharmacy bag containing one 4oz stock bottle of Novadyne-DH, Lot No. 7452, Exp. 8/96, a product of Man-LuChem Pharmaceuticals, Inc., a cash receipt for same dated March 14, 1994, and copy of page 373 of a report dated October 24, 1994, showing exempt narcotic sale made to George Pavlich.
- (135) Exhibit 104--Sealed Record-Copy of pages 373-378 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 89.
- (136) Exhibit 105--Sealed Record-Copy of pages 378-381 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 90.
- (137) Exhibit 106--Sealed Record-Copy of pages 381-383 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 91.
- (138) Exhibit 107--Sealed Record-Copy of pages 383-388 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 93.
- (139) Exhibit 108--Sealed Record-Copy of pages 388 and 389 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 94.
- (140) Exhibit 109--Sealed Record-Copy of pages 389-391 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 96.
- (141) Exhibit 110--Sealed Record-Copy of pages 391-393 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 95.
- (142) Exhibit 111--Sealed Record-Copy of pages 393-396 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 92 and two-page copy of patient profile of Patient No. 92.
- (143) Exhibit 112--Sealed Record-Copy of page 396 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 98.
- (144) Exhibit 113--Sealed Record-Copy of pages 396-405 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 97.
- (145) Exhibit 114--Sealed Record-Copy of pages 405-412 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 99.

- (146) Exhibit 115--Sealed Record-Copy of pages 415 and 416 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 101.
- (147) Exhibit 116--Sealed Record-Copy of pages 416-420 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 103.
- (148) Exhibit 117--Sealed Record-Copy of pages 420-422 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 104.
- (149) Exhibit 118--Sealed Record-Copy of pages 422-430 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 105.
- (150) Exhibit 119--Sealed Record-Copy of pages 430-435 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 106.
- (151) Exhibit 120--Sealed Record-Copy of pages 435-437 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 107.
- (152) Exhibit 121--Sealed Record-Copy of pages 437-443 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 108.
- (153) Exhibit 122--Sealed Record-Copy of pages 443-451 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 109.
- (154) Exhibit 123--Sealed Record-Copy of pages 451-457 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 111.
- (155) Exhibit 124--Sealed Record-Copy of pages 457-465 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 110.
- (156) Exhibit 125--Sealed Record-Copy of pages 465-469 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 112.
- (157) Exhibit 126--Sealed Record-Copy of pages 469-475 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 113.
- (158) Exhibit 126A--Sealed Record-Copy of two-page handwritten statement of Patient No. 113 signed and notarized on March 16, 1994.
- (159) Exhibit 127--Sealed Record-Copy of pages 475-482 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 114.
- (160) Exhibit 128--Sealed Record-Copy of pages 482-486 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 115.
- (161) Exhibit 129--Sealed Record-Copy of pages 486-495 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 116.
- (162) Exhibit 130--Sealed Record-Copy of pages 495-502 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 117.
- (163) Exhibit 131--Sealed Record-Copy of pages 502-504 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 119.
- (164) Exhibit 132--Sealed Record-Copy of pages 504-508 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 118.
- (165) Exhibit 133--Sealed Record-Copy of pages 508-510 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 121.
- (166) Exhibit 134--Sealed Record-Copy of pages 511-513 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 122.
- (167) Exhibit 135--Sealed Record-Copy of pages 513-516 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 123.
- (168) Exhibit 136--Sealed Record-Copy of pages 516-519 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 124.
- (169) Exhibit 137--Sealed Record-Copy of pages 519-524 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 125.
- (170) Exhibit 138--Sealed Record-Copy of pages 524 and 525 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 126.
- (171) Exhibit 139--Sealed Record-Copy of pages 525-535 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 127 and copy of patient profile of Patient No. 127.
- (172) Exhibit 140--Sealed Record-Copy of pages 535-542 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 128 and copy of patient profile of Patient No. 128.
- (173) Exhibit 141--Sealed Record-Copy of pages 542 and 543 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 129.
- (174) Exhibit 142--Sealed Record-Copy of pages 543-548 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 130.
- (175) Exhibit 143--Sealed Record-Copy of pages 548-550 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 131.

- (176) Exhibit 144--Sealed Record-Copy of pages 550 and 551 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 136.
- (177) Exhibit 145--Sealed Record-Copy of pages 561-565 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 134.
- (178) Exhibit 146--One brown bag containing ten misbranded amber bottles of Tussar-2 having no lot numbers or expiration dates.
- (179) Exhibit 147--Sealed Record-Copy of five-page Dangerous Drug Distributor Inspection Report of Hutton's Pharmacy dated March 14, 1994.
- (180) Exhibit 147A--Sealed Record-Copy of two-page Dangerous Drug Distributor Inspection Report of Hutton's Pharmacy dated March 15, 1994.
- (181) Exhibit 147B--Sealed Record-Copy of Dangerous Drug Distributor Inspection Report of Hutton's Pharmacy dated July 19, 1993; copy of two-page letter from Thomas J. Hutton dated July 20, 1993; copy of page two of Dangerous Drug Distributor Inspection Report of Hutton's Pharmacy dated July 19, 1993; copy of two-page letter from Thomas J. Hutton dated July 20, 1993; copy of Dangerous Drug Distributor Inspection Report of Hutton's Pharmacy dated December 28, 1989; copy of Dangerous Drug Distributor Inspection Report of Hutton's Pharmacy dated January 2, 1986; copy of Dangerous Drug Distributor Inspection Report of Hutton's Pharmacy dated December 11, 1984; copy of pink sheet response from Thomas J. Hutton dated December 28, 1984; copy of Dangerous Drug Distributor Inspection Report of Hutton's Pharmacy dated July 24, 1979; copy of three-page letter from Thomas J. Hutton dated August 2, 1979; copy of Dangerous Drug Distributor Inspection Report of Hutton's Pharmacy dated October 25, 1977; copy of Dangerous Drug Distributor Inspection Report of Hutton's Pharmacy dated February 22, 1977; copy of Dangerous Drug Distributor Inspection Report of Hutton's Pharmacy dated August 19, 1976; copy of Dangerous Drug Distributor Inspection Report of Hutton's Pharmacy dated January 5, 1976; and two copies of three-page letter from Thomas J. Hutton dated March 25, 1994.
- (182) Exhibit 148--Sealed Record-Two-page table showing exempt narcotic sales made to Patient No. 5.
- (183) Exhibit 149--Sealed Record-Three-page table showing exempt narcotic sales made to Patient No. 8.
- (184) Exhibit 150--Sealed Record-Five-page table showing exempt narcotic sales made to Patient No. 13.
- (185) Exhibit 151--Sealed Record-Two-page table showing exempt narcotic sales made to Patient No. 15.
- (186) Exhibit 152--Sealed Record-Five-page table showing exempt narcotic sales made to Patient No. 17.
- (187) Exhibit 153--Sealed Record-Four-page table showing exempt narcotic sales made to Patient No. 21.
- (188) Exhibit 154--Sealed Record-Five-page table showing exempt narcotic sales made to Patient No. 22.
- (189) Exhibit 155--Sealed Record-Three-page table showing exempt narcotic sales made to Patient No. 30.
- (190) Exhibit 156--Sealed Record-Four-page table showing exempt narcotic sales made to Patient No. 32.
- (191) Exhibit 157--Sealed Record-Three-page table showing exempt narcotic sales made to Patient No. 42.
- (192) Exhibit 158--Sealed Record-Three-page table showing exempt narcotic sales made to Patient No. 44.
- (193) Exhibit 159--Sealed Record-Four-page table showing exempt narcotic sales made to Patient No. 49.
- (194) Exhibit 160--Sealed Record-Four-page table showing exempt narcotic sales made to Patient No. 53.
- (195) Exhibit 161--Sealed Record-Four-page table showing exempt narcotic sales made to Patient No. 57.
- (196) Exhibit 162--Sealed Record-Three-page table showing exempt narcotic sales made to Patient No. 61.
- (197) Exhibit 163--Sealed Record-Five-page table showing exempt narcotic sales made to Patient No. 63.
- (198) Exhibit 164--Sealed Record-Three-page table showing exempt narcotic sales made to Patient No. 65.

- (199) Exhibit 165--Sealed Record-Four-page table showing exempt narcotic sales made to Patient No. 75.
- (200) Exhibit 166--Sealed Record-Five-page table showing exempt narcotic sales made to Patient No. 77.
- (201) Exhibit 167--Sealed Record-Four-page table showing exempt narcotic sales made to Patient No. 78.
- (202) Exhibit 168--Sealed Record-Three-page table showing exempt narcotic sales made to Patient No. 79.
- (203) Exhibit 169--Sealed Record-Three-page table showing exempt narcotic sales made to Patient No. 91.
- (204) Exhibit 170--Sealed Record-Four-page table showing exempt narcotic sales made to Patient No. 95.
- (205) Exhibit 171--Sealed Record-Four-page table showing exempt narcotic sales made to Patient No. 96.
- (206) Exhibit 172--Sealed Record-Five-page table showing exempt narcotic sales made to Patient No. 99.
- (207) Exhibit 173--Sealed Record-Five-page table showing exempt narcotic sales made to Patient No. 105.
- (208) Exhibit 174--Sealed Record-Three-page table showing exempt narcotic sales made to Patient No. 106.
- (209) Exhibit 175--Sealed Record--Two-page table showing exempt narcotic sales made to Patient No. 109.
- (210) Exhibit 176--Sealed Record-Five-page table showing exempt narcotic sales made to Patient No. 110.
- (211) Exhibit 177--Sealed Record-Table showing exempt narcotic sales made to Patient No. 111.
- (212) Exhibit 178--Sealed Record-Table showing exempt narcotic sales made to Patient No. 112.
- (213) Exhibit 179--Sealed Record-Three-page table showing exempt narcotic sales made to Patient No. 113.
- (214) Exhibit 180--Sealed Record-Three-page table showing exempt narcotic sales made to Patient No. 114.
- (215) Exhibit 181--Sealed Record-Two-page table showing exempt narcotic sales made to Patient No. 117.
- (216) Exhibit 182--Sealed Record-Table showing exempt narcotic sales made to Patient No. 123.
- (217) Exhibit 183--Map of Toledo, Ohio area showing location of Hutton's Pharmacy in blue, patient's home addresses in red, and other pharmacies in the Toledo area in green.
- (218) Exhibit 184--Sealed Record-Cost and Profit Chart for exempt narcotic cough syrup preparations purchased by Hutton's Pharmacy from January 1, 1990, to July 6, 1993.
- (219) Exhibit 185--Sealed Record-Copy of pages 551-560 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 133.

Respondent's Exhibits:

- (1) Exhibit A--Three-page copy of The University of Toledo Student Development Program, Hutton Scholarship Awards for Pharmacy Students, program dated May 1, 1977.
- (2) Exhibit B--Copy of newspaper article, in part, titled "Working For A Better Business World" written by Homer Brickey, Blade Business Editor, not dated.
- (3) Exhibit C--Copy of newspaper article titled "Lucas County Commissioner Bill Copeland Announces Re-Election Bid During Annual Valentine's Day Dance", writer unknown, not dated.
- (4) Exhibit D--Copy of newspaper article of *The Toledo Journal* titled "Coalition Of 100 Black Women Honors Toledo Area Leaders" dated Wednesday, May 4-10, 1994.
- (5) Exhibit E--Copy of newspaper article titled "East, South, North Toledo Learn That Carty Is Running For Mayor" written by Chase Clements, Blade Staff Writer, not dated.
- (6) Exhibit F--Copy of newspaper article, in part, of *The Toledo Journal* titled "Black-Owned School Opens In Toledo" dated March 25-31, 1992.
- (7) Exhibit G--Copy of newspaper article of *The Toledo Journal* titled "Five University Of Toledo Minority Graduates Receive Recognition Of Excellence Awards" dated May 19-25, 1993.

- (8) Exhibit H--Copy of newspaper article, in part, of *The Toledo Journal* titled "Save Our Children, Inc. Honors Community Achievers At Fifth Annual 'Tribute To A King'", dated January 15-21, 1992.
- (9) Exhibit I--Copy of newspaper article of *The Toledo Journal* titled "Libbey Valedictorian, Dorothy Smith Prepares For A Career In Pharmacy" dated May 26-June 1, 1993.
- (10) Exhibit J--Copy of newspaper article titled "Thomas Hutton's Part Of Community" written by Doug Iverson, Blade Business Writer, not dated.
- (11) Exhibit K--Copy of newspaper article of *The Toledo Journal* titled "Thomas J. Hutton, M.D., R.Ph., Brings Commitment, Service To Toledo's African-American Community" dated September 26-October 2, 1990.
- (12) Exhibit L--Two-page copy of newspaper article titled "Store Owners, Police To Meet About Crime" written by Gary T. Pakulski, Blade Staff Writer, not dated.
- (13) Exhibit M--Two-page copy of newspaper article titled "Pharmacist Says Troubled Store A Window On Crime" written by Kim Bates, Blade Staff Writer, not dated.
- (14) Exhibit N--Two-page copy of newspaper article titled "Violence Unwelcome Prescription At Pharmacy" written by Kim Bates, Blade Staff Writer, not dated.

FINDINGS OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the Board of Pharmacy indicate that Thomas J. Hutton is the Responsible Pharmacist at Hutton's Pharmacy pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
- (2) Hutton's Pharmacy did, on or about the following dates, sell under the exemptions of Section 3719.15 of the Ohio Revised Code to the same person (on each occasion), preparations included within said section, when Hutton's Pharmacy knew or by reasonable diligence could have ascertained that the sale provided the recipient with more than one such preparation within a forty-eight consecutive hour period:

The following is a list of the violations where no one could be identified as the dispensing pharmacist:

<u>Date</u>	<u>Drug Name</u>	<u>Patient Identifier</u>
3/29/90	Terpin Hydrate with Codeine	45
4/17/90	Terpin Hydrate with Codeine	10
4/18/90	Tussar SF	79
9/27/90	Tussar-2	79
11/5/90	Cheracol	60
12/11/90	Terpin Hydrate with Codeine	80
12/12/90	Terpin Hydrate with Codeine	80
2/14/91	Tussar-2	109
3/28/91	Tussar-2	79
4/23/91	Tussar-2	133
5/28/91	Tussar-2	133
6/4/91	Tussar-2	69
6/7/91	Tussar-2	108
7/5/91	Tussar-2	69
8/19/91	Tussar-2	69
9/5/91	Terpin Hydrate with Codeine	45
11/16/91	Terpin Hydrate with Codeine	62
3/7/92	Novahistine	106
3/18/92	Cheracol	79
6/5/92	Rid-A-Pain 1mg tablets	64

8/16/93	generic Novahistine	91
11/3/93	generic Robitussin AC	20
12/10/93	Novahistine	106
1/12/94	Novahistine	52
2/10/94	Tussar-2	133

The following is a list of the violations of O.R.C. Section 3719.16 committed by Thomas J. Hutton, R.Ph.

<u>Date</u>	<u>Drug Name</u>	<u>Patient Identifier</u>
1/13/90	Terpin Hydrate with Codeine	128
5/7/90	Tussar-2	54
5/8/90	Tussar-2	51
5/17/90	Terpin Hydrate with Codeine	17
5/28/90	Terpin Hydrate with Codeine	45
7/8/90	Terpin Hydrate with Codeine	75
12/30/90	Tussar-2	84
1/2/91	Novahistine	53
1/6/91	Tussar-2	79
1/27/91	Tussar-2	98
2/2/91	Tussar-2	133
2/3/91	Tussar-2	133
2/7/91	Tussar-2	107
2/8/91	Tussar-2	107
2/26/91	Novahistine	133
3/1/91	Novahistine	133
4/2/91	Tussar-2	133
4/5/91	Tussar-2	133
4/16/91	Tussar-2	53
4/26/91	Tussar-2	133
5/4/91	Rid-A-Pain 1mg tablets	60
5/17/91	Cheracol	60
7/3/91	Tussar-2	79
7/6/91	Tussar-2	69
9/2/91	Terpin Hydrate with Codeine	134
9/4/91	Terpin Hydrate with Codeine	128
9/12/91	Rid-A-Pain 1mg tablets	102
9/21/91	Terpin Hydrate with Codeine	64
9/24/91	Tussar-2	106
9/28/91	Rid-A-Pain 1mg tablets	64
11/3/91	Rid-A-Pain 1mg tablets	25
11/4/91	Novahistine	13
11/5/91	Tussar-2	79
11/7/91	Robitussin AC	77
11/21/91	Tussar-2	35
11/28/91	Novahistine	109
11/30/91	Tussar-2	77
12/2/91	Terpin Hydrate with Codeine	81
12/2/91	Novahistine	114
12/27/91	Novahistine	109
12/28/91	Terpin Hydrate with Codeine	25
12/29/91	Terpin Hydrate with Codeine	81
1/3/92	Cheracol	79
1/13/92	Rid-A-Pain 1mg tablets	64
1/14/92	Terpin Hydrate with Codeine	81
1/19/92	Terpin Hydrate with Codeine	64
1/27/92	Rid-A-Pain 1mg tablets	64
1/28/92	Cheracol	57
2/2/92	Terpin Hydrate with Codeine	64
2/7/92	Rid-A-Pain 1mg tablets	33
2/22/92	Terpin Hydrate with Codeine	14
2/22/92	Terpin Hydrate with Codeine	64

2/24/92	Terpin Hydrate with Codeine	127
3/14/92	Tussar-2	21
3/19/92	Cheracol	79
4/13/92	Novahistine	13
4/28/92	Novahistine DH	106
4/29/92	Rid-A-Pain 1mg tablets	38
4/29/92	Rid-A-Pain 1mg tablets	64
4/30/92	Terpin Hydrate with Codeine	64
5/4/92	Novahistine DH	13
5/13/92	Rid-A-Pain 1mg tablets	64
5/15/92	Cheracol	93
5/18/92	Cheracol	21
5/18/92	Rid-A-Pain 1mg tablets	38
5/18/92	Rid-A-Pain 1mg tablets	64
5/26/92	Rid-A-Pain 1mg tablets	25
5/29/92	Novahistine	13
5/29/92	Terpin Hydrate with Codeine	81
5/30/92	Rid-A-Pain 1mg tablets	64
5/31/92	Terpin Hydrate with Codeine	64
5/31/92	Cheracol	90
6/10/92	Tussar-2	133
6/24/92	Cheracol	79
6/30/92	Rid-A-Pain 1mg tablets	64
7/7/92	Terpin Hydrate with Codeine	128
7/10/92	generic Novahistine	77
7/13/92	Rid-A-Pain 1mg tablets	64
7/24/92	Terpin Hydrate with Codeine	25
7/26/92	Terpin Hydrate with Codeine	34
7/27/92	Terpin Hydrate with Codeine	34
7/27/92	Cheracol	105
8/1/92	Terpin Hydrate with Codeine	64
8/9/92	Rid-A-Pain 1mg tablets	64
8/12/92	Rid-A-Pain 1mg tablets	38
9/2/92	Tussar-2	13
9/11/92	generic Novahistine	68
9/11/92	generic Novahistine	111
9/17/92	Tussar-2	108
10/2/92	Cheracol	60
10/13/92	Terpin Hydrate with Codeine	128
10/14/92	generic Novahistine	106
11/4/92	Cheracol	75
11/7/92	Terpin Hydrate with Codeine	134
11/13/92	Terpin Hydrate with Codeine	34
12/8/92	generic Novahistine	106
12/29/92	Novahistine	13
1/7/93	Terpin Hydrate with Codeine	45
1/8/93	Terpin Hydrate with Codeine	62
1/9/93	Cheracol	105
1/14/93	Cheracol	122
1/15/93	Terpin Hydrate with Codeine	45
1/25/93	Terpin Hydrate with Codeine	81
1/29/93	Terpin Hydrate with Codeine	76
1/30/93	generic Novahistine	77
2/6/93	Terpin Hydrate with Codeine	127
2/7/93	Codimal PH	17
2/14/93	generic Novahistine	110
2/15/93	generic Novahistine	110
2/16/93	generic Novahistine	110
3/21/93	Novahistine	13
3/22/93	Novahistine	13
3/25/93	Terpin Hydrate with Codeine	45
3/30/93	Novahistine	13

4/2/93	generic Novahistine	77
4/2/93	Tussar-2	115
4/6/93	Tussar-2	94
4/12/93	Tussar-2	94
4/16/93	Cheracol	13
4/16/93	generic Robitussin AC	39
4/21/93	Cheracol	45
4/29/93	Tussar-2	94
6/16/93	Cheracol	57
6/26/93	generic Novahistine	106
7/4/93	Novahistine	96
7/31/93	generic Novahistine	77
9/9/93	Tussar-2	133
9/13/93	Rid-A-Pain 1mg tablets	133
10/6/93	Tussar-2	54
10/7/93	Tussar-2	54
10/24/93	generic Novahistine	114
11/4/93	Cheracol	21
11/5/93	Cheracol	21
12/11/93	generic Novahistine	106
12/18/93	generic Robitussin	13
12/28/93	generic Novahistine	77
1/8/94	Tussar-2	133
1/15/94	generic Novahistine	135
1/27/94	Cheracol	45
2/7/94	generic Novahistine	106
2/8/94	Tussar-2	13
2/8/94	generic Novahistine	106
3/13/94	generic Robitussin	13
3/13/94	Cheracol	57
3/14/94	generic Novahistine	GP

The following is a list of violations of O.R.C. Section 3719.16 committed by Hubert Pleasant, R.Ph.:

<u>Date</u>	<u>Drug Name</u>	<u>Patient Identifier</u>
4/5/90	Tussar-2	114
4/6/90	Tussar-2	69
4/6/90	Tussar-2	114
7/16/90	Tussar-2	36
8/27/90	Novahistine	4
9/1/90	Terpin Hydrate with Codeine	11
9/29/90	Tussar-2	31
10/4/90	Novahistine	117
10/23/90	Terpin Hydrate with Codeine	82
10/24/90	Novahistine	53
10/24/90	Terpin Hydrate with Codeine	62
10/31/90	Tussar-2	133
12/3/90	Terpin Hydrate with Codeine	80
12/9/90	Terpin Hydrate with Codeine	45
12/10/90	Terpin Hydrate with Codeine	45
12/10/90	Terpin Hydrate with Codeine	80
1/24/91	Tussar-2	77
1/31/91	Novahistine	4
2/27/91	Tussar-2	133
2/28/91	Tussar-2	133
3/29/91	Tussar-2	79
5/2/91	Tussar-2	106
5/2/91	Tussar-2	133
5/20/91	Tussar-2	133
6/3/91	Tussar-2	106
6/29/91	Terpin Hydrate with Codeine	134

7/31/91	Tussar-2	21
8/1/91	Tussar-2	21
9/25/91	Cheracol	3
11/4/91	Tussar-2	79
11/15/91	Novahistine	109
12/15/91	Terpin Hydrate with Codeine	55
12/31/91	Tussar-2	77
12/31/91	Novahistine	117
2/21/92	Rid-A-Pain 1mg tablets	64
4/3/92	Terpin Hydrate with Codeine	44
5/22/92	Cheracol	21
6/9/92	Rid-A-Pain 1mg tablets	38
11/13/92	Rid-A-Pain 1mg tablets	64
9/2/93	Cheracol	21
9/16/93	generic Novahistine	106
10/11/93	generic Novahistine	5
11/8/93	generic Robitussin AC	13
11/22/93	generic Novahistine	106
12/27/93	generic Novahistine	77
1/10/94	Cheracol	105
3/12/94	generic Robitussin AC	13

The following is a list of violations of O.R.C. Section 3719.16 committed by Brian Flournoy, R.Ph.:

<u>Date</u>	<u>Drug Name</u>	<u>Patient Identifier</u>
5/30/92	Novahistine	5
5/30/92	Terpin Hydrate with Codeine	62
5/30/92	Tussar-2	77
8/26/93	Novahistine	106

Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.

- (3) Hutton's Pharmacy did, from April 30, 1993, to March 14, 1994, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Hutton's Pharmacy sold the following controlled substances in the following amounts without prescription and not for a legitimate medical purpose:

<u>Drug</u>	<u>Quantity</u>	<u>% of Drug Stock</u>
Ritalin 5mg	166	30%
Ritalin 20mg	40	20%

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (4) Hutton's Pharmacy failed to endorse D.E.A. 222 order forms upon receipt of controlled substances ordered. Such conduct is in violation of Section 1305.09 of Title 21 of the Code of Federal Regulations and Section 3719.07 of the Ohio Revised Code.
- (5) Hutton's Pharmacy did, from April 30, 1992, to April 30, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: the pharmacy sold the following controlled substances in the following amounts without prescription and not for a legitimate medical purpose:

<u>Drug</u>	<u>Quantity</u>	<u>% of Drug Stock</u>
Oxycodone w/APAP & ASA	1,059	21%

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (6) Hutton's Pharmacy did, on or about the following dates, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Hutton's Pharmacy sold the following schedule II controlled substances without written prescriptions, without obtaining a written prescription within 72 hours, and not for a legitimate medical purpose:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>	<u>R.Ph.</u>	<u>Doctor</u>
2600296	9/24/92	Glutethimide	36	HP	B. Butler
2600359	5/21/93	MS Contin 15	20	HP	C. Ellis

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code (as was in effect prior to July 1, 1996); Section 3719.05(E) of the Ohio Revised Code; Title 21, Section 829(a) of the United States Code; and Section 1306.11(d)(4) of the Code of Federal Regulations.

- (7) Hutton's Pharmacy did, on an unknown date, knowingly sell a controlled substance in an amount equal to or exceeding the bulk amount, but in an amount less than three times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Hutton's Pharmacy sold 30 units of Percodan, a schedule II controlled substance, pursuant to telephone prescription number 2600244, without obtaining a written prescription within 72 hours, and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code (as was in effect prior to July 1, 1996); Section 3719.05(E) of the Ohio Revised Code; Title 21, Section 829(a) of the United States Code; and Section 1306.11(d)(4) of the Code of Federal Regulations.

- (8) Hutton's Pharmacy did, on or about the following dates, intentionally make and/or knowingly possess false or forged prescriptions, to wit: Hutton's Pharmacy possessed the following forged prescriptions:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>	<u>R.Ph.</u>	<u>Doctor</u>
2600261	6/10/92	Percodan	90	HP	B. Butler
2600283	7/29/92	Percodan	60	HP	D. Brown
2600279	8/03/92	Percodan	60	HP	D. Brown
2600277	8/14/92	Percodan	60	HP	D. Brown
2600284	8/18/92	Percodan	60	JT	D. Brown
None	8/31/92	Percodan	60	HP	D. Brown
2600292	9/04/92	Percodan	60	JT	M. Miller

Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (9) Hutton's Pharmacy did, from February 8, 1990, to July 30, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 142 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #1 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (10) Hutton's Pharmacy did, from July 1, 1990, to December 24, 1991, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio

Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 134 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient # 3 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (11) Hutton's Pharmacy did, from January 31, 1990, to November 5, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 289 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #4 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (12) Hutton's Pharmacy did, from October 19, 1991, to July 21, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 66 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #6 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (13) Hutton's Pharmacy did, from April 19, 1991, to March 8, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 232 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #5 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (14) Hutton's Pharmacy did, from February 21, 1990, to January 23, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 343 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #7 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (15) Hutton's Pharmacy did, from January 31, 1990, to March 2, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 238 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #8 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (16) Hutton's Pharmacy did, from January 31, 1990, to October 28, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 148 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #9 without a

legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (17) Hutton's Pharmacy did, from February 7, 1990, to January 12, 1991, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 116 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #10 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (18) Hutton's Pharmacy did, from June 15, 1990, to December 2, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 256 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #11 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (19) Hutton's Pharmacy did, from February 5, 1990, to March 12, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 489 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #12 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (20) Hutton's Pharmacy did, from February 4, 1990, to March 13, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 519 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #13 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (21) Hutton's Pharmacy did, from June 20, 1990, to December 23, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 120 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #14 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (22) Hutton's Pharmacy did, from February 5, 1990, to March 12, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 446 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient

#15 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (23) Hutton's Pharmacy did, from March 14, 1992, to November 3, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 31 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #16 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (24) Hutton's Pharmacy did, from January 29, 1990, to March 12, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 604 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #17 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (25) Hutton's Pharmacy did, from April 1, 1992, to March 13, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 93 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #18 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (26) Hutton's Pharmacy did, from January 19, 1993, to March 4, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 97 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #19 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (27) Hutton's Pharmacy did, from February 10, 1992, to November 22, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 97 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #20 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (28) Hutton's Pharmacy did, from February 5, 1990, to March 13, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 519 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient

#21 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (29) Hutton's Pharmacy did, from June 2, 1991, to March 14, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 498 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #22 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (30) Hutton's Pharmacy did, from February 18, 1990, to December 18, 1992, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 323 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #23 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (31) Hutton's Pharmacy did, from September 8, 1991, to November 3, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 119 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #24 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (32) Hutton's Pharmacy did, from February 25, 1991, to May 13, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 120 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #26 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (33) Hutton's Pharmacy did, from February 10, 1990, to June 28, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 74 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #27 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (34) Hutton's Pharmacy did, from March 7, 1990, to April 23, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 99 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #28 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (35) Hutton's Pharmacy did, from August 19, 1990, to December 30, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 78 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #29 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (36) Hutton's Pharmacy did, from March 21, 1992, to March 7, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 95 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #30 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (37) Hutton's Pharmacy did, from April 23, 1990, to September 23, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 122 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #31 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (38) Hutton's Pharmacy did, from February 23, 1990, to March 13, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 389 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #32 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (39) Hutton's Pharmacy did, from July 26, 1991, to December 9, 1992, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 221 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #34 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (40) Hutton's Pharmacy did, from January 31, 1990, to June 19, 1992, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 249 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #35 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (41) Hutton's Pharmacy did, from December 28, 1990, to July 23, 1992, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the

bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose,

to wit: Hutton's Pharmacy sold 221 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #37 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (42) Hutton's Pharmacy did, from August 15, 1991, to January 4, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 65 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #38 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (43) Hutton's Pharmacy did, from May 5, 1993, to January 3, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 58 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #39 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (44) Hutton's Pharmacy did, from June 21, 1990, to September 21, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 62 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #40 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (45) Hutton's Pharmacy did, from October 20, 1991, to September 26, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 232 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #41 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (46) Hutton's Pharmacy did, from January 27, 1990, to March 13, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 380 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #42 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (47) Hutton's Pharmacy did, from January 31, 1990, to December 19, 1992, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical

purpose, to wit: Hutton's Pharmacy sold 263 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #43 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (48) Hutton's Pharmacy did, from January 30, 1990, to June 27, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 492 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #44 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (49) Hutton's Pharmacy did, from February 19, 1990, to March 11, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 411 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #45 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (50) Hutton's Pharmacy did, from April 30, 1992, to August 4, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 20 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #46 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (51) Hutton's Pharmacy did, from November 17, 1993, to March 14, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 42 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #47 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (52) Hutton's Pharmacy did, from March 28, 1990, to January 10, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 74 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #48 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (53) Hutton's Pharmacy did, from March 14, 1990, to March 7, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose,

to wit: Hutton's Pharmacy sold 309 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #49 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (54) Hutton's Pharmacy did, from April 10, 1993, to March 11, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 59 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #50 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (55) Hutton's Pharmacy did, from February 2, 1990, to March 11, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose,
to wit: Hutton's Pharmacy sold 591 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #52 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (56) Hutton's Pharmacy did, from February 2, 1990, to March 14, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose,
to wit: Hutton's Pharmacy sold 399 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #53 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (57) Hutton's Pharmacy did, from February 3, 1990, to February 28, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 456 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #54 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (58) Hutton's Pharmacy did, from February 11, 1990, to November 9, 1992, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 258 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #55 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (59) Hutton's Pharmacy did, from August 12, 1991, to November 3, 1991, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 31 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #58 without a

legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (60) Hutton's Pharmacy did, from June 29, 1991 to October 7, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 72 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #59 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (61) Hutton's Pharmacy did, from November 8, 1991, to March 13, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 295 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #57 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (62) Hutton's Pharmacy did, from February 16, 1990, to March 6, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 542 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #60 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (63) Hutton's Pharmacy did, from November 15, 1991, to March 14, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 331 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #61 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (64) Hutton's Pharmacy did, from January 28, 1990, to February 17, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 439 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #62 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (65) Hutton's Pharmacy did, from February 23, 1990, to March 11, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 466 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #63 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (66) Hutton's Pharmacy did, from March 16, 1991, to January 20, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 272 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #64 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (67) Hutton's Pharmacy did, from March 13, 1990, to September 29, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 475 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #65 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (68) Hutton's Pharmacy did, from February 2, 1990, to November 1, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 610 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #66 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (69) Hutton's Pharmacy did, from February 25, 1990, to March 12, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 357 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #67 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (70) Hutton's Pharmacy did, from May 21, 1990, to December 15, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 139 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #68 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (71) Hutton's Pharmacy did, from April 3, 1991, to October 12, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 109 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #69 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (72) Hutton's Pharmacy did, from November 20, 1992, to December 16, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that

amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 129 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #70 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (73) Hutton's Pharmacy did, from November 1, 1993, to March 1, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 53 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #71 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (74) Hutton's Pharmacy did, from December 24, 1990, to December 4, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 91 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #72 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (75) Hutton's Pharmacy did, from October 12, 1991, to July 16, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 28 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #73 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (76) Hutton's Pharmacy did, from June 6, 1990, to March 13, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 97 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #74 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (77) Hutton's Pharmacy did, from January 31, 1990, to March 12, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 658 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #75 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (78) Hutton's Pharmacy did, from March 5, 1990, to February 15, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose,

to wit: Hutton's Pharmacy sold 255 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #76 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (79) Hutton's Pharmacy did, from February 23, 1990 to March 12, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose,
to wit: Hutton's Pharmacy sold 383 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #77 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (80) Hutton's Pharmacy did, from February 4, 1990, to March 9, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose,
to wit: Hutton's Pharmacy sold 352 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #78 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (81) Hutton's Pharmacy did, from January 27, 1990, to March 13, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose,
to wit: Hutton's Pharmacy sold 739 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #79 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (82) Hutton's Pharmacy did, from October 26, 1990, to March 14, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose,
to wit: Hutton's Pharmacy sold 387 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #80 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (83) Hutton's Pharmacy did, from February 26, 1990, to March 10, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose,
to wit: Hutton's Pharmacy sold 444 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #81 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (84) Hutton's Pharmacy did, from February 16, 1990, to June 18, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 135 bottles of exempt narcotic preparations excepted pursuant to

Section 3719.15(A)(3) of the Ohio Revised Code to patient #82 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (85) Hutton's Pharmacy did, from October 5, 1991, to December 30, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 113 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #83 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (86) Hutton's Pharmacy did, from October 5, 1991, to January 2, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 94 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #85 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (87) Hutton's Pharmacy did, from April 18, 1990, to June 4, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 81 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #87 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (88) Hutton's Pharmacy did, from April 24, 1991, to March 13, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose,
to wit: Hutton's Pharmacy sold 277 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #88 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (89) Hutton's Pharmacy did, on March 14, 1994, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold Agent George Pavlich one bottle of an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code, without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (90) Hutton's Pharmacy did, from January 31, 1990, to July 21, 1992, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose,
to wit: Hutton's Pharmacy sold 247 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #89 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (91) Hutton's Pharmacy did, from May 3, 1991, to October 16, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 159 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #90 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (92) Hutton's Pharmacy did, from November 21, 1990, to March 11, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 126 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #91 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (93) Hutton's Pharmacy did, from August 20, 1990, to July 6, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose,
to wit: Hutton's Pharmacy sold 273 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #93 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (94) Hutton's Pharmacy did, from March 15, 1993, to August 31, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 57 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #94 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (95) Hutton's Pharmacy did, from April 1, 1993, to March 13, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 111 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #96 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (96) Hutton's Pharmacy did, from April 2, 1993, to March 10, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 107 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #95 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (97) Hutton's Pharmacy did, from February 3, 1990, to January 20, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 120 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #92 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (98) Hutton's Pharmacy did, from December 2, 1990, to March 15, 1991, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 15 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #98 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (99) Hutton's Pharmacy did, from March 14, 1990, to March 13, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 489 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #97 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (100) Hutton's Pharmacy did, from May 4, 1991, to March 14, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 405 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #99 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (101) Hutton's Pharmacy did, from April 1, 1992, to December 19, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 26 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #101 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (102) Hutton's Pharmacy did, from February 14, 1990, to November 13, 1992, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 234 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #103 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (103) Hutton's Pharmacy did, from May 25, 1990, to July 1, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the

conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 111 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #104 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (104) Hutton's Pharmacy did, from March 7, 1990, to March 12, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 430 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #105 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (105) Hutton's Pharmacy did, from February 26, 1990, to July 4, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 260 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #106 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (106) Hutton's Pharmacy did, from November 17, 1990, to October 20, 1991, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 77 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #107 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (107) Hutton's Pharmacy did, from February 13, 1990, to January 28, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 308 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #108 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (108) Hutton's Pharmacy did, from February 6, 1990, to March 11, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 438 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #109 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (109) Hutton's Pharmacy did, from November 9, 1991, to March 14, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 346 bottles of exempt narcotic

preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #111 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (110) Hutton's Pharmacy did, from August 8, 1991, to March 13, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 456 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #110 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (111) Hutton's Pharmacy did, from July 9, 1991, to November 24, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 248 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #112 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (112) Hutton's Pharmacy did, from March 1, 1990, to March 12, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 309 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #113 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (113) Hutton's Pharmacy did, from April 9, 1990, to March 11, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 426 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #114 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (114) Hutton's Pharmacy did, from April 6, 1990, to March 4, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 207 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #115 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (115) Hutton's Pharmacy did, from February 26, 1990, to June 3, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 487 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #116 without a legitimate medical purpose. Such conduct is in

violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (116) Hutton's Pharmacy did, from February 5, 1990, to March 10, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 398 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #117 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (117) Hutton's Pharmacy did, from September 28, 1991, to May 13, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 107 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #119 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (118) Hutton's Pharmacy did, from May 28, 1991, to July 23, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 198 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #118 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (119) Hutton's Pharmacy did, from March 22, 1990, to July 4, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 64 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #121 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (120) Hutton's Pharmacy did, from January 31, 1992, to May 21, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 115 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #122 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (121) Hutton's Pharmacy did, from March 7, 1991, to March 9, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 203 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #123 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (122) Hutton's Pharmacy did, from December 9, 1990, to July 21, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 129 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #124 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (123) Hutton's Pharmacy did, from February 16, 1990, to November 22, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 254 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #125 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (124) Hutton's Pharmacy did, from March 26, 1993, to March 9, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 32 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #126 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (125) Hutton's Pharmacy did, from June 17, 1990, to March 10, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 478 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #127 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (126) Hutton's Pharmacy did, from January 28, 1990, to February 21, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 397 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #128 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (127) Hutton's Pharmacy did, from May 18, 1990, to August 31, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 76 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #129 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (128) Hutton's Pharmacy did, from February 18, 1990, to September 29, 1992, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 283 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #130 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (129) Hutton's Pharmacy did, from June 1, 1990, to May 19, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 61 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #131 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (130) Hutton's Pharmacy did, from March 6, 1991, to December 11, 1991, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 42 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #136 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (131) Hutton's Pharmacy did, from March 20, 1990, to March 11, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 527 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #133 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (132) Hutton's Pharmacy did, from July 25, 1990, to March 12, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Hutton's Pharmacy sold 259 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #134 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (133) Hutton's Pharmacy did, on or about March 15, 1994, manufacture, hold or offer for sale drugs that were misbranded, to wit: agents of the Board recovered 10 bottles of Tussar-2, an exempt narcotic cough syrup, from the dispensing area which had labels not indicating the quantity, and the labels were photo copies which did not indicate the name of the pharmacy. The pharmacy had purchased Tussar-2 in 16oz bottles and repackaged them into 4oz bottles which were not patient-specific. Such conduct is in violation of Section 3715.52(B) of the Ohio Revised Code.
- (134) Hutton's Pharmacy did, on March 15, 1994, and on dates immediately preceding, violate a rule of the Board, to wit: Hutton's Pharmacy violated the following rules:

- (a) pharmacists failed to initial prescriptions upon dispensing drugs pursuant thereto in violation of Rule 4729-5-30 of the Ohio Administrative Code;
- (b) the pharmacy did not possess a current copy of federal and state laws, regulations, and rules governing the legal distribution of drugs in Ohio in violation of Rule 4729-9-02(A)(1) of the Ohio Administrative Code; and
- (c) areas of the pharmacy where drugs were stored were not maintained in a clean and orderly condition in violation of Rule 4729-9-02(E)(2) of the Ohio Administrative Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (134) of the Findings of Fact constitutes violating a rule of the Board as provided in Division (A)(2) of Section 4729.57 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (133) of the Findings of Fact constitutes violating provisions of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040(1938), 21 U.S.C.A. 301, or Chapter 3715. of the Revised Code as provided in Division (A)(4) of Section 4729.57 of the Ohio Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (132) of the Findings of Fact constitute violating provisions of the federal narcotic law or Chapter 2925. or 3719. of the Revised Code as provided in Division (A)(5) of Section 4729.57 of the Ohio Revised Code.

ACTION OF THE BOARD

Pursuant to Section 4729.57 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Hutton's Pharmacy:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the terminal distributor license, No. 02-0080700, held by Hutton's Pharmacy effective as of the date of the mailing of this Order.
- (B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the terminal distributor license, No. 02-0080700, held by Hutton's Pharmacy effective as of the date of the mailing of this Order.
- (C) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the terminal distributor license, No. 02-0080700, held by Hutton's Pharmacy effective as of the date of the mailing of this Order.

Division (B)(1) of Section 4729.57 of the Ohio Revised Code provides: "Upon the suspension or revocation of a license issued to a terminal distributor of dangerous drugs or the refusal by the board to renew such a license, the distributor shall immediately surrender his license to the board." The license should be forwarded by certified mail, return receipt requested.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.

The motion was seconded by Mrs. Adelman and approved by the Board (Aye-7/Nay-0).

RES. 97-106 Mr. Littlejohn moved that the Board adopt the following Order:

ORDER OF THE STATE BOARD OF PHARMACY
(Docket Nos. D-960322-053 and D-960918-015)

In The Matter Of:

THOMAS JEFFERSON HUTTON, R.Ph.
419 Torrington Drive
Toledo, Ohio 43615
(R.Ph. No. 03-1-11067)

INTRODUCTION

THE MATTER OF THOMAS JEFFERSON HUTTON CAME TO HEARING ON JANUARY 29, 1997, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

THOMAS JEFFERSON HUTTON WAS REPRESENTED BY MARK A. McCLAIN, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Dale Fritz, Ohio State Board of Pharmacy
- (2) Christopher K. Reed, Ohio State Board of Pharmacy
- (3) George Pavlich, Ohio State Board of Pharmacy
- (4) James Reye, Ohio State Board of Pharmacy
- (5) Joann Predina, R.Ph.; Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit Hutton 1--Notice of Opportunity for Hearing letter of Thomas Jefferson Hutton dated March 22, 1996.
- (2) Exhibit Hutton 1A--Hearing Request letter in the matter of Thomas Jefferson Hutton dated April 15, 1996.
- (3) Exhibit Hutton 1B--Two-page Hearing Schedule letter in the matter of Thomas Jefferson Hutton dated April 26, 1996.
- (4) Exhibit Hutton 1C--Hearing Schedule letter in the matter of Thomas Jefferson Hutton dated June 26, 1996.
- (5) Exhibit Hutton 1D--Summary Suspension Order/Notice of Opportunity letter in the matter of Thomas Jefferson Hutton dated September 18, 1996.
- (6) Exhibit Hutton 1E--Amended Summary Suspension Order/Notice of Opportunity letter in the matter of Thomas Jefferson Hutton dated October 8, 1996.
- (7) Exhibit Hutton 1F--Pharmacist File Front Sheet of Thomas Jefferson Hutton showing original date of registration as November 13, 1974, and Renewal Application for Pharmacist License, No. 03-1-11067, for a license to practice pharmacy in Ohio from

September 15, 1995, to September 15, 1996, of Thomas Jefferson Hutton dated July 31, 1995.

- (8) Exhibit Hutton's Pharmacy 1--Notice of Opportunity for Hearing letter of Hutton's Pharmacy dated March 22, 1996.
- (9) Exhibit Hutton's Pharmacy 1A--Hearing Request letter in the matter of Hutton's Pharmacy dated April 15, 1996.
- (10) Exhibit Hutton's Pharmacy 1B--Two-page Hearing Schedule letter in the matter of Hutton's Pharmacy dated April 26, 1996.
- (11) Exhibit Hutton's Pharmacy 1C--Hearing Schedule letter in the matter of Hutton's Pharmacy dated June 26, 1996.
- (12) Exhibit Hutton and Hutton's Pharmacy 1--Letter of Representation and Hearing Continuance Request in the matter of Thomas J. Hutton and Hutton's Pharmacy from Mark A. McClain dated January 3, 1997.
- (13) Exhibit Hutton and Hutton's Pharmacy 1A--Letter from Franklin Z. Wickham dated January 7, 1997.
- (14) Exhibit Hutton and Hutton's Pharmacy 1B--Renewal Application for a Terminal Distributor of Dangerous Drugs License, No. 02-080700, of Hutton's Pharmacy signed and dated by Thomas J. Hutton on November 13, 1995.
- (15) Exhibit 2--Sealed Record-Copy of Hutton's Pharmacy Exempt Narcotic Log Book dated from January 13, 1990, to June 13, 1990.
- (16) Exhibit 2A--Sealed Record-Copy of Hutton's Pharmacy Exempt Narcotic Log Book dated from June 14, 1990, to December 3, 1990.
- (17) Exhibit 2B--Sealed Record-Copy of Hutton's Pharmacy Exempt Narcotics Log Book dated from December 3, 1990, to May 22, 1991.
- (18) Exhibit 2C--Sealed Record-Copy of Hutton's Pharmacy Exempt Narcotics Log Book dated from May 23, 1991, to October 9, 1991.
- (19) Exhibit 2D--Sealed Record-Copy of Hutton's Pharmacy Exempt Narcotics Log Book dated from October 10, 1991, to April 20, 1992.
- (20) Exhibit 2E--Sealed Record-Hutton's Pharmacy Exempt Narcotics Log Book dated from April 21, 1992, to November 3, 1992.
- (21) Exhibit 2F--Sealed Record-Hutton's Pharmacy Exempt Narcotics Log Book dated from November 4, 1992, to July 6, 1993.
- (22) Exhibit 2G--Sealed Record-Hutton's Pharmacy Exempt Narcotics Log Book dated from July 7, 1993, to March 2, 1994.
- (23) Exhibit 2H--Sealed Record-Hutton's Pharmacy Exempt Narcotics Log Book dated from March 3, 1994, to March 14, 1994.
- (24) Exhibit 2I--Sealed Record-Hutton's Pharmacy Exempt Narcotics Log Book dated from May 2, 1994, to December 31, 1995.
- (25) Exhibit 2J--Sealed Record-Hutton's Pharmacy Exempt Narcotics Log Book dated from January 2, 1996, to August 3, 1996.
- (26) Exhibit 3--Sealed Record-Accountability Statement of Hutton Pharmacy for Ritalin 5mg Tablets dated April 25, 1994.
- (27) Exhibit 4--Sealed Record-Accountability Statement of Hutton Pharmacy for Ritalin 20mg Tablets dated April 25, 1994.
- (28) Exhibit 5--Sealed Record-DEA Form 222, No. 891422412, of Hutton Pharmacy dated October 17, 1993.
- (29) Exhibit 5A--Sealed Record-DEA Form 222, No. 931287260, of Hutton Pharmacy dated February 21, 1994.
- (30) Exhibit 6--Sealed Record-Accountability Statement of Hutton Pharmacy for Oxycodone w/ASA and APAP (Percodan and Percocet Combined) for the time period of April 30, 1992, to April 30, 1993, statement dated April 25, 1994.
- (31) Exhibit 7--Sealed Record--Accountability Statement of Hutton Pharmacy for Oxycodone w/ASA and APAP (Percodan and Percocet Combined) for the time period of April 30, 1993, to March 14, 1994, statement dated April 25, 1994.
- (32) Exhibit 8--Sealed Record-Accountability Statement of Hutton Pharmacy for Oxycodone w/ASA and APAP (Percodan and Percocet Combined) for the time period of April 30, 1992, to March 14, 1994, statement dated April 25, 1994.
- (33) Exhibit 9--Sealed Record-Prescription Number 2600296.
- (34) Exhibit 10--Sealed Record-Prescription Number 2600359.
- (35) Exhibit 11--Sealed Record-Prescription Number 2600244.
- (36) Exhibit 12--Sealed Record-Prescription Number 2600261.
- (37) Exhibit 13--Sealed Record-Prescription Number 2600277.

- (38) Exhibit 14--Sealed Record-Prescription Number 2600279.
- (39) Exhibit 15--Sealed Record-Prescription Number 2600283.
- (40) Exhibit 16--Sealed Record-Prescription Number 2600284.
- (41) Exhibit 17--Sealed Record-Prescription not numbered, on blank of David W. Brown, M.D. written and dispensed on August 31, 1992.
- (42) Exhibit 18--Sealed Record-Prescription Number 2600292.
- (43) Exhibit 19--Sealed Record-Confidential Patient Key for Exempt Narcotic Sales at Hutton's Pharmacy.
- (44) Exhibit 19A-Four-page table labeled "Hutton Pharmacy" consisting of the following: Patient Number, Total Time Period of Sales, Exempt Narcotic # Sales Trafficked, Trafficking Time Period Preadmonition; 48-Hour Violations; Patient Profile; Rx Cite Paragraph; Post Admonition Trafficking Time; Exempt Narcotic # Sales Trafficked; Cont'd After 7-1-96 (SB2); Exempt Narcotic # Sales Trafficked and Summary Cite Paragraph.
- (45) Exhibit 20--Sealed Record-Copy of pages 1-4 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 1.
- (46) Exhibit 21--Sealed Record-Pages 4, 5, and 6 of a table labeled "Lucas County Exempt Survey by Number of Sales."
- (47) Exhibit 22--Sealed Record-Pages 10, 11, and 12 of a table labeled "Lucas County Exempt Sales Without Highest Sales Pharmacy."
- (48) Exhibit 23--Sealed Record-Pages 7, 8, and 9 of a table labeled "Lucas County Exempt Sales by Zip Code."
- (49) Exhibit 24--Sealed Record-Copy of pages 4-7 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 3.
- (50) Exhibit 25--Sealed Record-Copy of pages 7-9, 11, and 12 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 4.
- (51) Exhibit 26--Sealed Record-Copy of pages 12-14 of a report dated October 24, 1994, and copy of page 487 of a report dated January 3, 1994, showing exempt narcotic sales made to Patient No. 6.
- (52) Exhibit 27--Sealed Record-Copy of pages 14, 15, 17, and 18 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 5.
- (53) Exhibit 28--Sealed Record-Copy of pages 18-24 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 7.
- (54) Exhibit 29--Sealed Record-Copy of pages 24-28 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 8.
- (55) Exhibit 30--Sealed Record-Copy of pages 28-32 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 9.
- (56) Exhibit 31--Sealed Record-Copy of pages 32-34 of a report dated October 24, 1994, and copy of page 487 of a report dated January 3, 1994, showing exempt narcotic sales made to Patient No. 10.
- (57) Exhibit 32--Sealed Record-Copy of pages 34-39 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 11.
- (58) Exhibit 33--Sealed Record-Copy of pages 39-47 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 12.
- (59) Exhibit 34--Sealed Record-Copy of pages 47-57 of a report dated October 24, 1994, copy of page 487 of a report dated January 3, 1994, showing exempt narcotic sales made to Patient No. 13, and copy of patient profile for Patient No. 13.
- (60) Exhibit 35--Sealed Record-Copy of pages 57-59 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 14.
- (61) Exhibit 36--Sealed Record-Copy of pages 59-67 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 15.
- (62) Exhibit 37--Sealed Record-Copy of page 67 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 16.
- (63) Exhibit 37A--Sealed Record-Copy of handwritten statement of Patient No. 16 signed and notarized on March 15, 1994.
- (64) Exhibit 38--Sealed Record-Copy of pages 67-78 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 17.
- (65) Exhibit 39--Sealed Record-Copy of pages 78-80 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 18.
- (66) Exhibit 40--Sealed Record-Copy of pages 80-82 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 19.

- (67) Exhibit 41--Sealed Record-Copy of pages 82-84 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 20.
- (68) Exhibit 42--Sealed Record-Copy of pages 84-93 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 21.
- (69) Exhibit 43--Sealed Record-Copy of pages 93-102 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 22.
- (70) Exhibit 44--Sealed Record-Copy of pages 102-108 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 23.
- (71) Exhibit 45--Sealed Record-Copy of pages 108-110 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 24.
- (72) Exhibit 46--Sealed Record-Copy of pages 110-113 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 26.
- (73) Exhibit 46A--Sealed Record-Copy of four-page handwritten statement of Patient No. 26 signed and notarized on March 21, 1994.
- (74) Exhibit 47--Sealed Record-Copy of pages 113 and 114 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 27.
- (75) Exhibit 48--Sealed Record-Copy of pages 114-116 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 28.
- (76) Exhibit 49--Sealed Record-Copy of pages 116-118 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 29.
- (77) Exhibit 50--Sealed Record-Copy of pages 118-120 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 30.
- (78) Exhibit 51--Sealed Record-Copy of pages 120-122 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 31.
- (79) Exhibit 52--Sealed Record-Copy of pages 122-129 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 32.
- (80) Exhibit 52A--Sealed Record-Copy of two-page handwritten statement of Patient No. 32 signed and notarized on March 15, 1994.
- (81) Exhibit 53--Sealed Record-Copy of pages 130-133 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 34.
- (82) Exhibit 54--Sealed Record-Copy of pages 133-138 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 35.
- (83) Exhibit 55--Sealed Record-Copy of pages 138-142 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 37.
- (84) Exhibit 56--Sealed Record-Copy of pages 142 and 143 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 38.
- (85) Exhibit 57--Sealed Record-Copy of pages 143-145 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 39.
- (86) Exhibit 58--Sealed Record-Copy of pages 145 and 146 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 40.
- (87) Exhibit 59--Sealed Record-Copy of pages 146-150 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 41.
- (88) Exhibit 59A--Sealed Record-Copy of two-page handwritten statement of Patient No. 41 signed and notarized on March 15, 1994.
- (89) Exhibit 60--Sealed Record-Copy of pages 150-156 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 42.
- (90) Exhibit 61--Sealed Record-Copy of pages 157-162 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 43.
- (91) Exhibit 62--Sealed Record-Copy of pages 162-171 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 44.
- (92) Exhibit 63--Sealed Record-Copy of pages 171-178 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 45.
- (93) Exhibit 64--Sealed Record-Copy of pages 178 and 179 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 46.
- (94) Exhibit 65--Sealed Record-Copy of pages 179 and 180 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 47.
- (95) Exhibit 66--Sealed Record-Copy of pages 180-182 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 48.
- (96) Exhibit 67--Sealed Record-Copy of pages 182-187 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 49.
- (97) Exhibit 68--Sealed Record-Copy of pages 187-189 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 50.

- (98) Exhibit 69--Sealed Record-Copy of pages 189-199 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 52.
- (99) Exhibit 70--Sealed Record-Copy of pages 199-206 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 53 and copy of patient profile of Patient No. 53.
- (100) Exhibit 71--Sealed Record-Copy of pages 206-214 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 54.
- (101) Exhibit 72--Sealed Record-Copy of pages 214-219 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 55 and copy of patient profile of Patient No. 55.
- (102) Exhibit 73--Sealed Record-Copy of pages 219 and 220 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 58.
- (103) Exhibit 74--Sealed Record-Copy of pages 220-222 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 59.
- (104) Exhibit 75--Sealed Record-Copy of pages 222-227 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 57.
- (105) Exhibit 76--Sealed Record-Copy of pages 227-236 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 60 and copy of patient profile of Patient No. 60.
- (106) Exhibit 77--Sealed Record-Copy of pages 236-242 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 61.
- (107) Exhibit 78--Sealed Record-Copy of pages 242-250 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 62 and copy of patient profile of Patient No. 62.
- (108) Exhibit 78A--Sealed Record-Copy of three-page handwritten statement of Patient No. 62 signed and notarized on March 17, 1994.
- (109) Exhibit 78B--Sealed Record-Copy of handwritten statement from the spouse of Patient No. 62 signed and notarized on March 17, 1994.
- (110) Exhibit 79--Sealed Record-Copy of pages 250-259 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 63.
- (111) Exhibit 80--Sealed Record-Copy of pages 259-263 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 64.
- (112) Exhibit 81--Sealed Record-Copy of pages 263-272 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 65.
- (113) Exhibit 82--Sealed Record-Copy of pages 272-283 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 66.
- (114) Exhibit 83--Sealed Record-Copy of pages 283, 284, and 286-289 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 67.
- (115) Exhibit 84--Sealed Record-Copy of pages 289-292 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 68.
- (116) Exhibit 85--Sealed Record-Copy of pages 292-294 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 69.
- (117) Exhibit 86--Sealed Record-Copy of pages 294-297 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 70.
- (118) Exhibit 87--Sealed Record-Copy of pages 297 and 298 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 71.
- (119) Exhibit 88--Sealed Record-Copy of pages 298-300 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 72.
- (120) Exhibit 89--Sealed Record-Copy of pages 300 and 301 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 73.
- (121) Exhibit 90--Sealed Record-Copy of pages 301-303 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 74.
- (122) Exhibit 91--Sealed Record-Copy of pages 303-314 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 75 and copy of patient profile of Patient No. 75.
- (123) Exhibit 92--Sealed Record-Copy of pages 314-319 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 76.
- (124) Exhibit 93--Sealed Record-Copy of pages 319-326 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 77.
- (125) Exhibit 94--Sealed Record-Copy of pages 326-332 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 78.

- (126) Exhibit 95--Sealed Record-Copy of pages 332-345 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 79.
- (127) Exhibit 96--Sealed Record-Copy of pages 345-351 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 80.
- (128) Exhibit 97--Sealed Record-Copy of pages 352-360 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 81.
- (129) Exhibit 98--Sealed Record-Copy of pages 360-363 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 82.
- (130) Exhibit 99--Sealed Record-Copy of pages 363-365 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 83.
- (131) Exhibit 100--Sealed Record-Copy of pages 365-367 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 85.
- (132) Exhibit 101--Sealed Record-Copy of pages 367 and 368 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 87.
- (133) Exhibit 102--Sealed Record-Copy of pages 368-373 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 88.
- (134) Exhibit 103--Family Pharmacy bag containing one 4oz stock bottle of Novadyne-DH, Lot No. 7452, Exp. 8/96, a product of Man-LuChem Pharmaceuticals, Inc., a cash receipt for same dated March 14, 1994, and copy of page 373 of a report dated October 24, 1994, showing exempt narcotic sale made to George Pavlich.
- (135) Exhibit 104--Sealed Record-Copy of pages 373-378 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 89.
- (136) Exhibit 105--Sealed Record-Copy of pages 378-381 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 90.
- (137) Exhibit 106--Sealed Record-Copy of pages 381-383 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 91.
- (138) Exhibit 107--Sealed Record-Copy of pages 383-388 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 93.
- (139) Exhibit 108--Sealed Record-Copy of pages 388 and 389 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 94.
- (140) Exhibit 109--Sealed Record-Copy of pages 389-391 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 96.
- (141) Exhibit 110--Sealed Record-Copy of pages 391-393 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 95.
- (142) Exhibit 111--Sealed Record-Copy of pages 393-396 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 92 and two-page copy of patient profile of Patient No. 92.
- (143) Exhibit 112--Sealed Record-Copy of page 396 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 98.
- (144) Exhibit 113--Sealed Record-Copy of pages 396-405 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 97.
- (145) Exhibit 114--Sealed Record-Copy of pages 405-412 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 99.
- (146) Exhibit 115--Sealed Record-Copy of pages 415 and 416 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 101.
- (147) Exhibit 116--Sealed Record-Copy of pages 416-420 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 103.
- (148) Exhibit 117--Sealed Record-Copy of pages 420-422 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 104.
- (149) Exhibit 118--Sealed Record-Copy of pages 422-430 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 105.
- (150) Exhibit 119--Sealed Record-Copy of pages 430-435 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 106.
- (151) Exhibit 120--Sealed Record-Copy of pages 435-437 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 107.
- (152) Exhibit 121--Sealed Record-Copy of pages 437-443 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 108.
- (153) Exhibit 122--Sealed Record-Copy of pages 443-451 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 109.
- (154) Exhibit 123--Sealed Record-Copy of pages 451-457 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 111.

- (155) Exhibit 124--Sealed Record-Copy of pages 457-465 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 110.
- (156) Exhibit 125--Sealed Record-Copy of pages 465-469 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 112.
- (157) Exhibit 126--Sealed Record-Copy of pages 469-475 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 113.
- (158) Exhibit 126A--Sealed Record-Copy of two-page handwritten statement of Patient No. 113 signed and notarized on March 16, 1994.
- (159) Exhibit 127--Sealed Record-Copy of pages 475-482 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 114.
- (160) Exhibit 128--Sealed Record-Copy of pages 482-486 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 115.
- (161) Exhibit 129--Sealed Record-Copy of pages 486-495 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 116.
- (162) Exhibit 130--Sealed Record-Copy of pages 495-502 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 117.
- (163) Exhibit 131--Sealed Record-Copy of pages 502-504 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 119.
- (164) Exhibit 132--Sealed Record-Copy of pages 504-508 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 118.
- (165) Exhibit 133--Sealed Record-Copy of pages 508-510 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 121.
- (166) Exhibit 134--Sealed Record-Copy of pages 511-513 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 122.
- (167) Exhibit 135--Sealed Record-Copy of pages 513-516 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 123.
- (168) Exhibit 136--Sealed Record-Copy of pages 516-519 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 124.
- (169) Exhibit 137--Sealed Record-Copy of pages 519-524 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 125.
- (170) Exhibit 138--Sealed Record-Copy of pages 524 and 525 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 126.
- (171) Exhibit 139--Sealed Record-Copy of pages 525-535 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 127 and copy of patient profile of Patient No. 127.
- (172) Exhibit 140--Sealed Record-Copy of pages 535-542 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 128 and copy of patient profile of Patient No. 128.
- (173) Exhibit 141--Sealed Record-Copy of pages 542 and 543 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 129.
- (174) Exhibit 142--Sealed Record-Copy of pages 543-548 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 130.
- (175) Exhibit 143--Sealed Record-Copy of pages 548-550 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 131.
- (176) Exhibit 144--Sealed Record-Copy of pages 550 and 551 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 136.
- (177) Exhibit 145--Sealed Record-Copy of pages 561-565 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 134.
- (178) Exhibit 146--One brown bag containing ten misbranded amber bottles of Tussar-2 having no lot numbers or expiration dates.
- (179) Exhibit 147--Sealed Record-Copy of five-page Dangerous Drug Distributor Inspection Report of Hutton's Pharmacy dated March 14, 1994.
- (180) Exhibit 147A--Sealed Record-Copy of two-page Dangerous Drug Distributor Inspection Report of Hutton's Pharmacy dated March 15, 1994.
- (181) Exhibit 147B--Sealed Record-Copy of Dangerous Drug Distributor Inspection Report of Hutton's Pharmacy dated July 19, 1993; copy of two-page letter from Thomas J. Hutton dated July 20, 1993; copy of page two of Dangerous Drug Distributor Inspection Report of Hutton's Pharmacy dated July 19, 1993; copy of two-page letter from Thomas J. Hutton dated July 20, 1993; copy of Dangerous Drug Distributor Inspection Report of Hutton's Pharmacy dated December 28, 1989; copy of Dangerous Drug Distributor Inspection Report of Hutton's Pharmacy dated January 2, 1986; copy of Dangerous Drug Distributor Inspection Report of Hutton's Pharmacy

dated December 11, 1984; copy of pink sheet response from Thomas J. Hutton dated December 28, 1984; copy of Dangerous Drug Distributor Inspection Report of Hutton's Pharmacy dated July 24, 1979; copy of three-page letter from Thomas J. Hutton dated August 2, 1979; copy of Dangerous Drug Distributor Inspection Report of Hutton's Pharmacy dated October 25, 1977; copy of Dangerous Drug Distributor Inspection Report of Hutton's Pharmacy dated February 22, 1977; copy of Dangerous Drug Distributor Inspection Report of Hutton's Pharmacy dated August 19, 1976; copy of Dangerous Drug Distributor Inspection Report of Hutton's Pharmacy dated January 5, 1976; and two copies of three-page letter from Thomas J. Hutton dated March 25, 1994.

- (182) Exhibit 148--Sealed Record--Two-page table showing exempt narcotic sales made to Patient No. 5.
- (183) Exhibit 149--Sealed Record--Three-page table showing exempt narcotic sales made to Patient No. 8.
- (184) Exhibit 150--Sealed Record--Five-page table showing exempt narcotic sales made to Patient No. 13.
- (185) Exhibit 151--Sealed Record--Two-page table showing exempt narcotic sales made to Patient No. 15.
- (186) Exhibit 152--Sealed Record--Five-page table showing exempt narcotic sales made to Patient No. 17.
- (187) Exhibit 153--Sealed Record--Four-page table showing exempt narcotic sales made to Patient No. 21.
- (188) Exhibit 154--Sealed Record--Five-page table showing exempt narcotic sales made to Patient No. 22.
- (189) Exhibit 155--Sealed Record--Three-page table showing exempt narcotic sales made to Patient No. 30.
- (190) Exhibit 156--Sealed Record--Four-page table showing exempt narcotic sales made to Patient No. 32.
- (191) Exhibit 157--Sealed Record--Three-page table showing exempt narcotic sales made to Patient No. 42.
- (192) Exhibit 158--Sealed Record--Three-page table showing exempt narcotic sales made to Patient No. 44.
- (193) Exhibit 159--Sealed Record--Four-page table showing exempt narcotic sales made to Patient No. 49.
- (194) Exhibit 160--Sealed Record--Four-page table showing exempt narcotic sales made to Patient No. 53.
- (195) Exhibit 161--Sealed Record--Four-page table showing exempt narcotic sales made to Patient No. 57.
- (196) Exhibit 162--Sealed Record--Three-page table showing exempt narcotic sales made to Patient No. 61.
- (197) Exhibit 163--Sealed Record--Five-page table showing exempt narcotic sales made to Patient No. 63.
- (198) Exhibit 164--Sealed Record--Three-page table showing exempt narcotic sales made to Patient No. 65.
- (199) Exhibit 165--Sealed Record--Four-page table showing exempt narcotic sales made to Patient No. 75.
- (200) Exhibit 166--Sealed Record--Five-page table showing exempt narcotic sales made to Patient No. 77.
- (201) Exhibit 167--Sealed Record--Four-page table showing exempt narcotic sales made to Patient No. 78.
- (202) Exhibit 168--Sealed Record--Three-page table showing exempt narcotic sales made to Patient No. 79.
- (203) Exhibit 169--Sealed Record--Three-page table showing exempt narcotic sales made to Patient No. 91.
- (204) Exhibit 170--Sealed Record--Four-page table showing exempt narcotic sales made to Patient No. 95.
- (205) Exhibit 171--Sealed Record--Four-page table showing exempt narcotic sales made to Patient No. 96.
- (206) Exhibit 172--Sealed Record--Five-page table showing exempt narcotic sales made to Patient No. 99.
- (207) Exhibit 173--Sealed Record--Five-page table showing exempt narcotic sales made to Patient No. 105.

- (208) Exhibit 174--Sealed Record-Three-page table showing exempt narcotic sales made to Patient No. 106.
- (209) Exhibit 175--Sealed Record-Two-page table showing exempt narcotic sales made to Patient No. 109.
- (210) Exhibit 176--Sealed Record-Five-page table showing exempt narcotic sales made to Patient No. 110.
- (211) Exhibit 177--Sealed Record-Table showing exempt narcotic sales made to Patient No. 111.
- (212) Exhibit 178--Sealed Record-Table showing exempt narcotic sales made to Patient No. 112.
- (213) Exhibit 179--Sealed Record-Three-page table showing exempt narcotic sales made to Patient No. 113.
- (214) Exhibit 180--Sealed Record-Three-page table showing exempt narcotic sales made to Patient No. 114.
- (215) Exhibit 181--Sealed Record-Two-page table showing exempt narcotic sales made to Patient No. 117.
- (216) Exhibit 182--Sealed Record-Table showing exempt narcotic sales made to Patient No. 123.
- (217) Exhibit 183--Map of Toledo, Ohio area showing location of Hutton's Pharmacy in blue, patient's home addresses in red, and other pharmacies in the Toledo area in green.
- (218) Exhibit 184--Sealed Record-Cost and Profit Chart for exempt narcotic cough syrup preparations purchased by Hutton's Pharmacy from January 1, 1990, to July 6, 1993.
- (219) Exhibit 185--Sealed Record-Copy of pages 551-560 of a report dated October 24, 1994, showing exempt narcotic sales made to Patient No. 133.

Respondent's Exhibits:

- (1) Exhibit A--Three-page copy of The University of Toledo Student Development Program, Hutton Scholarship Awards for Pharmacy Students, program dated May 1, 1977.
- (2) Exhibit B--Copy of newspaper article, in part, titled "Working For A Better Business World" written by Homer Brickey, Blade Business Editor, not dated.
- (3) Exhibit C--Copy of newspaper article titled "Lucas County Commissioner Bill Copeland Announces Re-Election Bid During Annual Valentine's Day Dance", writer unknown, not dated.
- (4) Exhibit D--Copy of newspaper article of *The Toledo Journal* titled "Coalition Of 100 Black Women Honors Toledo Area Leaders" dated Wednesday, May 4-10, 1994.
- (5) Exhibit E--Copy of newspaper article titled "East, South, North Toledo Learn That Carty Is Running For Mayor" written by Chase Clements, Blade Staff Writer, not dated.
- (6) Exhibit F--Copy of newspaper article, in part, of *The Toledo Journal* titled "Black-Owned School Opens In Toledo" dated March 25-31, 1992.
- (7) Exhibit G--Copy of newspaper article of *The Toledo Journal* titled "Five University Of Toledo Minority Graduates Receive Recognition Of Excellence Awards" dated May 19-25, 1993.
- (8) Exhibit H--Copy of newspaper article, in part, of *The Toledo Journal* titled "Save Our Children, Inc. Honors Community Achievers At Fifth Annual 'Tribute To A King'", dated January 15-21, 1992.
- (9) Exhibit I--Copy of newspaper article of *The Toledo Journal* titled "Libbey Valedictorian, Dorothy Smith Prepares For A Career In Pharmacy" dated May 26-June 1, 1993.
- (10) Exhibit J--Copy of newspaper article titled "Thomas Hutton's Part Of Community" written by Doug Iverson, Blade Business Writer, not dated.
- (11) Exhibit K--Copy of newspaper article of *The Toledo Journal* titled "Thomas J. Hutton, M.D., R.Ph., Brings Commitment, Service To Toledo's African-American Community" dated September 26-October 2, 1990.
- (12) Exhibit L--Two-page copy of newspaper article titled "Store Owners, Police To Meet About Crime" written by Gary T. Pakulski, Blade Staff Writer, not dated.
- (13) Exhibit M--Two-page copy of newspaper article titled "Pharmacist Says Troubled Store A Window On Crime" written by Kim Bates, Blade Staff Writer, not dated.
- (14) Exhibit N--Two-page copy of newspaper article titled "Violence Unwelcome Prescription At Pharmacy" written by Kim Bates, Blade Staff Writer, not dated.

FINDINGS OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the Board of Pharmacy indicate that Thomas Jefferson Hutton was originally licensed in the state of Ohio on November 13, 1974, pursuant to reciprocity, and is a registered pharmacist in the state of Ohio; however, Thomas Jefferson Hutton's license was summarily suspended in accordance with Section 3719.121(B) of the Ohio Revised Code on September 18, 1996. Records further indicate that during the relevant time periods stated herein, Thomas Jefferson Hutton was the Responsible Pharmacist at Hutton's Pharmacy, 2101 Dorr Street, Toledo, Ohio 43607, Terminal Distributor License No. 02-080700, pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
- (2) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, on or about the following dates, sell under the exemptions of Section 3719.15 of the Ohio Revised Code to the same person (on each occasion) preparations included within Section 3719.15, when he or someone under his control knew or by reasonable diligence could have ascertained that the sale provided the recipient with more than one such preparation within a forty-eight consecutive hour period:

The following is a list of the violations where no one could be identified as the dispensing pharmacist:

<u>Date</u>	<u>Drug Name</u>	<u>Patient Identifier</u>
3/29/90	Terpin Hydrate with Codeine	45
4/17/90	Terpin Hydrate with Codeine	10
4/18/90	Tussar SF	79
9/27/90	Tussar-2	79
11/5/90	Cheracol	60
12/11/90	Terpin Hydrate with Codeine	80
12/12/90	Terpin Hydrate with Codeine	80
2/14/91	Tussar-2	109
3/28/91	Tussar-2	79
4/23/91	Tussar-2	133
5/28/91	Tussar-2	133
6/4/91	Tussar-2	69
6/7/91	Tussar-2	108
7/5/91	Tussar-2	69
8/19/91	Tussar-2	69
9/5/91	Terpin Hydrate with Codeine	45
11/16/91	Terpin Hydrate with Codeine	62
3/7/92	Novahistine	106
3/18/92	Cheracol	79
6/5/92	Rid-A-Pain 1mg tablets	64
8/16/93	generic Novahistine	91
11/3/93	generic Robitussin AC	20
12/10/93	Novahistine	106
1/12/94	Novahistine	52
2/10/94	Tussar-2	133

The following is a list of the violations of O.R.C. Section 3719.16 committed by Thomas J. Hutton, R.Ph.

<u>Date</u>	<u>Drug Name</u>	<u>Patient Identifier</u>
1/13/90	Terpin Hydrate with Codeine	128
5/7/90	Tussar-2	54
5/8/90	Tussar-2	51

5/17/90	Terpin Hydrate with Codeine	17
5/28/90	Terpin Hydrate with Codeine	45
7/8/90	Terpin Hydrate with Codeine	75
12/30/90	Tussar-2	84
1/2/91	Novahistine	53
1/6/91	Tussar-2	79
1/27/91	Tussar-2	98
2/2/91	Tussar-2	133
2/3/91	Tussar-2	133
2/7/91	Tussar-2	107
2/8/91	Tussar-2	107
2/26/91	Novahistine	133
3/1/91	Novahistine	133
4/2/91	Tussar-2	133
4/5/91	Tussar-2	133
4/16/91	Tussar-2	53
4/26/91	Tussar-2	133
5/4/91	Rid-A-Pain 1mg tablets	60
5/17/91	Cheracol	60
7/3/91	Tussar-2	79
7/6/91	Tussar-2	69
9/2/91	Terpin Hydrate with Codeine	134
9/4/91	Terpin Hydrate with Codeine	128
9/12/91	Rid-A-Pain 1mg tablets	102
9/21/91	Terpin Hydrate with Codeine	64
9/24/91	Tussar-2	106
9/28/91	Rid-A-Pain 1mg tablets	64
11/3/91	Rid-A-Pain 1mg tablets	25
11/4/91	Novahistine	13
11/5/91	Tussar-2	79
11/7/91	Robitussin AC	77
11/21/91	Tussar-2	35
11/28/91	Novahistine	109
11/30/91	Tussar-2	77
12/2/91	Terpin Hydrate with Codeine	81
12/2/91	Novahistine	114
12/27/91	Novahistine	109
12/28/91	Terpin Hydrate with Codeine	25
12/29/91	Terpin Hydrate with Codeine	81
1/3/92	Cheracol	79
1/13/92	Rid-A-Pain 1mg tablets	64
1/14/92	Terpin Hydrate with Codeine	81
1/19/92	Terpin Hydrate with Codeine	64
1/27/92	Rid-A-Pain 1mg tablets	64
1/28/92	Cheracol	57
2/2/92	Terpin Hydrate with Codeine	64
2/7/92	Rid-A-Pain 1mg tablets	33
2/22/92	Terpin Hydrate with Codeine	14
2/22/92	Terpin Hydrate with Codeine	64
2/24/92	Terpin Hydrate with Codeine	127
3/14/92	Tussar-2	21
3/19/92	Cheracol	79
4/13/92	Novahistine	13
4/28/92	Novahistine DH	106
4/29/92	Rid-A-Pain 1mg tablets	38
4/29/92	Rid-A-Pain 1mg tablets	64
4/30/92	Terpin Hydrate with Codeine	64
5/4/92	Novahistine DH	13
5/13/92	Rid-A-Pain 1mg tablets	64
5/15/92	Cheracol	93
5/18/92	Cheracol	21
5/18/92	Rid-A-Pain 1mg tablets	38

5/18/92	Rid-A-Pain 1mg tablets	64
5/26/92	Rid-A-Pain 1mg tablets	25
5/29/92	Novahistine	13
5/29/92	Terpin Hydrate with Codeine	81
5/30/92	Rid-A-Pain 1mg tablets	64
5/31/92	Terpin Hydrate with Codeine	64
5/31/92	Cheracol	90
6/10/92	Tussar-2	133
6/24/92	Cheracol	79
6/30/92	Rid-A-Pain 1mg tablets	64
7/7/92	Terpin Hydrate with Codeine	128
7/10/92	generic Novahistine	77
7/13/92	Rid-A-Pain 1mg tablets	64
7/24/92	Terpin Hydrate with Codeine	25
7/26/92	Terpin Hydrate with Codeine	34
7/27/92	Terpin Hydrate with Codeine	34
7/27/92	Cheracol	105
8/1/92	Terpin Hydrate with Codeine	64
8/9/92	Rid-A-Pain 1mg tablets	64
8/12/92	Rid-A-Pain 1mg tablets	38
9/2/92	Tussar-2	13
9/11/92	generic Novahistine	68
9/11/92	generic Novahistine	111
9/17/92	Tussar-2	108
10/2/92	Cheracol	60
10/13/92	Terpin Hydrate with Codeine	128
10/14/92	generic Novahistine	106
11/4/92	Cheracol	75
11/7/92	Terpin Hydrate with Codeine	134
11/13/92	Terpin Hydrate with Codeine	34
12/8/92	generic Novahistine	106
12/29/92	Novahistine	13
1/7/93	Terpin Hydrate with Codeine	45
1/8/93	Terpin Hydrate with Codeine	62
1/9/93	Cheracol	105
1/14/93	Cheracol	122
1/15/93	Terpin Hydrate with Codeine	45
1/25/93	Terpin Hydrate with Codeine	81
1/29/93	Terpin Hydrate with Codeine	76
1/30/93	generic Novahistine	77
2/6/93	Terpin Hydrate with Codeine	127
2/7/93	Codimal PH	17
2/14/93	generic Novahistine	110
2/15/93	generic Novahistine	110
2/16/93	generic Novahistine	110
3/21/93	Novahistine	13
3/22/93	Novahistine	13
3/25/93	Terpin Hydrate with Codeine	45
3/29/93	Novahistine	13
3/30/93	Novahistine	13
4/2/93	generic Novahistine	77
4/2/93	Tussar-2	115
4/6/93	Tussar-2	94
4/12/93	Tussar-2	94
4/16/93	Cheracol	13
4/16/93	generic Robitussin AC	39
4/21/93	Cheracol	45
4/29/93	Tussar-2	94
6/16/93	Cheracol	57
6/26/93	generic Novahistine	106
7/4/93	Novahistine	96
7/31/93	generic Novahistine	77

9/9/93	Tussar-2	133
9/13/93	Rid-A-Pain 1mg tablets	133
10/6/93	Tussar-2	54
10/7/93	Tussar-2	54
10/24/93	generic Novahistine	114
11/4/93	Cheracol	21
11/5/93	Cheracol	21
12/11/93	generic Novahistine	106
12/18/93	generic Robitussin	13
12/28/93	generic Novahistine	77
1/8/94	Tussar-2	133
1/15/94	generic Novahistine	135
1/27/94	Cheracol	45
2/7/94	generic Novahistine	106
2/8/94	Tussar-2	13
2/8/94	generic Novahistine	106
3/13/94	generic Robitussin	13
3/13/94	Cheracol	57
3/14/94	generic Novahistine	GP

The following is a list of violations of O.R.C. Section 3719.16 committed by Hubert Pleasant, R.Ph.:

<u>Date</u>	<u>Drug Name</u>	<u>Patient Identifier</u>
4/5/90	Tussar-2	114
4/6/90	Tussar-2	69
4/6/90	Tussar-2	114
7/16/90	Tussar-2	36
8/27/90	Novahistine	4
9/1/90	Terpin Hydrate with Codeine	11
9/29/90	Tussar-2	31
10/4/90	Novahistine	117
10/23/90	Terpin Hydrate with Codeine	82
10/24/90	Novahistine	53
10/24/90	Terpin Hydrate with Codeine	62
10/31/90	Tussar-2	133
12/3/90	Terpin Hydrate with Codeine	80
12/9/90	Terpin Hydrate with Codeine	45
12/10/90	Terpin Hydrate with Codeine	45
12/10/90	Terpin Hydrate with Codeine	80
1/24/91	Tussar-2	77
1/31/91	Novahistine	4
2/27/91	Tussar-2	133
2/28/91	Tussar-2	133
3/29/91	Tussar-2	79
5/2/91	Tussar-2	106
5/2/91	Tussar-2	133
5/20/91	Tussar-2	133
6/3/91	Tussar-2	106
6/29/91	Terpin Hydrate with Codeine	134
7/31/91	Tussar-2	21
8/1/91	Tussar-2	21
9/25/91	Cheracol	3
11/4/91	Tussar-2	79
11/15/91	Novahistine	109
12/15/91	Terpin Hydrate with Codeine	55
12/31/91	Tussar-2	77
12/31/91	Novahistine	117
2/21/92	Rid-A-Pain 1mg tablets	64
4/3/92	Terpin Hydrate with Codeine	44
5/22/92	Cheracol	21
6/9/92	Rid-A-Pain 1mg tablets	38

11/13/92	Rid-A-Pain 1mg tablets	64
9/2/93	Cheracol	21
9/16/93	generic Novahistine	106
10/11/93	generic Novahistine	5
11/8/93	generic Robitussin AC	13
11/22/93	generic Novahistine	106
12/27/93	generic Novahistine	77
1/10/94	Cheracol	105
3/12/94	generic Robitussin AC	13

The following is a list of violations of O.R.C. Section 3719.16 committed by Brian Flournoy, R.Ph.:

<u>Date</u>	<u>Drug Name</u>	<u>Patient Identifier</u>
5/30/92	Novahistine	5
5/30/92	Terpin Hydrate with Codeine	62
5/30/92	Tussar-2	77
8/26/93	Novahistine	106

Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.

- (3) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from April 30, 1993, to March 14, 1994, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Thomas Jefferson Hutton and/or someone under his control sold the following controlled substances in the following amounts without prescription and not for a legitimate medical purpose:

<u>Drug</u>	<u>Quantity</u>	<u>% of Drug Stock</u>
Ritalin 5mg	166	30%
Ritalin 20mg	40	20%

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (4) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy failed to keep complete and accurate records of controlled substances received or dispensed, to wit: Thomas Jefferson Hutton and/or someone under his control failed to endorse D.E.A. 222 order forms upon receipt of controlled substances ordered. Such conduct is in violation of Section 3719.07 of the Ohio Revised Code.
- (5) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from April 30, 1992, to April 30, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Thomas Jefferson Hutton and/or someone under his control sold the following controlled substances in the following amounts without prescription and not for a legitimate medical purpose:

<u>Drug</u>	<u>Quantity</u>	<u>% of Drug Stock</u>
Oxycodone w/ APAP & ASA	1,059	21%

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (6) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, on or about the following dates, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to

wit: Thomas Jefferson Hutton and/or someone under his control sold the following schedule II controlled substances without written prescriptions, without obtaining a written prescription within 72 hours, and not for a legitimate medical purpose:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>	<u>R.Ph.</u>	<u>Doctor</u>
2600296	9/24/92	Glutethimide	36	HP	B. Butler
2600359	5/21/93	MS Contin 15	20	HP	C. Ellis

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (7) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, on an unknown date, knowingly sell a controlled substance in an amount equal to or exceeding the bulk amount, but in an amount less than three times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Thomas Jefferson Hutton and/or someone under his control sold 30 units of Percodan, a schedule II controlled substance, pursuant to telephone prescription number 2600244, without obtaining a written prescription within 72 hours, and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (8) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, on or about the following dates, intentionally make and/or knowingly possess false or forged prescriptions, to wit: Thomas Jefferson Hutton and/or someone under his control possessed the following forged prescriptions:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>	<u>R.Ph.</u>	<u>Doctor</u>
2600261	6/10/92	Percodan	90	HP	B. Butler
2600283	7/29/92	Percodan	60	HP	D. Brown
2600279	8/03/92	Percodan	60	HP	D. Brown
2600277	8/14/92	Percodan	60	HP	D. Brown
2600284	8/18/92	Percodan	60	JT	D. Brown
None	8/31/92	Percodan	60	HP	D. Brown
2600292	9/04/92	Percodan	60	JT	M. Miller

Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (9) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 8, 1990, to July 30, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 142 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #1 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (10) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from July 1, 1990, to December 24, 1991, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 134 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #3 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (11) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from January 31, 1990, to November 5, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 289 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #4 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (12) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from October 19, 1991, to July 21, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 66 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #6 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (13) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from April 19, 1991, to March 8, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 232 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #5 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (14) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 21, 1990, to January 23, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 343 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #7 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (15) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from January 31, 1990, to March 2, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 238 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #8 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (16) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from January 31, 1990, to October 28, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 148 bottles of exempt narcotic preparations

excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #9 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (17) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 7, 1990, to January 12, 1991, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 116 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #10 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (18) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from June 15, 1990, to December 2, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 256 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #11 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (19) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 5, 1990, to March 12, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 489 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #12 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (20) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 4, 1990, to March 13, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 519 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #13 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (21) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from June 20, 1990, to December 23, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 120 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #14 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (22) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 5, 1990, to March 12, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the

conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 446 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #15 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (23) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from March 14, 1992, to November 3, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 31 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #16 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (24) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from January 29, 1990, to March 12, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 604 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #17 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (25) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from April 1, 1992, to March 13, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 93 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #18 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (26) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from January 19, 1993, to March 4, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 97 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #19 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (27) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 10, 1992, to November 22, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 97 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #20 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (28) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 5, 1990, to March 13, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 519 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #21 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (29) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from June 2, 1991, to March 14, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 498 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #22 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (30) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 18, 1990, to December 18, 1992, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 323 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #23 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (31) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from September 8, 1991, to November 3, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 119 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #24 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (32) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 25, 1991, to May 13, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 120 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #26 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (33) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 10, 1990, to June 28, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and

not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 74 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #27 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (34) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from March 7, 1990, to April 23, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 99 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #28 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code. (as was in effect prior to July 1, 1996)
- (35) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from August 19, 1990, to December 30, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 78 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #29 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (36) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from March 21, 1992, to March 7, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 95 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #30 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (37) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from April 23, 1990, to September 23, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 122 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #31 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (38) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 23, 1990, to March 13, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 389 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #32 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (39) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from July 26, 1991, to December 9, 1992, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 221 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #34 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (40) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from January 31, 1990, to June 19, 1992, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 249 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #35 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (41) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from December 28, 1990, to July 23, 1992, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 221 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #37 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (42) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from August 15, 1991, to January 4, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 65 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #38 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (43) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from May 5, 1993, to January 3, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 58 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #39 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (44) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from June 21, 1990, to September 21, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 62 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #40 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (45) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from October 20, 1991, to September 26, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 232 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #41 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (46) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from January 27, 1990, to March 13, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 380 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #42 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (47) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from January 31, 1990, to December 19, 1992, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 263 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #43 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (48) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from January 30, 1990, to June 27, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 492 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #44 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (49) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 19, 1990, to March 11, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 411 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #45 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (50) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from April 30, 1992, to August 4, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 20 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #46 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (51) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from November 17, 1993, to March 14, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 42 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #47 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (52) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from March 28, 1990, to January 10, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 74 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #48 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (53) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from March 14, 1990, to March 7, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 309 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #49 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (54) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from April 10, 1993, to March 11, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 59 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #50 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (55) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 2, 1990, to March 11, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 591 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #52 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (56) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 2, 1990, to March 14, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 399 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #53 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (57) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 3, 1990, to February 28, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 456 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #54 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (58) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 11, 1990, to November 9, 1992, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 258 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #55 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (59) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from August 12, 1991, to November 3, 1991, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 31 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #58 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (60) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from June 29, 1991 to October 7, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 72 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #59 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (61) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from November 8, 1991, to March 13, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 295 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #57 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (62) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 16, 1990, to March 6, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 542 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #60 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (63) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from November 15, 1991, to March 14, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 331 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #61 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (64) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from January 28, 1990, to February 17, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 439 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #62 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (65) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 23, 1990, to March 11, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 466 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #63 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (66) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from March 16, 1991, to January 20, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 272 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #64 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (67) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from March 13, 1990, to September 29, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 475 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #65 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (68) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 2, 1990, to November 1, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 610 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #66 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (69) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 25, 1990, to March 12, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 357 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #67 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (70) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from May 21, 1990, to December 15, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 139 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #68 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (71) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from April 3, 1991, to October 12, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 109 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #69 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (72) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from November 20, 1992, to December 16, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 129 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #70 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (73) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from November 1, 1993, to March 1, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 53 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #71 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (74) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from December 24, 1990, to December 4, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 91 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #72 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (75) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from October 12, 1991, to July 16, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 28 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #73 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (76) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from June 6, 1990, to March 13, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 97 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #74 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (77) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from January 31, 1990, to March 12, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 658 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #75 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (78) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from March 5, 1990, to February 15, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 255 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #76 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (79) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 23, 1990 to March 12, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 383 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #77 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (80) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 4, 1990, to March 9, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 352 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #78 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (81) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from January 27, 1990, to March 13, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 739 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #79 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (82) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from October 26, 1990, to March 14, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 387 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #80 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (83) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 26, 1990, to March 10, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 444 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #81 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (84) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 16, 1990, to June 18, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 135 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #82 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (85) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from October 5, 1991, to December 30, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 113 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #83 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (86) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from October 5, 1991, to January 2, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 94 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #85 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (87) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from April 18, 1990, to June 4, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 81 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #87 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (88) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from April 24, 1991, to March 13, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 277 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #88 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (89) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, on March 14, 1994, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold Agent George Pavlich one bottle of an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code, without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (90) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from January 31, 1990, to July 21, 1992, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 247 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #89 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (91) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from May 3, 1991, to October 16, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 159 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #90 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (92) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from November 21, 1990, to March 11, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 126 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #91 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (93) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from August 20, 1990, to July 6, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 273 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #93 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (94) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from March 15, 1993, to August 31, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 57 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #94 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (95) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from April 1, 1993, to March 13, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 111 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #96 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (96) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from April 2, 1993, to March 10, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 107 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #95 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (97) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 3, 1990, to January 20, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 120 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #92 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (98) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from December 2, 1990, to March 15, 1991, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 15 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #98 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (99) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from March 14, 1990, to March 13, 1994, knowingly sell a controlled substance in an amount equal to exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 489 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #97 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (100) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from May 4, 1991, to March 14, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 405 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #99 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (101) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from April 1, 1992, to December 19, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 26 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #101 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (102) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 14, 1990, to November 13, 1992, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 234 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #103 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (103) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from May 25, 1990, to July 1, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 111 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #104 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (104) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from March 7, 1990, to March 12, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 430 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #105 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (105) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 26, 1990, to July 4, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 260 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #106 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (106) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from November 17, 1990, to October 20, 1991, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 77 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #107 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (107) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 13, 1990, to January 28, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 308 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #108 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (108) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 6, 1990, to March 11, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 438 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #109 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (109) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from November 9, 1991, to March 14, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 346 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #111 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (110) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from August 8, 1991, to March 13, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 456 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #110 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (111) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from July 9, 1991, to November 24, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 248 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #112 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (112) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from March 1, 1990, to March 12, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 309 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #113 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (113) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from April 9, 1990, to March 11, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 426 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #114 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (114) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from April 6, 1990, to March 4, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 207 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #115 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (115) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 26, 1990, to June 3, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 487 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #116 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (116) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 5, 1990, to March 10, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 398 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #117 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (117) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from September 28, 1991, to May 13, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 107 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #119 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (118) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from May 28, 1991, to July 23, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 198 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #118 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (119) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from March 22, 1990, to July 4, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 64 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #121 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (120) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from January 31, 1992, to May 21, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 115 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #122 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (121) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from March 7, 1991, to March 9, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 203 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #123 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (122) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from December 9, 1990, to July 21, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 129 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #124 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (123) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 16, 1990, to November 22, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 254 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #125 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (124) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from March 26, 1993, to March 9, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 32 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #126 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (125) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from June 17, 1990, to March 10, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 478 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #127 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (126) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from January 28, 1990, to February 21, 1993, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 397 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #128 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (127) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from May 18, 1990, to August 31, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 76 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #129 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (128) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from February 18, 1990, to September 29, 1992, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 283 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #130 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (129) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from June 1, 1990, to May 19, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 61 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #131 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (130) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from March 6, 1991, to December 11, 1991, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 42 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #136 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (131) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from March 20, 1990, to March 11, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 527 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #133 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (132) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, from July 25, 1990, to March 12, 1994, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton and/or someone under his control sold 259 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #134 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (133) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, on or about March 15, 1994, manufacture, hold or offer for sale drugs that were misbranded, to wit: agents of the Board recovered 10 bottles of Tussar-2, an exempt narcotic cough syrup, from the dispensing area which had labels not indicating the quantity, and the labels were photo copies which did not indicate the name of the pharmacy. Thomas Jefferson Hutton or someone under his control had purchased Tussar-2 in 16oz bottles and repackaged them into 4oz bottles which were not patient-specific. Such conduct is in violation of Section 3715.52(B) of the Ohio Revised Code.

(134) Thomas Jefferson Hutton as the Responsible Pharmacist of Hutton's Pharmacy did, on March 15, 1994, and on dates immediately preceding, violate a rule of the Board, to wit: Thomas Jefferson Hutton and/or someone under his control violated the following rules:

- (a) pharmacists failed to initial prescriptions upon dispensing drugs pursuant thereto in violation of Rule 4729-5-30 of the Ohio Administrative Code;
- (b) the pharmacy did not possess a current copy of federal and state laws, regulations, and rules governing the legal distribution of drugs in Ohio in violation of Rule 4729-9-02(A)(1) of the Ohio Administrative Code; and
- (c) areas of the pharmacy where drugs were stored were not maintained in a clean and orderly condition in violation of Rule 4729-9-02(E)(2) of the Ohio Administrative Code.

(135) Thomas Jefferson Hutton did, on or about the following dates, sell under the exemptions of Section 3719.15 of the Ohio Revised Code to the same person (on each occasion) preparations included within Section 3719.15, when he knew or by reasonable diligence could have ascertained that the sale provided the recipient with more than one such preparation within a forty-eight consecutive hour period and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996:

<u>Date</u>	<u>Drug</u>	<u>Patient Identifier</u>
01/15/96	Cheracol	93
02/23/96	generic Novahistine DH	53
03/04/96	generic Novahistine DH	53
03/05/96	generic Novahistine DH	53

Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.

(136) Thomas Jefferson Hutton did, from August 29, 1994, to June 29, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 61 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #5 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

(137) Thomas Jefferson Hutton did, on July 9, 1996, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold one bottle of an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #5 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(a) of the Ohio Revised Code.

- (138) Thomas Jefferson Hutton did, from June 20, 1994, to June 18, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 125 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #8 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (139) Thomas Jefferson Hutton did, on July 6, 1996, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold one bottle of an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #8 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(a) of the Ohio Revised Code.
- (140) Thomas Jefferson Hutton did, from May 2, 1994, to June 29, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 197 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #13 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (141) Thomas Jefferson Hutton did, from July 1, 1996, to August 3, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 10 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #13 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.
- (142) Thomas Jefferson Hutton did, from July 18, 1994, to June 29, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 173 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #15 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (143) Thomas Jefferson Hutton did, from July 2, 1996, to August 3, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 9 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #15 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.
- (144) Thomas Jefferson Hutton did, from May 2, 1994, to June 29, 1996, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 211 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #17 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (145) Thomas Jefferson Hutton did, from July 1, 1996, to July 30, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 9 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #17 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.
- (146) Thomas Jefferson Hutton did, from July 4, 1994, to June 29, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 162 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #21 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (147) Thomas Jefferson Hutton did, from July 6, 1996, to July 30, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 8 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #21 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.

- (148) Thomas Jefferson Hutton did, from July 11, 1994, to June 29, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 199 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #22 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (149) Thomas Jefferson Hutton did, from July 2, 1996, to August 3, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 10 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #22 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.
- (150) Thomas Jefferson Hutton did, from May 2, 1994, to June 22, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 106 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #30 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (151) Thomas Jefferson Hutton did, from July 2, 1996, to July 16, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 5 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #30 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.
- (152) Thomas Jefferson Hutton did, from June 4, 1994, to June 29, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 184 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #32 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (153) Thomas Jefferson Hutton did, from July 2, 1996, to July 23, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 7 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #32 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.
- (154) Thomas Jefferson Hutton did, from May 23, 1994, to June 29, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 109 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #42 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (155) Thomas Jefferson Hutton did, on July 2, 1996, and July 6, 1996, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold two bottles of an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code, to patient #42 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(a) of the Ohio Revised Code.
- (156) Thomas Jefferson Hutton did, from December 30, 1994, to June 29, 1996, knowingly sell a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 115 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #44 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (157) Thomas Jefferson Hutton did, from July 1, 1996, to August 3, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 9 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #44 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.

- (158) Thomas Jefferson Hutton did, from June 6, 1994, to June 29, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 157 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #49 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (159) Thomas Jefferson Hutton did, from July 1, 1996, to August 3, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 8 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #49 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.
- (160) Thomas Jefferson Hutton did, from July 11, 1994, to June 29, 1996, knowingly sell a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 163 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #53 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (161) Thomas Jefferson Hutton did, from July 2, 1996, to July 30, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 8 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #53 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.
- (162) Thomas Jefferson Hutton did, from May 23, 1994, to June 29, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 173 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #57 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (163) Thomas Jefferson Hutton did, from July 2, 1996, to August 3, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 10 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #57 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.
- (164) Thomas Jefferson Hutton did, from July 4, 1994, to June 25, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 100 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #61 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (165) Thomas Jefferson Hutton did, from July 1, 1996, to July 30, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 5 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #61 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.
- (166) Thomas Jefferson Hutton did, from May 23, 1994, to June 29, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 199 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #63 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (167) Thomas Jefferson Hutton did, from July 2, 1996, to August 3, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 10 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #63 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.

- (168) Thomas Jefferson Hutton did, from August 15, 1994, to April 26, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 141 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #65 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (169) Thomas Jefferson Hutton did, from July 13, 1996 to August 3, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 3 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #65 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.
- (170) Thomas Jefferson Hutton did, from May 30, 1994, to June 29, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 160 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #75 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (171) Thomas Jefferson Hutton did, from July 1, 1996, to July 27, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 8 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #75 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.
- (172) Thomas Jefferson Hutton did, from July 25, 1994, to June 29, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 193 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #77 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (173) Thomas Jefferson Hutton did, from July 1, 1996, to August 3, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 10 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #77 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.
- (174) Thomas Jefferson Hutton did, from May 30, 1994, to June 29, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 154 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #78 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (175) Thomas Jefferson Hutton did, from July 1, 1996, to August 3, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 10 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #78 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.
- (176) Thomas Jefferson Hutton did, from May 2, 1994, to February 2, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 134 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #79 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (177) Thomas Jefferson Hutton did, from May 16, 1994, to May 8, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 41 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #80 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (178) Thomas Jefferson Hutton did, from May 9, 1994, to June 25, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 101 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #91 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (179) Thomas Jefferson Hutton did, from July 1, 1996, to July 30, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 5 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #91 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.
- (180) Thomas Jefferson Hutton did, from July 18, 1994, to June 29, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 160 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #95 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (181) Thomas Jefferson Hutton did, from July 1, 1996, to August 3, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 9 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #95 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.
- (182) Thomas Jefferson Hutton did, from July 25, 1994, to June 29, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 157 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #96 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (183) Thomas Jefferson Hutton did, from July 1, 1996, to August 3, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 6 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #96 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.
- (184) Thomas Jefferson Hutton did, from May 9, 1994, to June 29, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 204 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #99 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (185) Thomas Jefferson Hutton did, from July 1, 1996, to August 3, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 6 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #99 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.
- (186) Thomas Jefferson Hutton did, from May 23, 1994, to June 29, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 186 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #105 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (187) Thomas Jefferson Hutton did, from July 2, 1996, to August 3, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 10 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #105 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.

- (188) Thomas Jefferson Hutton did, from May 2, 1994, to June 29, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 104 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #106 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (189) Thomas Jefferson Hutton did, from July 1, 1996, to August 3, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 8 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #106 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.
- (190) Thomas Jefferson Hutton did, from July 4, 1994, to June 29, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 83 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #109 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (191) Thomas Jefferson Hutton did, from July 1, 1996, to August 3, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 9 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #109 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.
- (192) Thomas Jefferson Hutton did, from July 25, 1994, to June 29, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 193 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #110 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (193) Thomas Jefferson Hutton did, from July 1, 1996, to August 3, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 9 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #110 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.
- (194) Thomas Jefferson Hutton did, from May 2, 1994, to March 24, 1995, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 27 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #111 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (195) Thomas Jefferson Hutton did, from October 30, 1995, to June 28, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 20 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #112 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (196) Thomas Jefferson Hutton did, on July 23, 1996, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold one bottle of an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #112 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(a) of the Ohio Revised Code.
- (197) Thomas Jefferson Hutton did, from May 23, 1994, to June 11, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 144 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #113 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (198) Thomas Jefferson Hutton did, on July 23, 1996, and July 27, 1996, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold two bottles of an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #113 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(a) of the Ohio Revised Code.
- (199) Thomas Jefferson Hutton did, from May 2, 1994, to June 29, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 97 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #114 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (200) Thomas Jefferson Hutton did, from July 6, 1996 to July 27, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 5 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #114 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.
- (201) Thomas Jefferson Hutton did, from May 2, 1994, to June 29, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 91 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #117 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (202) Thomas Jefferson Hutton did, from July 6, 1996, to August 3, 1996, knowingly sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 7 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #117 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(c) of the Ohio Revised Code.

- (203) Thomas Jefferson Hutton did, from February 16, 1996, to June 11, 1996, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold 10 bottles of exempt narcotic preparations excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #123 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (204) Thomas Jefferson Hutton did, on July 16, 1996, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code and not for a legitimate medical purpose, to wit: Thomas Jefferson Hutton sold one bottle of an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #123 without a legitimate medical purpose and after being admonished for such conduct on July 19, 1993; March 14, 1994; and March 22, 1996. Such conduct is in violation of Sections 2925.03(A) and 2925.03(C)(2)(a) of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (204) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (133) and (135) through (204) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Sections 3715.52 to 3715.72 or Chapter 2925., or 3719. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ACTION 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 September 18, 1996.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Thomas Jefferson Hutton:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-1-11067, held by Thomas Jefferson Hutton effective as of the date of the mailing of this Order.
- (B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-1-11067, held by Thomas Jefferson Hutton effective as of the date of the mailing of this Order.

Further, Thomas Jefferson Hutton may not be employed by or work in any facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs.

Division (B) of Section 4729.16 of the Ohio Revised Code provides: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.

The motion was seconded by Mr. Hanna and approved by the Board (Aye-7/Nay-0).

RES. 97-107 Mr. Maslak moved that the Board adopt the following Order:

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-960322-050)

In The Matter Of:

HUBERT BURRUS PLEASANT, JR., R.Ph.
1104 Moran
Toledo, Ohio 43607
(R.Ph. No. 03-3-05243)

INTRODUCTION

THE MATTER OF HUBERT BURRUS PLEASANT, JR. CAME TO HEARING ON JANUARY 30, 1997, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

HUBERT BURRUS PLEASANT, JR. WAS NOT PRESENT, NOR WAS HE REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Franklin Z. Wickham, R.Ph.; Ohio State Board of Pharmacy
- (2) Mark Keeley, R.Ph.; Ohio State Board of Pharmacy
- (3) Dale Fritz; Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Notice of Opportunity for Hearing letter dated March 22, 1996.
- (2) Exhibit 1A--Hearing Request letter dated April 15, 1996.
- (3) Exhibit 1B--Hearing Schedule letter dated April 24, 1996.
- (4) Exhibit 1C--Hearing Schedule letter dated June 26, 1996.
- (5) Exhibit 1D--Pharmacist File Front Sheet of Hubert Burrus Pleasant, Jr. showing original date of registration as August 4, 1952; and Renewal Application for Pharmacist License, No. 03-3-05243, for a license to practice pharmacy in Ohio from September 15, 1996, to September 15, 1997, of Hubert B. Pleasant dated July 29, 1996.
- (6) Exhibit 1E--Telephone message to Mary Hollern from Herbert (sic Hubert) Pleasant dated January 28th at 12:27p.m.

- (7) Exhibit 2--Sealed Record-Copy of Hutton's Pharmacy Exempt Narcotic Log Book dated from January 13, 1990, to June 13, 1990.
- (8) Exhibit 2A--Sealed Record-Copy of Hutton's Pharmacy Exempt Narcotic Log Book dated from June 14, 1990, to December 3, 1990.
- (9) Exhibit 2B--Sealed Record-Copy of Hutton's Pharmacy Exempt Narcotics Log Book dated from December 3, 1990, to May 22, 1991.
- (10) Exhibit 2C--Sealed Record-Copy of Hutton's Pharmacy Exempt Narcotics Log Book dated from May 23, 1991, to October 9, 1991.
- (11) Exhibit 2D--Sealed Record-Copy of Hutton's Pharmacy Exempt Narcotics Log Book dated from October 10, 1991, to April 20, 1992.
- (12) Exhibit 2E--Sealed Record-Hutton's Pharmacy Exempt Narcotics Log Book dated from April 21, 1992, to November 3, 1992.
- (13) Exhibit 2F--Sealed Record-Hutton's Pharmacy Exempt Narcotics Log Book dated from November 4, 1992, to July 6, 1993.
- (14) Exhibit 2G--Sealed Record-Hutton's Pharmacy Exempt Narcotics Log Book dated from July 7, 1993, to March 2, 1994.
- (15) Exhibit 2H--Sealed Record-Hutton's Pharmacy Exempt Narcotics Log Book dated from March 3, 1994, to March 14, 1994.
- (16) Exhibit 3--Sealed Record-Confidential Patient Key for Exempt Narcotic Sales at Hutton's Pharmacy dated January 21, 1997.

Respondent's Exhibits:

- (1) None

FINDINGS OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) On March 22, 1996, Hubert Burrus Pleasant, Jr. was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.
- (2) As demonstrated by return receipt of March 25, 1996, Hubert Burrus Pleasant, Jr. received the letter of March 22, 1996, informing him of the allegations against him, and his rights.
- (3) Hubert Burrus Pleasant, Jr. requested a hearing and a hearing was scheduled in accordance with Chapter 119. of the Ohio Revised Code.
- (4) Records of the Board of Pharmacy indicate that Hubert Burrus Pleasant, Jr. was originally licensed in the state of Ohio on August 4, 1952, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio.
- (5) Hubert Burrus Pleasant, Jr. did, on or about the following dates, sell, under the exemptions of Section 3719.15 of the Ohio Revised Code to the same person (on each occasion) preparations included within Section 3719.15, when he knew or by reasonable diligence could have ascertained that the sale provided the recipient with more than one such preparation within a forty-eight consecutive hour period:

<u>Date</u>	<u>Drug</u>	<u>Patient No.</u>
04/05/90	Tussar-2	114
04/06/90	Tussar-2	69
04/06/90	Tussar-2	114
07/16/90	Tussar-2	36
08/27/90	Novahistine	4
09/01/90	Terpin Hydrate with Codeine	11
09/29/90	Tussar-2	31
10/04/90	Novahistine	117
10/23/90	Terpin Hydrate with Codeine	82

10/24/90	Novahistine	53
10/24/90	Terpin Hydrate with Codeine	62
10/31/90	Tussar-2	133
12/03/90	Terpin Hydrate with Codeine	80
12/09/90	Terpin Hydrate with Codeine	45
12/10/90	Terpin Hydrate with Codeine	45
12/10/90	Terpin Hydrate with Codeine	80
01/24/91	Tussar-2	77
01/31/91	Novahistine	4
02/27/91	Tussar-2	133
02/28/91	Tussar-2	133
03/29/91	Tussar-2	79
05/02/91	Tussar-2	106
05/02/91	Tussar-2	133
05/20/91	Tussar-2	133
06/03/91	Tussar-2	106
06/29/91	Terpin Hydrate with Codeine	134
07/31/91	Tussar-2	21
08/01/91	Tussar-2	21
09/25/91	Cheracol	3
11/04/91	Tussar-2	79
11/15/91	Novahistine	109
12/15/91	Terpin Hydrate with Codeine	55
12/31/91	Tussar-2	77
12/31/91	Novahistine	117
02/21/92	Rid-A-Pain	64
04/03/92	Terpin Hydrate with Codeine	44
05/22/92	Cheracol	21
06/09/92	Rid-A-Pain	38
11/13/92	Rid-A-Pain	64
09/02/93	Cheracol	21
09/16/93	generic Novahistine	106
10/11/93	generic Novahistine	5
11/08/93	generic Robitussin	13
11/22/93	generic Novahistine	106
12/27/93	generic Novahistine	77
01/10/94	Cheracol	105
03/12/94	Robitussin AC	13

Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (5) of the Findings of Fact constitutes being guilty of unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (5) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 3719. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Hubert Burrus Pleasant, Jr.:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby places the identification

card of Hubert Burrus Pleasant, Jr. on probation for two years, effective as of the date of the mailing of this Order. The terms of probation are as follows:

- (1) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of pharmacy hereby declares that Hubert Burrus Pleasant, Jr.'s pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.
- (2) Hubert Burrus Pleasant, Jr. may not serve as a responsible pharmacist.
- (3) Hubert Burrus Pleasant, Jr. must not violate the drug laws of the state of Ohio, any other state, or the federal government.
- (4) Hubert Burrus Pleasant, Jr. must abide by the rules of the Ohio State Board of Pharmacy.
- (5) Hubert Burrus Pleasant, Jr. must comply with the terms of this Order.

The Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

- (B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of one thousand dollars (\$1,000.00) due and owing within thirty days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320.
- (C) Further, the Board suspends the monetary penalty due date until the completion of the probation period. If no violations occur throughout the probation period, the monetary penalty will be stayed.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.

The motion was seconded by Mrs. Plant and approved by the Board (Aye-7/Nay-0).

11:30 a.m.

The Board recessed for lunch.

1:05 p.m.

The Board reconvened in Studio Three. Mr. Cavendish was not present due to personal business and Mr. Lamping joined the meeting. Mr. Benedict joined the Board and Mrs. Plant reported on the progress of those registrants presently on probation.

RES. 97-108

William T. Winsley, Assistant Executive Director, joined the meeting to present information requested by the Board regarding University Hospitals of Cleveland's electronic signature proposal. Following discussion, Mr. Hanna moved that the proposal be approved by the Board. The motion was seconded by Mr. Littlejohn and approved (Aye-7/Nay-0). Mr. Winsley reported that the information regarding Ohio State University Hospitals' proposal had not yet been received. Mr. Winsley noted, however, that a representative of Ohio State University Hospitals would be meeting with the Board Friday morning and the requested information obtained following that meeting.

RES. 97-109 Mr. Winsley then presented the names of individuals that have been recommended for appointment to the 1997 Ad Hoc Advisory Committee on Rule Review. Following consideration of the names, Mrs. Adelman moved that the following individuals be appointed by the Board:

Ohio Pharmacists Association
Randy Myers, R.Ph.
Brian Gerth, R.Ph.
Kent Zellner, R.Ph.
Jim Turner, R.Ph.
Ohio Society of Health-System Pharmacists
Elizabeth Gregg, R.Ph.
Terrye Thompson, R.Ph.
Cheryl Burns, R.Ph.
Ohio Osteopathic Association
Kevin L. Hornbeck, D.O.

The motion was seconded by Mr. Hanna and approved (Aye-7/Nay-0).

RES. 97-110 The Executive Director then presented a request that continuing pharmacy education providers who are providing correspondence courses on current laws and rules and who have a Home Page on the Internet be linked to the Board's Home Page on the World Wide Web. Mr. Hanna moved that the request be approved. The motion was seconded by Mr. Maslak and approved (Aye-7/Nay-0).

The Board continued their review of administrative matters, correspondence, and reports not requiring official action.

RES. 97-111 Mr. Benedict presented a request from Phil Farris, R.Ph. that he be granted a waiver pursuant to paragraph (A) of Ohio Administrative Code Rule 4729-5-11 and that he be permitted to serve as the responsible pharmacist for the following two terminal distributors of dangerous drugs:

St. Rita's Home Infusion Services (02-0748600)
P & R Home IV Service Inc. (02-0434900)

Mr. Lamping moved the request be approved and that R.Ph. Phil Farris be permitted to serve as the responsible pharmacist for both of these terminal distributor licenses for one year. The motion was seconded by Mr. Maslak and approved (Aye-7/Nay-0).

Mr. Cole, Compliance Supervisor, joined the Board and recommended that the following policies be reviewed for amending or rescinding by the Board as appropriate:

Policy 89-153 Daily Activity Report
Policy 89-154 Monthly Activity Report
Policy 89-155 Written Request to Inspect
Policy 89-156 Inspection Report - Retail Inspections
Policy 89-171 Prescribing of C-II Stimulant Drugs
Policy 92-204 NCIC Utilization

RES. 97-112 Following discussion, Mr. Hanna moved that the Board rescind Policy 89-171 since it is no longer necessary, that staff redraft Policy 89-156 for consideration during the March Board meeting, and amend the remaining policies to read as follows:

DAILY ACTIVITY REPORT
[Res. 89-153]

- (1) All daily activity reports shall be made on Form PHA-0010. If the employee wishes to create his/her own computer-generated Form PHA-0010, it shall be in the exact format as Form PHA-0010 and shall not be submitted in condensed type.

- (2) A daily activity report shall be submitted to the office at least once a week except for vacation time when reports may be submitted either prior to utilizing the vacation time or within five days of return from vacation. Submission of daily activity reports does not release the employee from following the policy for requesting or reporting of vacation time.
- (3) All daily activity reports shall be accurate reports of work actually conducted on that date as a Board employee.
- (4) All daily activity reports shall be signed by the employee.
- (5) All daily activity reports shall be dated.
- (6) This report will be completed consistent with this policy and as directed by the Compliance Administrator.

MONTHLY ACTIVITY REPORT

[Res. 89-154]

- (1) All monthly activity reports shall be made on Form PHA-0011. If the employee wishes to create his/her own computer-generated Form PHA-0011, it shall be in the exact format as Form PHA-0011 and shall not be submitted in condensed type.
- (2) A monthly activity report shall be submitted to the office no later than the fifth working day after a new calendar month begins. The report shall summarize the previous month's work product as reflected in the daily activity reports. The submission of a monthly activity report does not release the employee from submission of the daily activity report.
- (3) All monthly activity reports shall be accurate reports of work actually conducted during that time period as a Board employee.
- (4) All monthly activity reports shall be signed and dated by the employee.
- (5) All monthly activity reports shall be identified as to which month and year is being reported.
- (6) This report will be completed consistent with this policy and as directed by the Compliance Administrator.

WRITTEN REQUEST TO INSPECT

[Res. 89-155]

- (1) Business cards, as issued by the Board, shall be carried at all times when working for the Board and being paid by the State of Ohio.
- (2) Business cards, as issued by the Board, shall be given to persons in any licensed location which you inspect or enter.

USE OF THE BOARD OF PHARMACY'S NCIC NUMBER

[Res. 92-204]

- (1) On February 4, 1992, the Ohio Board of Pharmacy was granted a National Crime Information Center (NCIC) Number.
- (2) The use of this number is restricted for use of criminal justice purposes only.
- (3) The reasons for obtaining this number were:

- (a) In 1990, the Ohio Legislature granted the Board the authority to receive mandatory fines and asset seizures. To receive funds from the federal government, an agency must have an NCIC number.
 - (b) The NCIC number will allow the Board's investigators to conduct a criminal background on individuals under investigation by the Board when other law enforcement agencies are not actively involved in the investigation.
- (4) The Board of Pharmacy will not have a terminal in the Columbus office due to security reasons.
- (5) Any access to the NCIC system will be in the following manner:
- (a) If another law enforcement agency is involved in an investigation, that agency will conduct any background investigation through NCIC by access through their terminal using the law enforcement agency's NCIC access number.
 - (b) If another law enforcement agency is not involved in an investigation, the Board's agents may request NCIC access through any law enforcement agency, within Ohio, that has a written agreement with this Board to provide such access to the Board.
 - (c) No Board agent may access NCIC without a Board-issued investigation number having been assigned, and the request being verbally approved by a supervisor.
 - (d) The Board shall keep a bound log book documenting all NCIC inquiries.
 - (e) All agents of the Board, upon receipt of requested NCIC information, shall forward such materials to the Board office for insertion into the investigative file.
 - (f) Any access to the NCIC system, other than described above, is prohibited.

Mrs. Plant seconded the motion and it was approved (Aye-7/Nay-0).

2:05 p.m.

Mr. Maslak moved that the Board go into Executive Session for the purpose of discussing the investigation of complaints and charges against a registrant of the Board. The motion was seconded by Mr. Lamping and a roll call vote was conducted by President Neuber as follows: Adelman-Yes, Hanna-Yes, Lamping-Yes, Littlejohn-Yes, Maslak-Yes, Plant-Yes, and Repke-Yes.

The Board was joined by Assistant Attorney General Mary Hollern, Tim Benedict, and Robert Cole.

2:35 p.m.

The Executive Session was concluded and the meeting opened to the public.

Mr. Hanna reported that the Nursing Board Formulary Committee met on January 13, 1997 and that he was not able to attend the meeting.

Tim Benedict reported that the federal Drug Enforcement Administration will be holding hearings on the scheduling of carisprodol in Washington on February 11, 1997. He will attend the hearings and present testimony on Ohio's experience with the abuse and diversion of this drug.

Mrs. Neuber reported on the National Association of Boards of Pharmacy Bureau of Voluntary Compliance Committee meeting held in Chicago the weekend of January 17 & 18, 1997. The BVC seminar that will be held on the first day of the annual meeting in May, 1997 will be on pain management. FDA and DEA representatives discussed their activities regarding drugs of abuse. It was reported that GHB has become a significant abuse problem in the Chicago area.

3:00 p.m. The Board recessed until Friday, January 31, 1997 at 8:00 a.m.

FRIDAY, JANUARY 31, 1997

8:00 a.m. ROLL CALL

The following members of the State Board of Pharmacy reconvened in Studio Three, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio:

Suzanne L. Neuber, R.Ph. (President); Diane Adelman, R.Ph.; Robert Cavendish, R.Ph.; Paul Lamping, R.Ph.; Joseph Maslak, R.Ph.; Ruth Plant, R.Ph.; and Nicholas Repke, Public Member.

8:17 a.m.

The Board was joined by Assistant Attorney General Mary Hollern for the purpose of conducting an adjudication hearing pursuant to the provisions of Ohio Revised Code Chapters 119. and 4729. in the matter of Jeffrey Scott Dannemiller's petition for reinstatement of his license to practice pharmacy in Ohio.

8:24 a.m.

Board member Amonte Littlejohn arrived and joined the meeting.

9:13 a.m.

The hearing was concluded and Mrs. Plant moved that the Board go into Executive Session for the purpose of deliberating on the evidence and testimony received in the hearing. The motion was seconded by Mr. Maslak and a roll call vote was conducted by President Neuber as follows: Adelman-Yes, Cavendish-Yes, Lamping-Yes, Littlejohn-Yes, Maslak-Yes, Plant-Yes, and Repke-Yes.

9:36 a.m.

RES. 97-113

The Executive Session was concluded and the meeting opened to the public. Mr. Lamping moved that the Board adopt the following Order and reinstate Mr. Dannemiller's license to practice pharmacy with stipulations:

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-960820-010)

In The Matter Of:

JEFFREY SCOTT DANNEMILLER, R.Ph.
1252 Ashwood Road
Akron, Ohio 44312
(R.Ph. No. 03-3-16019)

INTRODUCTION

THE MATTER OF JEFFREY SCOTT DANNEMILLER CAME TO HEARING ON JANUARY 31, 1997, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

JEFFREY SCOTT DANNEMILLER WAS REPRESENTED BY DANIEL D. CONNOR, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Timothy J. Benedict, R.Ph.; Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Jeffrey Scott Dannemiller, Respondent
- (2) Lisa Vasiliou Dannemiller, Wife of Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Ten-page Order of the State Board of Pharmacy, Docket No. D-950124-033, in the matter of Jeffrey Scott Dannemiller dated December 8, 1995.
- (2) Exhibit 2--Hearing Request letter dated August 15, 1996.
- (3) Exhibit 3--Two-page Hearing Schedule letter dated August 20, 1996.

Respondent's Exhibits:

- (1) Exhibit 1--Two-page letter from Mary Spain dated January 7, 1997; copy of product information page 2427 regarding laboratory test interactions; copy of product information from Searle titled "Brief Summary - DAYPRO (oxaprozin) 600mg caplets; copy of letter from David F. Merk dated January 14, 1997; two-page fax copy of letter from James W. Martin dated January 14, 1997; and letter from Sally Bernard dated January 14, 1997.
- (2) Exhibit 2--Two-page letter from Edward W. Heisler dated January 13, 1997; and letter from Carol M. Noble dated December 23, 1996.
- (3) Exhibit 3--Two-page Affidavit of Jeffrey S. Dannemiller signed and notarized on January 15, 1997.
- (4) Exhibit 4--Copy of two-page Shepherd Hill Hospital Recovery Monitoring Services Agreement of Jeffrey S. Dannemiller dated January 18, 1995.
- (5) Exhibit 5--Copy of two-page Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Jeffrey S. Dannemiller dated January 17, 1995.
- (6) Exhibit 6--Copies of the following: two-page urine drug screen report dated January 3, 1997; letter from Bernadette Charles dated November 20, 1996; two-page urine drug screen report dated December 23, 1996; prescription of Jeffrey Dannemiller written for Daypro 600mg dated November 29, 1996; urine drug screen report dated December 2, 1996; urine drug screen report dated November 16, 1996; urine drug screen report dated December 16, 1996; product information page 2427 regarding laboratory test interactions of Daypro; copy of Physicians' Desk Reference page 2426; urine drug screen report dated October 31, 1996; urine drug screen report dated October 18, 1996; urine drug screen report dated September 29, 1996; urine drug screen report dated September 15, 1996; urine drug screen report dated August 31, 1996; urine drug screen report dated August 19, 1996; urine drug screen report dated August 6, 1996; urine drug screen report dated July 30, 1996; urine drug screen report dated July 25, 1996; urine drug screen report dated July 15, 1996; urine drug screen report dated June 29, 1996; urine drug screen report dated June 13, 1996; urine drug screen report dated May 30, 1996; urine drug screen report dated May 22, 1996; urine drug screen report dated May 14, 1996; two urine drug screen reports dated May 1, 1996; two urine drug screen reports dated April 16, 1996; urine drug screen report dated May 29, 1996; two-page urine drug screen report dated April 4, 1996; two-page urine drug screen report dated March 27, 1996; two-page urine drug screen report dated March 14, 1996; two copies of two-page urine drug screen report dated March 6, 1996; two-page urine drug screen report dated March 8, 1996; two-page urine drug screen report dated March 5, 1996; two-page urine drug screen report dated February 23, 1996; two-page urine drug screen report dated February 16, 1996;

two-page urine drug screen report dated February 1, 1996; two copies of two-page urine drug screen report dated January 25, 1996; two-page urine drug screen report dated January 18, 1996; two-page urine drug screen report dated January 17, 1996; two-page urine drug screen report dated January 3, 1996; two-page urine drug screen report dated December 29, 1995; two-page urine drug screen report dated December 22, 1995; two-page urine drug screen report dated December 13, 1995; two copies of two-page urine drug screen report dated December 8, 1995; two-page urine drug screen report dated November 22, 1995; two-page urine drug screen report dated November 17, 1995; two-page urine drug screen report dated November 18, 1995; urine drug screen report dated November 10, 1995; page one of urine drug screen report dated November 3, 1995; urine drug screen report dated October 28, 1995; page two of urine drug screen report dated November 3, 1995; two-page urine drug screen report dated October 31, 1995; page one of urine drug screen report dated October 25, 1995; urine drug screen report dated October 27, 1995; page two of urine drug screen report dated October 25, 1995; two-page urine drug screen report dated October 18, 1995; urine drug screen report dated October 18, 1995; urine drug screen report dated October 4, 1995; urine drug screen report dated September 25, 1995; urine drug screen report dated September 20, 1995; urine drug screen report dated September 10, 1995; urine drug screen report dated September 1, 1995; urine drug screen report dated August 31, 1995; urine drug screen report dated August 18, 1995; urine drug screen report dated August 14, 1995; urine drug screen report dated August 4, 1995; urine drug screen report dated July 27, 1995; urine drug screen report dated July 23, 1995; urine drug screen report dated July 17, 1995; urine drug screen report dated July 11, 1995; urine drug screen report dated June 30, 1995; urine drug screen report dated June 23, 1995; urine drug screen report dated June 20, 1995; urine drug screen report dated June 9, 1995; urine drug screen report dated June 5, 1995; urine drug screen report dated May 26, 1995; urine drug screen report dated May 24, 1995; urine drug screen report dated May 11, 1995; urine drug screen report dated May 4, 1995; urine drug screen report dated April 28, 1995; urine drug screen report dated April 25, 1995; urine drug screen report dated April 17, 1995; urine drug screen report dated April 7, 1995; urine drug screen report dated April 3, 1995; urine drug screen report dated March 24, 1995; urine drug screen report dated March 21, 1995; letter from Jeffrey S. Dannemiller in regards to the missed urine screen on June 21, 1996; and letter from Martha Norman dated June 24.

- (7) Exhibit 7--Copies of twenty-seven pages of Verification of A.A. Attendance of Jeff Dannemiller dated from January 17, 1995, through December 30, 1996.
- (8) Exhibit 8--Copy of two-page letter from Fred N. Karaffa dated January 29, 1997, and copy of prescription of Jeffrey Dannemiller written for Daypro 600mg dated November 29, 1996.
- (9) Exhibit 9--Copy of letter from David F. Merk dated January 30, 1997.
- (10) Exhibit 10--Copy of letter from David M. Boyer dated January 20, 1997.
- (11) Exhibit 11--Copy of Verification of AA Attendance of Jeff Dannemiller dated from January 2, 1997, through January 29, 1997.

FINDING OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) Jeffrey Scott Dannemiller is in compliance with the Order of the Board, Docket No. D-950124-033, dated December 8, 1995.

ACTION OF THE BOARD

The State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card of Jeffrey Scott Dannemiller to practice pharmacy in the state of Ohio and places him on probation for five years from the date his identification card is issued, with the following conditions:

- (A) Jeffrey Scott Dannemiller must enter into a new contract, after the effective date of this Order, with a limited treatment provider acceptable to the Board, for a period of not less than five years and submit a copy of the signed contract to the Board office with the renewal application. The contract must provide that:
- (1) random, observed urine screens shall be conducted at least once every three months. The urine drug screens must report testing for alcohol and must also report testing for creatinine as the dilutional standard or specific gravity;
 - (2) regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required during outpatient treatment and/or during aftercare;
 - (3) the intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion; and
 - (4) the program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
- (B) Jeffrey Scott Dannemiller must submit quarterly progress reports to the Board (due January 10, April 10, July 10, and October 10 of each year of probation; with the first report due July 10) that include:
- (1) the written report and documentation provided by the treatment program pursuant to the contract, and
 - (2) a written description of his progress towards recovery and what he has been doing during the previous three months.
- (C) Other terms of probation are as follows:
- (1) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that the pharmacist identification card of Jeffrey Scott Dannemiller is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.
 - (2) Jeffrey Scott Dannemiller may not serve as a responsible pharmacist.
 - (3) Jeffrey Scott Dannemiller may not destroy, or may not assist in or witness the destruction of, controlled substances.
 - (4) Jeffrey Scott Dannemiller must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
 - (5) Jeffrey Scott Dannemiller must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (6) Jeffrey Scott Dannemiller must abide by the rules of the Ohio State Board of Pharmacy.
 - (7) Jeffrey Scott Dannemiller must comply with the terms of this Order.

Jeffrey Scott Dannemiller is hereby advised that the Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.

The motion was seconded by Mr. Cavendish and approved (Aye-7/Nay-0).

RES. 97-114 Mrs. Plant moved that a notice of opportunity for a hearing be issued to Mary Berk-Mortus, R.Ph. due to the fact that there is reasonable cause to believe that she is addicted to or abusing alcohol. The motion was seconded by Mr. Lamping and approved (Aye-7/Nay-0).

10:05 p.m.

The Board was joined by the following representatives of the Ohio Society of Health-System Pharmacists:

John Armitstead, R.Ph.
Kathy Donley, R.Ph.
Scott Mark, R.Ph.
Alicia Miller, R.Ph.
Natosha Miller, R.Ph.
Phil Miller, R.Ph.
Bob Parsons, R.Ph.
Devona Sewell, R.Ph.
Jerry Siegel, R.Ph.
Susan Ward, R.Ph.

Issues discussed included Inpatient Automated Unit Dose Distribution Systems, Wholesale Sales of Dangerous Drugs Within Health Systems, Remote Off-Site Drug Delivery Systems, Legal Ramifications of Pharmacy Services Provided To Leased Hospital Beds, and Problems Related To Investigational Drug Studies.

11:20 a.m.

The meeting was concluded and the Board recessed for five minutes.

11:25 a.m.

RES. 97-115 The business meeting was reconvened and the Board discussed the electronic signature policies and procedures that Ohio State University Hospitals want to implement in the near future. Following discussion with R.Ph. Alicia Miller, Ohio State University Hospitals, Mrs. Plant moved that the Board approve the policies and procedures with the modifications suggested by the Board and accepted by Ohio State University Hospitals' representative, but that a Board inspection be conducted prior to implementation. The motion was seconded by Mr. Lamping and approved (Aye-7/Nay-0).

Mr. Cavendish moved that the Board receive Per Diem as follows:

PER DIEM	<u>1/27</u>	<u>1/28</u>	<u>1/29</u>	<u>1/30</u>	<u>1/31</u>	<u>Total</u>
Adelman	1	1	1	1	1	5
Cavendish	1	1	1	1	1	5
Hanna	-	1	1	1	-	3
Lamping	1	1	1	1	1	5
Littlejohn	1	1	1	1	1	5
Maslak	1	1	1	1	1	5
Neuber	1	1	1	1	1	5
Plant	1	1	1	1	1	5
Repke	1	1	1	1	1	5

The motion was seconded by Mr. Repke and approved by the Board (Aye-7/Nay-0).

11:40 a.m. Mr. Repke moved that the business meeting be adjourned. The motion was seconded by Mr. Maslak and approved (Aye-7/Nay-0).

/s/ Suzanne L. Neuber
Suzanne L. Neuber, President

/d/ 3/7/97
Date

/s/ Franklin Z. Wickham
Franklin Z. Wickham, Executive Director