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## **Minutes Of The Meeting**

Ohio State Board of Pharmacy  
Columbus, Ohio  
March 8 & 9, 1999

### **MONDAY, MARCH 8, 1999**

8:15 a.m. ROLL CALL

The State Board of Pharmacy convened in Room 1914, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio with the following members present:

Robert B. Cavendish, R.Ph. (Vice-President); Ann D. Abele, R.Ph.; Paul F. Lamping, R.Ph.; Suzanne L. Neuber, R.Ph.; Ruth A. Plant, R.Ph.; and Nicholas R. Repke, Public Member.

Mr. Winsley distributed copies of the Summary of Rules titled "Rules Effective in 1999 Showing Changes" to the Board members. This summary contains all of the rules that were considered at the Public Hearing in December and approved by the Board at the January and February meetings with the exception of Proposed Rule 4729-7-02.

8:18 a.m.

Mrs. Plant moved that the Board go into Executive Session for the purpose of the investigation of charges or complaints against licensees and registrants pursuant to Section 121.22(G)(1) of the Revised Code. Mr. Lamping seconded the motion. Vice-President Cavendish then conducted the following roll call vote: Abele-Yes, Cavendish-Yes, Lamping-Yes, Neuber-Yes, Plant-Yes, and Repke-Yes.

8:19 a.m.

Board Member Amonte Littlejohn arrived and joined the meeting.

8:45 a.m.

**RES. 99-138** Board President Joseph Maslak arrived and assumed the chair. The Executive Session ended and the meeting was opened to the public. Mrs. Plant moved that the Board grant the continuance requested for the hearing in the matter of Joseph Martin Rukse that had been scheduled for Wednesday, March 10, 1999. The motion was seconded by Mr. Lamping and approved by the Board (Aye-7/Nay-0).

**RES. 99-139** Board staff announced that Eric Scott Davis had withdrawn his application for examination as a pharmacist. The Board had proposed to deny that application and Mr. Davis had been scheduled for a hearing on Wednesday, March 10, 1999. Due to the withdrawal of the application, the hearing was now canceled.

**RES. 99-140** Mrs. Plant moved that the Board accept a proposed settlement offer as amended by the Board in the matter of Darshan Singh Bambrah, R.Ph.; Solon. Staff was instructed that a letter of acceptance must be received in the Board office prior to the scheduled hearing time for the settlement to be effective. The motion was seconded by Ms. Abele and approved by the Board (Aye-6/Nay-0/Abstain-1[Littlejohn]).

9:00 a.m.

The Board took a brief recess.

9:18 a.m.

The Board was joined by Assistant Attorney General Sally Ann Steuk for the purpose of conducting an adjudication hearing in accordance with Ohio Revised Code Chapters 119. and 4729. in the matter of Mary Elizabeth Starr, R.Ph., Gahanna, Ohio. Mr. Maslak recused himself from this hearing and Mr. Cavendish assumed the chair.

9:28 a.m.

The Board took a recess from the hearing to review the documentation presented by Ms. Starr.

9:40 a.m.

The hearing resumed on the record.

10:35 a.m.

The hearing concluded and the record was closed. The Board took a brief recess.

11:03 a.m.

The meeting resumed. Ms. Abele moved that the Minutes of the February 9, 1999 meeting be approved as written. The motion was seconded by Mr. Lamping and approved by the Board (Aye-7/Nay-0).

11:05 a.m.

Mr. Cavendish moved that the Board go into Executive Session for the purpose of the investigation of charges or complaints against licensees and registrants pursuant to Section 121.22(G)(1) of the Revised Code. Mr. Lamping seconded the motion. President Maslak then conducted the following roll call vote: Abele-Yes, Cavendish-Yes, Lamping-Yes, Littlejohn-Yes, Neuber-Yes, Plant-Yes, and Repke-Yes.

11:15 a.m.

**RES. 99-141** The Executive Session ended and the meeting was opened to the public. Mr. Winsley announced that the attorney representing Darshan Bambrah had sent a letter by facsimile to the Board office indicating that the terms of the settlement agreement as amended by the Board were acceptable to his client. The hearing that had been scheduled for Tuesday, March 9, 1999 would not be held.

**RES. 99-142** Mr. Winsley asked the Board to consider allowing one of the reciprocity candidates who was scheduled to appear before the Board on Tuesday to come to the office at a later date for the Jurisprudence review. This candidate had a child in the hospital and, therefore, might not be able to travel to Columbus on Tuesday. Mr. Winsley indicated that the reciprocity application materials had been received and were complete. Mrs. Plant moved that the Board grant this request due to the extenuating circumstances. The motion was seconded by Mr. Littlejohn and approved by the Board (Aye-7/Nay-0).

**RES. 99-143** As he had done during the hearing and during the Board's deliberations, Mr. Maslak recused himself and Mr. Cavendish assumed the chair while the Board considered the matter of Mary Elizabeth Starr, R.Ph.; Gahanna, Ohio. Mrs. Plant moved that the Board approve the reinstatement petition of Mary Elizabeth Starr, R.Ph. subject to the following Order:

ORDER OF THE STATE BOARD OF PHARMACY  
(Docket No. D-980521-061)

In The Matter Of:

**MARY ELIZABETH STARR, R.Ph.**  
4848 Pleasant Woods Court  
Gahanna, Ohio 43230  
(R.Ph. No. 03-2-19409)

INTRODUCTION

THE MATTER OF MARY ELIZABETH STARR CAME TO HEARING ON MARCH 8, 1999, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT B. CAVENDISH, R.Ph. (presiding); ANN D. ABELE, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

MARY ELIZABETH STARR WAS REPRESENTED BY DANIEL D. CONNOR, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

## SUMMARY OF EVIDENCE

### (A) Testimony

State's Witnesses:

- (1) None

Respondent's Witnesses:

- (1) Phyllis Grauer, R.Ph., Pharmacists Rehabilitation Organization, Inc.
- (2) Charles Broussard, R.Ph., Pharmacists Rehabilitation Organization, Inc.
- (3) Michael Starr, Husband of Respondent
- (4) Mary E. Starr, R.Ph., Respondent

### (B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of five-page Settlement Agreement with the State Board of Pharmacy, in the matter of Mary Elizabeth Starr, Docket No. D-970909-004, effective March 9, 1998.
- (2) Exhibit 1A--Copy of Hearing Request letter dated May 18, 1998.
- (3) Exhibit 1B--Copy of two-page Hearing Schedule letter dated May 21, 1998.
- (4) Exhibit 1C--Copy of page 147 of the Ohio State Board of Pharmacy Record of the Proceedings, dated November 2, 1998.
- (5) Exhibit 1D--Copy of Hearing Schedule letter dated November 4, 1998.

Respondent's Exhibits:

- (1) Exhibit 1--Copy of two-page letter from Daniel D. Connor dated October 29, 1998.
- (2) Exhibit 2--Copy of two-page Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Mary E. Starr dated August 30, 1997.
- (3) Exhibit 3--Copy of Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Mary E. Starr dated October 20, 1998.
- (4) Exhibit 4--Two-page letter from Kimberley K. Schirmer dated October 21, 1998.
- (5) Exhibit 5--Copy of Substance Abuse Services Notice of Completion regarding Mary E. Starr by S. Bryce Johnson, not dated.
- (6) Exhibit 6--Copy of 102 pages of Parkside Recovery Services Treatment Records of Mary E. Starr dated from August 21, 1997, through January 23, 1998.
- (7) Exhibit 7--Copy of 71 pages of Parkside Recovery Services Treatment Records of Mary E. Starr dated from January 23, 1998, through October 2, 1998.
- (8) Exhibit 8--Copy of letter from Cheryl A. Jackson dated October 27, 1998.
- (9) Exhibit 9--Copy of 22 pages consisting of 19 urine drug screen reports of Mary E. Starr dated from August 22, 1997, through October 3, 1998.
- (10) Exhibit 10--Copy of 87 pages of AA/NA meeting attendance verification of Mary E. Starr dated from August 16, 1997, through October 13, 1998.
- (11) Exhibit 11--Copy of University of Utah College of Pharmacy Certificate of Participation in course number 068-999-98-003-L01 of Betsy E. Starr dated August 17, 1998, and copy of certificate from the University of Utah of Betsy Starr dated June 19, 1998.
- (12) Exhibit 12--Copies of the following: two-page letter from Nick A. Kallis dated January 27, 1998; letter from Michael E. Starr, not dated; two-page letter from Mrs. John Hoyng dated January 12, 1998; and letter from Angie Fox, not dated.
- (13) Exhibit 13--Copies of letters as follows: Nick A. Kallis dated October 10, 1998; David W. Baker dated October 20, 1998; Phyllis Grauer dated October 27, 1999; Charles Broussard dated October 1998; Wayne L. Miller dated October 20, 1998; Arch J. Weber dated October 19, 1998; two-page letter from Vicky W. dated October 1998; Brian E. Roby dated October 19, 1998; Michael E. Starr, not dated; two-page letter from Mrs. John Hoyng dated October 14, 1998; Angela Fox dated October 3, 1998; Liz Kelly dated September 9, 1998; and Addie Dobbet dated October 12, 1998.
- (14) Exhibit 14B--Binder containing subsections as follows: Section 1: Copy of urine drug screen report of Patient 283503023 dated November 24, 1998. Section 2: Copy of urine drug screen report of Mary E. Starr dated February 1, 1999. Section 3: Copy of urine drug screen report of Patient 283503023 dated February 5, 1999. Section 4: Copy of two-page urine drug screen report of Elizabeth Starr dated February 25, 1999.

Section 5: Copy of seven continuing pharmacy education certificates of participation of Mary E. Starr as follows: 422-000-98-008-H01 dated February 2, 1999; 422-000-98-021-H01 dated February 11, 1999; 327-000-96-001-H04 dated February 14, 1997; 401-000-96-010-H01 dated January 4, 1997; 401-000-96-013-H04 dated January 4, 1997; 401-000-96-005-H01 dated January 4, 1997; and 67940195009 dated January 4, 1997. Section 6: Copy of 35 pages of AA/NA meeting attendance verifications of Mary E. Starr dated from October 18, 1998, through February 20, 1999. Attachments also included as follows: Facsimile cover sheet to Mr. Dan Connors (*sic* Connor) from Kim Schirmer dated March 5, 1999; copy of letter from Kimberly K. Schirmer dated March 5, 1999; copy of letter from Kimberly K. Schirmer dated March 5, 1999, with handwritten notation to Dan, not dated; and copies of three urine drug screen reports of Mary E. Starr dated January 1, 1999, February 26, 1999, and March 2, 1999.

#### 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) Mary Elizabeth Starr has complied with the terms set forth in the Settlement Agreement with the State Board of Pharmacy, Docket No. D-970909-004, effective March 9, 1998.

#### ACTION OF THE BOARD

The State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card of Mary Elizabeth Starr to practice pharmacy in the state of Ohio and places her on probation for five years from the date her identification card is issued, with the following conditions:

- (A) Mary Elizabeth Starr must enter into a new contract, after the effective date of this Order, with a 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 drug screens shall be conducted at least every three months.
    - (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
    - (b) Alcohol must be added to the standard urine drug screen. Testing for alcohol must be conducted within forty-eight hours from the time the sample is given. A breathalyzer may be used to test for alcohol, but the test must be conducted by an appropriately certified individual within twelve hours of notification.
    - (c) Results of urine screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract and probation.
  - (2) The intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion.
  - (3) Regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required.
  - (4) The program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.

- (B) Mary Elizabeth Starr must submit quarterly progress reports to the Board; due January 10; April 10; July 10; and October 10; of each year of probation, that include:
- (1) The written report and documentation provided by the treatment program pursuant to the contract, and
  - (2) A written description of her progress towards recovery and what she has been doing during the previous three months.
- (C) Other terms of probation are as follows:
- (1) The State Board of Pharmacy hereby declares that Mary Elizabeth Starr's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.
  - (2) Mary Elizabeth Starr may not serve as a responsible pharmacist.
  - (3) Mary Elizabeth Starr may not destroy, assist in, or witness the destruction of controlled substances.
  - (4) Mary Elizabeth Starr must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
  - (5) Mary Elizabeth Starr must not violate the drug laws of the state of Ohio, any other state, or the federal government.
  - (6) Mary Elizabeth Starr must abide by the rules of the Ohio State Board of Pharmacy.
  - (7) Mary Elizabeth Starr must comply with the terms of this Order.

Mary Elizabeth Starr 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. Lamping and approved by the Board (Aye-7/Nay-0).

11:21 a.m.

The Board recessed for lunch.

12:59 p.m.

The Board reconvened in Room 1914, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio with all members present except Mrs. Adelman.

1:00 p.m.

Mr. Cavendish moved that the Board go into Executive Session for the purpose of the investigation of charges or complaints against licensees and registrants pursuant to Section 121.22(G)(1) of the Revised Code. Mr. Repke seconded the motion. President Maslak then conducted the following roll call vote: Abele-Yes, Cavendish-Yes, Lamping-Yes, Littlejohn-Yes, Neuber-Yes, Plant-Yes, and Repke-Yes.

1:11 p.m.

The Board came out of Executive Session and was joined by Assistant Attorney General Sally Ann Steuk for the purpose of conducting an adjudication hearing in accordance with Ohio Revised Code Chapters 119. and 4729. in the matter of John Joseph Perry, Youngstown, Ohio.

1:12 p.m.

Mr. Cavendish announced that he would have to recuse himself from further participation in the hearing and the deliberations in this matter and would not participate in any discussion or votes regarding Mr. Perry's case.

1:56 p.m.

The hearing concluded and the record was closed. The Board took a brief recess.

2:14 p.m.

The meeting resumed. William McMillen, Licensing Administrator, joined the Board to review the Licensing report. The consensus of the Board was that Mr. McMillen did not need to provide them with this report every month, but should prepare it only during major licensing cycles.

The Board was joined by Robert Cole, Compliance Supervisor, who introduced the Board's newest Compliance Agent, Thomas Miksch. Mr. Miksch's main area of responsibility will be the Akron-Medina area.

**RES. 99-144** Ms. Abele moved that the Board adopt Proposed Rule 4729-7-02 and instruct staff to file the rule in final form with an effective date of March 31, 1999. The motion was seconded by Mrs. Plant and approved by the Board (Aye-7/Nay-0).

**RES. 99-145** Mr. Winsley asked the Board for a second Board member to join Mr. Lamping on the Ad Hoc Committee on Rule Review. Mr. Cavendish volunteered to serve on the committee and the Board concurred.

**RES. 99-146** The Board next considered Resolution 87-008 (Refund Policy on Reciprocity). This policy required revision since the reciprocity fees have changed from \$225.00 to \$337.50. Mrs. Neuber moved that Resolution 87-008 be rescinded and that the new refund policy be that \$300.00 of the \$337.50 reciprocity fee may be refunded when a candidate voluntarily withdraws an application from consideration within six months of the time it is received by the Board office. Mr. Lamping seconded the motion and it was approved by the Board (Aye-7/Nay-0).

2:30 p.m.

Mr. Lamping moved that the Board go into Executive Session for the purpose of the investigation of charges or complaints against licensees and registrants pursuant to Section 121.22(G)(1) of the Revised Code. Mrs. Neuber seconded the motion. President Maslak then conducted the following roll call vote: Abele-Yes, Cavendish-Yes, Lamping-Yes, Littlejohn-Yes, Neuber-Yes, Plant-Yes, and Repke-Yes.

2:45 p.m.

**RES. 99-147** The Executive Session ended and the meeting was opened to the public. Mr. Lamping moved that the Board deny the application for licensure as a pharmacist of John Joseph Perry pursuant to the following Board Order:

ORDER OF THE STATE BOARD OF PHARMACY  
(Docket No. D-981020-021)

In The Matter Of:

**JOHN JOSEPH PERRY**  
4560 Rush Boulevard  
Youngstown, Ohio 44512  
(D.O.B. 2/2/53)

INTRODUCTION

THE MATTER OF JOHN JOSEPH PERRY CAME TO HEARING ON MARCH 8, 1999, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH J. MASLAK, R.Ph. (presiding); ANN D. ABELE, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

JOHN JOSEPH PERRY WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

## SUMMARY OF EVIDENCE

### (A) Testimony

State's Witnesses:

- (1) George Pavlich, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Anthony Perry, R.Ph., Father of Respondent
- (2) John Joseph Perry, R.Ph., Respondent

### (B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of seven-page Notice of Opportunity for Hearing letter dated October 20, 1998.
- (2) Exhibit 1A--Hearing Request letter dated October 26, 1998.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated November 3, 1998.
- (4) Exhibit 1C--Application for Examination as a Pharmacist of John Joseph Perry signed and notarized on September 1, 1998.
- (5) Exhibit 2--Copy of ten-page Order of the State Board of Pharmacy, Docket No. D-940628-091, in the matter of John Joseph Perry, R.Ph. No. 03-1-13086, dated January 31, 1995.
- (6) Exhibit 3--Copy of two-page Indictment, United States of America vs. John Joseph Perry, Case No. 4:94CR417, U.S. District Court for the Northern District of Ohio dated December 7, 1994.
- (7) Exhibit 4--Copy of eight-page Superseding Indictment, United States of America vs. John Joseph Perry, Case No. 4:94CR417, U.S. District Court for the Northern District of Ohio, not dated.
- (8) Exhibit 5--Copy of four-page Judgment in a Criminal Case, United States of America vs. John Joseph Perry, Case No. 4:94CR417, U.S. District Court for the Northern District of Ohio, dated June 20, 1995.
- (9) Exhibit 6--Letter from Gregory B. Thompson, U.S. Probation Officer, dated February 8, 1999.

Respondent's Exhibits:

- (1) Exhibit A--Copy of eleven letters as follows: James A. Traficant, Jr. dated March 3, 1999; Felix Savon dated February 24, 1999; James A. Philomena dated March 4, 1999; Mark D. DeGenova dated February 24, 1999; Marilyn Caggiano, Leigh Perkins, and Sandy Kellerman, not dated; Thomas R. Ivany dated February 26, 1999; David Montanaro dated March 2, 1999; Lynn Sfara Bruno dated March 4, 1999; John E. Phillipson, Jr., not dated; Albert A. Franceschelli, not dated; and James S. Paris dated February 22, 1999; and one two-page copy of e-mail message from Jim Chalfin dated March 1, 1999.

## 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 John Joseph Perry submitted an application for examination as a pharmacist on or about September 16, 1998.
- (2) Records further indicate that John Joseph Perry was originally licensed to practice pharmacy in the state of Ohio on May 24, 1978. On or about January 31, 1995, the Board found the following to be fact:
  - (a) Records of the Board indicate that John Joseph Perry was originally licensed to practice pharmacy in the state of Ohio on May 24, 1978. On

June 28, 1994, John Joseph Perry's license was summarily suspended in accordance with Section 3719.121(B) of the Ohio Revised Code.

- (b) John Joseph Perry did, on or about April 18, 1994, intentionally make and/or knowingly possess a false or forged prescription, to wit: John Joseph Perry knowingly possessed false or forged prescription number 603244 written for 30 units of Percocet. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (c) John Joseph Perry did, on or about April 18, 1994, 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: John Joseph Perry sold 30 units of Percocet pursuant to false or forged prescription number 603244 when not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.
- (d) John Joseph Perry did, on or about April 18, 1994, intentionally make and/or knowingly possess a false or forged prescription, to wit: John Joseph Perry possessed a blank prescription, control number 53406, for a particular patient, for the purpose of forging and filling the prescription at a later date. Such conduct is in violation of Section 2925.23(B)(2) of the Ohio Revised Code.
- (e) John Joseph Perry did, on or about May 16, 1994, intentionally make and/or knowingly possess a false or forged prescription, to wit: John Joseph Perry knowingly possessed false or forged prescription number 604987 written for 60 units of Percocet. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (f) John Joseph Perry did, on or about May 16, 1994, 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: John Joseph Perry sold 45 units of Roxicet pursuant to false or forged prescription number 604987 when not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.
- (g) John Joseph Perry did, on or about May 23, 1994, intentionally make and/or knowingly possess a false or forged prescription, to wit: John Joseph Perry knowingly possessed false or forged prescription number 605363 written for 90 units of Percocet. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (h) John Joseph Perry did, on or about May 23, 1994, 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: John Joseph Perry sold 60 units of Roxicet pursuant to false or forged prescription number 605363 when not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.
- (i) John Joseph Perry did, on or about May 23, 1994, intentionally make and/or knowingly possess a false or forged prescription, to wit: John Joseph Perry knowingly possessed false or forged prescription, control number 53436, written for 60 units of Percocet. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (j) John Joseph Perry did, on or about May 23, 1994, intentionally make and/or knowingly possess a false or forged prescription, to wit: John Joseph Perry possessed a blank prescription, control number 53429, for a particular patient, for the purpose of forging and filling the prescription



at a later date. Such conduct is in violation of Section 2925.23(B)(2) of the Ohio Revised Code.

- (k) John Joseph Perry did, on or about June 6, 1994, intentionally make and/or knowingly affix a false or forged label to a package or receptacle containing a dangerous drug, to wit: John Joseph Perry affixed a false or forged label to a vial stating the contents as being Daypro 600mg when, in fact, the vial contained Vicodin ES. Such conduct is in violation of Section 2925.23(D) of the Ohio Revised Code.
- (l) John Joseph Perry did, on or about June 6, 1994, 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: John Joseph Perry sold 40 units of Vicodin ES without a prescription and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.
- (m) John Joseph Perry did, on or about January 14, 1994, intentionally make and/or knowingly possess a false or forged prescription, to wit: John Joseph Perry knowingly possessed false or forged prescription number 597356 written for 90 units of Percodan. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (n) John Joseph Perry did, on or about January 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, to wit: John Joseph Perry sold 90 units of Percodan pursuant to false or forged prescription number 597356 when not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (o) John Joseph Perry did, on or about January 18, 1994, intentionally make and/or knowingly possess a false or forged prescription, to wit: John Joseph Perry knowingly possessed false or forged prescription number 597527 written for 90 units of Percocet. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (p) John Joseph Perry did, on or about January 18, 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: John Joseph Perry sold 90 units of Roxicet pursuant to false or forged prescription number 597527 when not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (q) John Joseph Perry did, on or about January 28, 1994, intentionally make and/or knowingly possess a false or forged prescription, to wit: John Joseph Perry knowingly possessed false or forged prescription number 598108 written for 60 units of Percocet. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (r) John Joseph Perry did, on or about January 28 1994, 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: John Joseph Perry sold 60 units of Percocet pursuant to false or forged prescription number 598108 when not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.
- (s) John Joseph Perry did, on or about January 31, 1994, intentionally make and/or knowingly possess a false or forged prescription, to wit: John

Joseph Perry knowingly possessed false or forged prescription number 598230 written for 90 units of Percocet. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

- (t) John Joseph Perry did, on or about January 31, 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: John Joseph Perry sold 90 units of Roxicet pursuant to false or forged prescription number 598230 when not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (u) John Joseph Perry did, on or about February 6, 1994, intentionally make and/or knowingly possess a false or forged prescription, to wit: John Joseph Perry knowingly possessed false or forged prescription number 598606 written for 60 units of Percocet. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (v) John Joseph Perry did, on or about February 6, 1994, 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: John Joseph Perry sold 60 units of Percocet pursuant to false or forged prescription number 598606 when not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.
- (w) John Joseph Perry did, on or about February 10, 1994, intentionally make and/or knowingly possess a false or forged prescription, to wit: John Joseph Perry knowingly possessed false or forged prescription number 598911 written for 90 units of Percocet. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (x) John Joseph Perry did, on or about February 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, to wit: John Joseph Perry sold 90 units of Roxicet pursuant to false or forged prescription number 598911 when not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (y) John Joseph Perry did, on or about February 11, 1994, intentionally make and/or knowingly possess a false or forged prescription, to wit: John Joseph Perry knowingly possessed false or forged prescription number 599024 written for 60 units of Percocet. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (z) John Joseph Perry did, on or about February 11, 1994, 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: John Joseph Perry sold 60 units of Roxicet pursuant to false or forged prescription number 599024 when not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.
- (aa) John Joseph Perry did, on or about February 17, 1994, intentionally make and/or knowingly possess a false or forged prescription, to wit: John Joseph Perry knowingly possessed false or forged prescription number 599354 written for 60 units of Percocet. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

- (bb) John Joseph Perry did, on or about February 17, 1994, 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: John Joseph Perry sold 60 units of Percocet pursuant to false or forged prescription number 599354 when not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.
- (cc) John Joseph Perry did, on or about February 20, 1994, intentionally make and/or knowingly possess a false or forged prescription, to wit: John Joseph Perry knowingly possessed false or forged prescription number 599528 written for 90 units of Percocet. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (dd) John Joseph Perry did, on or about February 20, 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: John Joseph Perry sold 90 units of Roxicet pursuant to false or forged prescription number 599528 when not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (ee) John Joseph Perry did, on or about February 25, 1994, intentionally make and/or knowingly possess a false or forged prescription, to wit: John Joseph Perry knowingly possessed false or forged prescription number 599937 written for 60 units of Percocet. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (ff) John Joseph Perry did, on or about February 25, 1994, 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: John Joseph Perry sold 60 units of Roxicet pursuant to false or forged prescription number 599937 when not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.
- (gg) John Joseph Perry did, on or about February 20, 1994, intentionally make and/or knowingly possess a false or forged prescription, to wit: John Joseph Perry knowingly possessed false or forged prescription number 599948 written for 90 units of Percocet. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (hh) John Joseph Perry did, on or about February 20, 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: John Joseph Perry sold 90 units of Percocet pursuant to false or forged prescription number 599548 when not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (ii) John Joseph Perry did, from May 1, 1993, through June 9, 1994, 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 working at Rite Aid Pharmacy #3104, John Joseph Perry sold 86 units of Fiorinal w/Codeine 30mg, a schedule III controlled substance, without a legitimate prescription and without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

- (jj) John Joseph Perry did, from May 1, 1993, through June 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: while working at Rite Aid Pharmacy #3104, John Joseph Perry sold the following drugs in the following amounts without a legitimate prescription and without a legitimate medical purpose:

<u>Drug</u>	<u>Schedule</u>	<u>Shortage</u>
Dexedrine Spansule 15mg	CII	140
Fastin (Phentermine) 30mg	CIV	999
Methylphenidate 20mg	CII	425
Adipex-P 37.5mg	CIV	94
Vicodin ES (Hydrocodone Bitartrate/APAP) 7.5mg	CIII	633

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (kk) John Joseph Perry was, on or about June 24, 1994, in the Mahoning County Common Pleas Court, indicted for twelve felony counts, to wit: three counts of Aggravated Trafficking in Drugs in violation of Section 2925.03(A)(5) of the Ohio Revised Code; one count of Trafficking in Drugs in violation of Section 2925.03(A)(5) of the Ohio Revised Code; and eight counts of Illegal Processing of Drug Documents in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

The Board concluded that John Joseph Perry was guilty of dishonesty and unprofessional conduct in the practice of pharmacy and 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 Section 4729.16 of the Ohio Revised Code. For these reasons, John Joseph Perry's license, No. 03-1-13086, was revoked.

- (3) After the charges in Mahoning County Common Pleas Court were dismissed, John Joseph Perry did, on or about June 21, 1995, enter a guilty plea in the United States District Court, Northern District of Ohio, to four felony counts of Distribution of a Schedule II Controlled Substance, to wit: 49.5 kilograms of Oxycodone, in violation of Title 21 USC Section 841(a)(1) and (b)(1)(C), United States of America v. John Joseph Perry, Case No. 4:94CR0417.

#### CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (3) of the Findings of Fact constitutes being having been convicted of a felony as provided in paragraph (A) of Rule 4729-5-04 of the Ohio Administrative Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (3) of the Findings of Fact constitutes having been convicted of violating a state or federal pharmacy or drug law as provided in paragraph (B) of Rule 4729-5-04 of the Ohio Administrative Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute not being of good moral character and habits as provided in paragraph (C) of Rule 4729-5-04 of the Ohio Administrative Code.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes having been disciplined by the Ohio State Board of Pharmacy pursuant to Section 4729.16 of the Ohio Revised Code as provided in paragraph (E) of Rule 4729-5-04 of the Ohio Administrative Code.

## ACTION OF THE BOARD

Pursuant to Section 4729.08 of the Ohio Revised Code and Rule 4729-5-04 of the Ohio Administrative Code, and on the basis of the foregoing Findings of Fact and Conclusions of Law, the State Board of Pharmacy hereby denies the issuance of a certificate of registration or an identification card to practice pharmacy and, therefore, denies the Application for Examination as a Pharmacist submitted by John Joseph Perry. Further, John Joseph Perry may not submit an Application for Examination as a Pharmacist prior to ten years from the date of this Order.

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

MOTION CARRIED.

SO ORDERED.

The motion was seconded by Mr. Repke and approved (Aye-6/Nay-0). Mr. Cavendish did not participate in either the deliberations or the vote in this matter.

2:55 p.m.

The meeting was recessed until Tuesday, March 9, 1999.

### **TUESDAY, MARCH 9, 1999**

10:02 a.m. ROLL CALL

The State Board of Pharmacy convened in Room 1914, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio with the following members present:

Joseph J. Maslak, R.Ph. (President); Ann D. Abele, R.Ph.; Paul F. Lamping, R.Ph.; Amonte B. Littlejohn, R.Ph.; Suzanne L. Neuber, R.Ph., and Ruth A. Plant, R.Ph.

**RES. 99-148** The Board was joined by Mr. Benedict, Assistant Executive Director, to discuss the third draft of a proposed Department of Health policy on the distribution of potassium iodide in the case of a radiation disaster. After reviewing the proposed policy, Mrs. Plant moved that Board staff be instructed to send a letter to the appropriate individuals at the Department of Health stating that the Board found nothing in the policy that the Board would consider to be a violation of state or federal drug laws, rules, or regulations. The motion was seconded by Mr. Lamping and approved by the Board (Aye-5/Nay-0).

**RES. 99-149** The Board then reviewed the request for an exemption from O.A.C. Rule 4729-5-10 (Pick-up station) that had been received from CedarFairmount Pharmacy and Parkway Pharmacy. This request had been tabled at the February meeting to allow Board staff to obtain further information. After discussion, Mrs. Neuber moved that the Board deny the exemption request. The motion was seconded by Mr. Littlejohn and approved by the Board (Aye-5/Nay-0).

10:12 a.m.

Board Member Nicholas Repke arrived and joined the meeting.

Mr. Winsley and Mr. Benedict distributed materials received from PCS Health Systems regarding the PCS Health Systems Visitation and Preferred Drug Programs. Mr. Winsley and Mr. Benedict discussed the meeting that they had with several representatives of PCS and reviewed the programs with the Board members.

Mr. Winsley and Mr. Benedict then distributed copies of proposed changes to the Pharmacy Practice Act and associated chapters of the Revised Code for the Board members to review and discuss.

10:55 a.m.

The Board took a brief recess.

11:03 a.m.

The Board reconvened and was joined by Assistant Attorney General Sally Ann Steuk. Mr. Lamping moved that the Board go into Executive Session for the purpose of conferring with the attorney for the Board pursuant to Section 121.22(G)(3) of the Revised Code. Mr. Littlejohn seconded the motion. President Maslak then conducted the following roll call vote: Abele-Yes, Lamping-Yes, Littlejohn-Yes, Neuber-Yes, Plant-Yes, and Repke-Yes.

11:15 a.m.

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

**RES. 99-150** Mr. Winsley reported that the following settlement agreements, which had been previously approved by the Board, were finalized and are now effective:

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY  
(Docket No. D-980911-014)

In The Matter Of:

**PATTY JANE BAXTER, R.Ph.**  
4900 Oakridge Drive  
Rome, Ohio 44085-9650  
(R.Ph. No. 03-1-17642)

This Settlement Agreement is entered into by and between Patty Jane Baxter 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.

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

Patty Jane Baxter is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges that have been filed by the Board against her and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against Patty Jane Baxter's license to practice pharmacy in the state of Ohio, this Agreement is entered into 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) Patty Jane Baxter neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing dated December 17, 1998; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same:
  - (1) Records of the Board indicate that Patty Jane Baxter was originally licensed to practice pharmacy in the state of Ohio on February 24, 1989, pursuant to examination.
  - (2) Patty Jane Baxter is addicted to liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy, to wit: Patty Jane Baxter admitted stealing controlled substances such as Stadol NS, Tylenol with Codeine #3, and Xanax 0.25mg from her employer; Patty Jane Baxter admitted falsifying written call-in prescriptions using fictitious patients to cover for her theft of drugs; Patty Jane Baxter admitted that she is addicted to Stadol, and Ms. Baxter admitted using drugs while practicing pharmacy. Such conduct indicates that you fall within the ambit of Sections 3719.121(A), 3719.121(B), and 4729.16(A)(3)of the Ohio Revised Code.
  - (3) Patty Jane Baxter did, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

(4) Patty Jane Baxter did, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(5) Patty Jane Baxter did, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(6) Patty Jane Baxter did, [REDACTED]

[REDACTED]

1

[REDACTED]

2

[REDACTED]

3

[REDACTED]

4

[REDACTED]

(7) Patty Jane Baxter did, [REDACTED]

(8) Patty Jane Baxter did, from January 27, 1995, through August 12, 1995, knowingly make a false or forged prescription for a dangerous drug, to wit: while practicing pharmacy at Rite Aid #3131, Patty Jane Baxter falsified written call-in prescriptions for Stadol NS 2.5ml using fictitious patient names to cover for her theft of drugs:

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
1/27/95	12401	1	Stadol NS 2.5ml
2/14/95	12401	1	Stadol NS 2.5ml
3/17/95	17266	1	Stadol NS 2.5ml
3/26/95	17266	1	Stadol NS 2.5ml
4/8/95	17266	1	Stadol NS 2.5ml
4/14/95	20156	1	Stadol NS 2.5ml
4/22/95	20156	1	Stadol NS 2.5ml
5/5/95	20156	1	Stadol NS 2.5ml
5/13/95	23133	1	Stadol NS 2.5ml
5/20/95	23133	1	Stadol NS 2.5ml
5/30/95	23133	1	Stadol NS 2.5ml
6/9/95	23133	1	Stadol NS 2.5ml
6/18/95	23133	1	Stadol NS 2.5ml
6/22/95	26975	2	Stadol NS 2.5ml
7/5/95	26975	2	Stadol NS 2.5ml
7/11/95	23133	1	Stadol NS 2.5ml
7/20/95	26975	2	Stadol NS 2.5ml
7/30/95	26975	2	Stadol NS 2.5ml
8/12/95	31644	2	Stadol NS 2.5ml

Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code.

(9) Patty Jane Baxter did, from August 22, 1995, through June 14, 1996, knowingly make a false or forged prescription for a dangerous drug, to wit: while practicing pharmacy at Rite Aid #2654, Patty Jane Baxter falsified written call-in prescriptions

for Stadol NS 2.5ml and Imitrex .5ml using fictitious patient names to cover for her theft of drugs:

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
8/22/95	11483	1	Stadol NS 10ml
8/22/95	11485	2	Imitrex .5ml
8/31/95	11483	1	Stadol NS 10ml
9/5/95	12031	9	Imitrex tablets
9/19/95	11483	1	Stadol NS 10ml
9/19/95	12031	9	Imitrex tablets
10/11/95	11483	1	Stadol NS 10mg
10/11/95	12031	9	Imitrex tablets
11/4/95	11483	1	Stadol NS 10mg
11/4/95	12031	9	Imitrex tablets
11/18/95	11483	1	Stadol NS 10mg
11/18/95	11485	2	Imitrex .5ml
12/11/95	16157	1	Stadol NS 10mg
12/11/95	16158	9	Imitrex tablets
1/4/96	16157	1	Stadol NS 10mg
1/4/96	16158	9	Imitrex tablets
1/26/96	11485	2	Imitrex .5ml
1/26/96	16157	1	Stadol NS 10mg
1/26/96	16158	9	Imitrex tablets
2/10/96	16158	9	Imitrex .5ml
2/23/96	16157	1	Stadol NS 10mg
2/23/96	16158	9	Imitrex tablets
2/23/96	19619	2	Imitrex .5ml
3/14/96	16157	1	Stadol NS 10mg
3/14/96	16158	9	Imitrex tablets
3/22/96	20981	9	Imitrex tablets
4/5/96	16157	1	Stadol NS 10mg
4/5/96	20981	9	Imitrex tablets
4/23/96	19619	2	Imitrex .5ml
4/23/96	20981	9	Imitrex tablets
4/23/96	22393	1	Stadol NS 10mg
5/17/96	20981	9	Imitrex tablets
5/17/96	22393	1	Stadol NS 10mg
6/5/96	20981	9	Imitrex tablets
6/5/96	22393	1	Stadol NS 10mg
6/14/96	20981	9	Imitrex tablets

Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code.

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

- (A) The removal of the Summary Suspension Order issued September 11, 1998, pursuant to Sections 3719.121(A) and 3719.121(B) of the Ohio Revised Code.
- (B) Indefinite suspension of her pharmacist identification card, No. 03-1-17642, beginning with the date of the Summary Suspension Order of September 11, 1998, a minimum of two (2) years subject to Paragraph (D) herein. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Patty Jane Baxter 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.
- (C) 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.

- (D) September 11, 2000, or thereafter, the Board will reinstate her license to practice pharmacy only if the following conditions have been met:
- (1) Patty Jane Baxter must enter into a contract with a limited treatment provider acceptable to the Board for a period of not less than five (5) years from the effective date of this 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 once a month.
      - (i) The urine sample must be given within twelve (12) hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
      - (ii) Alcohol and butorphenol (Stadol) must be added to the standard urine drug screen. Testing for alcohol must be conducted within forty-eight hours from the time the sample is given. A breathalyzer may be used to test for alcohol, but the test must be conducted by an appropriately certified individual within twelve hours of notification.
      - (iii) Results of urine screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract and probation.
    - (b) regular attendance, at least three (3) 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.
- (E) Patty Jane Baxter must provide a report from her physician that outlines her treatment for headaches.
- (F) This Agreement, when signed by Patty Jane Baxter, shall constitute her full consent to any and all health care providers, licensed health professionals, treatment programs, or other entities or individuals, to release directly to the Board her medical and/or drug and alcohol treatment records. This release shall be in effect until such time as Patty Jane Baxter has completed the terms of this Agreement.

Patty Jane Baxter 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 shall revoke probation for any violation of the terms of this Agreement occurring during the probation period.

If, in the judgment of the Board, Patty Jane Baxter appears to have violated or breached any terms or conditions of this Agreement, the Ohio State Board of Pharmacy reserves the right to, at any time, revoke probation, modify the conditions of probation, and reduce or extend the period of probation, and/or the Board may institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violation of the laws of Ohio occurring before the effective date of this Agreement.

Patty Jane Baxter acknowledges that she has had an opportunity to ask questions concerning the terms of this agreement and that all questions asked have been answered in a satisfactory



manner. 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.

Patty Jane Baxter waives any and all claims or causes of action she may have against the State of Ohio or the Board, and members, officers, employees, and/or agents of either, arising out of matters which are the subject of this Agreement. Patty Jane Baxter waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

In the event the Board, in its discretion, does not adopt this Agreement as its Adjudication, 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. Patty Jane Baxter agrees that should the Board reject this Agreement and if this case proceeds to hearing, she 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 date of Board President's signature below.

/s/ Patty Jane Baxter  
Patty Jane Baxter, Respondent

/d/ 3/1/99  
Date of Signature

/s/ Michael T. Judy  
Michael T. Judy, Attorney for Respondent

/d/ March First, 1999  
Date of Signature

/s/ Joseph J Maslak  
Joseph J. Maslak, President, Ohio State Board of Pharmacy

/d/ 3/8/99  
Date of Signature

/s/ Sally Ann Steuk  
Sally Ann Steuk, Ohio Assistant Attorney General

/d/ 3-9-99  
Date of Signature

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY  
(Docket No. D-980610-067)

In The Matter Of:

**DONALD R. RETTIG, R.Ph.**  
15247 Five Point Road  
Perrysburg, Ohio 43551  
(R.Ph. No. 03-3-06379)

This Settlement Agreement is entered into by and between Donald R. Rettig 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.

Donald R. Rettig 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.

Donald R. Rettig is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges that have been filed by the Board against him in the Notice of Opportunity for Hearing (hereinafter referred to as the "Notice") dated June 10, 1998, and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against his license to practice pharmacy in the state of Ohio, this Agreement is entered into 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. Paragraph (1) of the Notice is reiterated as follows:

(1) Records of the Board of Pharmacy indicate that Donald R. Rettig was originally licensed in the State of Ohio on November 13, 1956, pursuant

to examination and is currently licensed to practice pharmacy in the State of Ohio. Records further indicate that Donald R. Rettig is the Director of Pharmacy for The Pharm.

- (B) The allegations as stated in paragraph (2) of the Notice have been determined to be unfounded as the paragraph currently reads. Therefore, paragraph (2) is dismissed.
- (C) Donald R. Rettig admits to the allegations stated in paragraph (3) of the Notice, as amended. Further, the Board has evidence sufficient to sustain the allegation, as amended, and hereby adjudicates the same, as reiterated herein:
  - (3) Donald R. Rettig did, personally and as a representative of The Pharm #924, #912, and #918, allow, aid, and abet the pharmacies in failing to notify the Board of Pharmacy, the Drug Enforcement Administration, and/or law enforcement authorities upon discovery of the theft or significant loss of dangerous drugs or controlled substances in a timely manner, to wit: the following losses were discovered by Donald R. Rettig and the pharmacies, but were not reported in a timely manner:

The Pharm #924, from November 1, 1995, through May 1, 1996:

<u>Drug</u>	<u>Quantity</u>
Demerol 10mg	158ml
Demerol 50mg	46
Percocet 5mg	58
Methylphenidate 5mg	7
Methylphenidate 10mg	10
Roxilox 5mg	12
Roxicet	5

The Pharm #912, from April 30, 1995, through November 7, 1995:

<u>Drug</u>	<u>Quantity</u>
Dilaudid 2mg	31
Dilaudid 4mg	12
MS Contin 30mg	7

The Pharm #918, from January 15, 1996, through March 18, 1997:

<u>Drug</u>	<u>Quantity</u>
Xanax 1mg	10,996
Phentermine 37.5mg	2,547
Adipex - P	5,256
Phentermine 30mg	1,216
Fastin 30mg	382
Diazepam 5mg	786
Valium 5mg	62
Valium 10mg	663
Alprazolam 1mg	100
Dexedrine 5gm	97
Dexedrine 10mg	300
Dexedrine 15mg	37
Tuinal 200mg	120
Percocet	206
Oxycodone with APAP	251
Tylox	117
Roxilox	385

In addition, numerous dosage units were discovered missing when the stores' pharmacists prepared perpetual inventories; the pharmacists did not mention the shortages to Board agents when inspections were conducted, and written reports were not filed in a timely manner. Such conduct is in violation of Rule 4729-9-15 of the Ohio Administrative Code.

- (D) Additional information has been discovered regarding the allegations as stated in paragraph (4) of the Notice. Said information, known to Donald R. Rettig but not to the Board at the time of the issuance of the Notice, absolves Mr. Rettig's liability for any alleged wrongdoing. Paragraph (4) further alleges that Donald R. Rettig, knowing that a felony had been or was being committed, failed to report such information to law enforcement authorities. Donald R. Rettig produced an affidavit from a police officer which indicates that he did, in fact, instigate some official police involvement. As to this portion of the allegation, this affidavit exonerates Donald R. Rettig. Therefore, paragraph (4) of the Notice is dismissed.

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

Donald R. Rettig agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. 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 South High Street, 17th Floor, Columbus, Ohio 43266-0320.

Donald R. Rettig 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.

Donald R. Rettig waives any and all claims or causes of action he may have against the State of Ohio or the Board, and members, officers, employees, and/or agents of either, arising out of matters which are the subject of this Agreement. Donald R. Rettig waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

In the event the Board, in its discretion, does not adopt this Agreement as its Adjudication, 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. Donald R. Rettig 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 date of the Board President's signature below.

/s/ Donald R. Rettig  
Donald R. Rettig, R.Ph., Respondent

/d/ 3-3-99  
Date of Signature

/s/ Brian P. Barger  
Brian P. Barger, Attorney for Respondent

/d/ 3/3/99  
Date of Signature

/s/ Joseph J Maslak  
Joseph J. Maslak, Jr., President, Ohio State Board of Pharmacy

/d/ 3/8/99  
Date of Signature

/s/ Sally Ann Steuk  
Sally Ann Steuk, Ohio Assistant Attorney General

/d/ 3-9-99  
Date of Signature

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY  
(Docket No. D-980511-059)

In The Matter Of:

**RUTH ANNE ROBERTS, R.Ph.**  
517 East Fox Den  
Knoxville, Tennessee 37922  
(R.Ph. No. 03-1-07989)

This Settlement Agreement is entered into by and between Ruth Anne Roberts 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.

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

Ruth Anne Roberts is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges that have been filed by the Board against Ruth Anne Roberts and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against Ruth Anne Roberts's license to practice pharmacy in the state of Ohio, this Agreement is entered into 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) Ruth Anne Roberts neither admits nor denies the allegations stated in the Notice; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same:
  - (1) Records of the Board of Pharmacy indicate that Ruth Anne Roberts was originally licensed in the State of Ohio on August 19, 1963, pursuant to examination and is currently licensed to practice pharmacy in the state of Ohio.
  - (2) Ruth Anne Roberts did, on or about June 20, 1997, plead guilty to five (5) counts of Unlawful Dispensing or Distributing of Controlled Substances, in violation of the Tennessee Code Annotated Sections 53-11-301 through 53-11-401, Class D Felonies. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.
  - (3) Ruth Anne Roberts did, on or about March 26, 1997, sign a Consent Order with the Tennessee Board of Pharmacy wherein she was suspended for four (4) years, with all but ninety (90) days of the said period of suspension stayed, and with the remaining suspension after the ninety (90) days being a period of probation subject to several conditions.

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

- (A) The indefinite suspension of her pharmacist identification card, No. 03-1-07989.
  - (1) Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Ruth Anne Roberts may not be employed by or work in a facility licensed by the Ohio State 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 her 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.
- (B) Ruth Anne Roberts must petition the Board for reinstatement of the Ohio pharmacist license, which is the only pharmacist license held by Ruth Anne Roberts pursuant to examination. If the petition for reinstatement is for the purpose of reciprocity, the Ohio license will be reinstated upon receipt by the Board of a letter from the Tennessee Board of Pharmacy stating that the Tennessee pharmacist license held by Ruth Anne Roberts is in good standing at the time of the petition,

and that she has continually practiced pharmacy in the State of Tennessee. If Ruth Anne Roberts subsequently desires to practice pharmacy in Ohio upon the license reinstated for the purpose of reciprocity, she shall notify the Board, and at the election of the Board, appear at a hearing prior to engaging in practice in Ohio. Finally, if at the time of first petitioning the Board for reinstatement of the Ohio license the purpose is to practice pharmacy in Ohio, Ruth Anne Roberts shall personally appear at the hearing on the petition.

If, in the judgment of the Board, Ruth Anne Roberts appears to have violated or breached any terms or conditions of this Agreement, the Ohio State Board of Pharmacy reserves the right to, at any time, revoke probation, modify the conditions of probation, and reduce or extend the period of probation, and/or the Board may institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violation of the laws of Ohio occurring before the effective date of this Agreement.

Ruth Anne Roberts acknowledges that she has had an opportunity to ask questions concerning the terms of this agreement and that all questions asked have been answered in a satisfactory manner. 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.

Ruth Anne Roberts waives any and all claims or causes of action she may have against the State of Ohio or the Board, and members, officers, employees, and/or agents of either, arising out of matters which are the subject of this Agreement. Ruth Anne Roberts waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

In the event the Board, in its discretion, does not adopt this Agreement as its Adjudication, 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. Ruth Anne Roberts agrees that should the Board reject this Agreement and if this case proceeds to hearing, she 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 date of Board President's signature below.

<u>/s/ Ruth Anne Roberts</u> Ruth Anne Roberts, Respondent	<u>/d/ 1/22/99</u> Date of Signature
<u>/s/ Walter L Fitzgerald Jr</u> Walter L. Fitzgerald, Jr., Attorney for Respondent	<u>/d/ 2/5/99</u> Date of Signature
<u>/s/ Joseph J Maslak</u> Joseph J. Maslak, Jr., President, Ohio State Board of Pharmacy	<u>/d/ 3/8/99</u> Date of Signature
<u>/s/ Sally Ann Steuk</u> Sally Ann Steuk, Ohio Assistant Attorney General	<u>/d/ 3-9-99</u> Date of Signature

The Probation Report was given to the Board by Mr. Repke and Mr. Benedict and it was accepted by the Board.

11:20 a.m.

The Board recessed for lunch.

1:00 p.m.

**RES. 99-151** Mr. Cavendish joined the meeting and all of the Board members, with the exception of Mrs. Adelman, reconvened in Room 1919 for the purpose of meeting with the candidates for licensure by reciprocity. Following presentations by Board members and self-introductions by the candidates for licensure by reciprocity, Mr. Cavendish moved that the Board approve the following candidates for licensure. The motion was seconded by Mr. Lamping and approved by the Board (Aye-7/Nay-0).

ELMER, PAUL JOSEPH  
LEUNG, JENNIFER YA LING  
LOTFIFARD, ZAHRA

03-2-23449  
03-2-23458  
03-2-23456

INDIANA  
NEW JERSEY  
MICHIGAN

LYONS, CHRIS ANN	03-2-23436	PENNSYLVANIA
MADDING, KATHARINE LOIS	03-2-23452	MICHIGAN
OGDEN, RAY D.	03-2-23462	WEST VIRGINIA
PELLEGRINO, MARK J.	03-2-23461	NEW YORK
SADLER, SARAH GAYLE	03-2-23451	TENNESSEE
SAID, KATHRYN	03-2-23430	NEW YORK
SEIB, CYNTHIA ANN	03-2-23406	INDIANA

1:30 p.m.

The Board reconvened in Room 1914 to continue with the business of the Board.

**RES. 99-152** Mr. Winsley asked the Board to grant those reciprocity candidates who were unable to attend the reciprocity meeting due to the inclement weather the opportunity to come to the Board office at a later date for the Jurisprudence Review and that Board staff be allowed to issue those candidates their pharmacist identification card at that time. All candidates who had been scheduled to appear had provided complete applications prior to the scheduled meeting. Mrs. Plant moved that Board staff be permitted to do this. The motion was seconded by Mr. Repke and approved by the Board (Aye-7/Nay-0).

**RES. 99-153** The Board was joined by Assistant Attorney General Sally Ann Steuk and David Rowland, Legal Affairs Administrator, to discuss a proposed Cease and Desist letter to Madison Pharmacy Associates. After discussion, Mrs. Neuber moved that the Board issue the following Cease and Desist letter to Madison Pharmacy Associates, Madison, Wisconsin:

CEASE AND DESIST

Madison Pharmacy Associates  
 Women's Health America Group  
 P.O. Box 259690  
 Madison, WI 53725

To Whom It May Concern:

It has come to the attention of the Ohio State Board of Pharmacy that your company has sent a letter by facsimile to a pharmacy located in Ohio which indicated the availability of dangerous drugs for sale to the pharmacy. A copy of the facsimile is attached hereto.

The word "Sell" is defined in Section 4729.02 of the Ohio Revised Code to include an offer for sale. Further, Section 4729.51(A) of the Ohio Revised Code states in pertinent part: "No person other than a registered wholesale distributor of dangerous drugs shall . . . sell, distribute, or deliver, at wholesale, dangerous drugs . . ." Madison Pharmacy Associates is not so licensed and therefore cannot legally distribute dangerous drugs at wholesale into Ohio. To do so is in violation of Ohio law.

The facsimile also infers the possibility that your pharmacy is compounding these medications, then selling them at retail. If this is the case, please know that Section 4729.551 of the Ohio Revised Code states as follows:

Each person, whether located within or outside this state, who sells dangerous drugs at retail for delivery or distribution to persons residing in this state, shall be licensed as a terminal distributor of dangerous drugs pursuant to sections 4729.54 and 4729.55 of the Revised Code.

. . .

Additionally, a pharmacist must be presented with a patient-specific prescription so as to compound dangerous drugs; otherwise, the activity is construed to be manufacturing and the facility would need to be licensed by the federal government as a manufacturer. If this is the case with your facility, please notify this Board accordingly.

A violation of Section 4729.51(A) of the Ohio Revised Code, selling drugs at wholesale without being licensed to do so, is a misdemeanor of the first degree, punishable by a fine of \$1,000.00 and incarceration up to 6 months for an individual, and punishable by a fine of \$5,000.00 for an organization. A violation of Section 4729.51(C) of the Ohio Revised Code, selling dangerous drugs at retail without being licensed to do so, is a felony of the third

degree, punishable by a fine of \$10,000.00 and incarceration from one to five years for an individual, and punishable by a fine of \$15,000.00 for an organization. Though your facsimile is limited to dangerous drugs, you should also be aware that Section 2925.03 of the Ohio Revised Code prohibits the sale of controlled substances unless the seller is acting in accordance with Chapters 3719. and 4729. of the Ohio Revised Code, each of which requires licensure. A violation of this section is a felony depending upon the amount of the substance, and is punishable by a mandatory fine of up to \$15,000.00 and incarceration up to life for an individual, and is punishable by a fine of \$25,000.00 for an organization.

If your company intends to make additional sales into this state, either wholesale or retail, you should contact this Board for appropriate licensing information. Otherwise, you are hereby advised to cease making sales into this state, and desist from any further violations of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

cc: Sally Ann Steuk, Assistant Attorney General  
William McMillen, R.Ph., Licensing Administrator

The motion was seconded by Mr. Cavendish and approved by the Board (Aye-6/Nay-0/Not present at time of vote-1[Littlejohn]).

1:45 p.m.

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

PER DIEM	<u>03/08</u>	<u>03/09</u>	<u>Total</u>
Abele	1	1	2
Adelman	-	-	0
Cavendish	1	1	2
Lamping	1	1	2
Littlejohn	1	1	2
Maslak	1	1	2
Neuber	1	1	2
Plant	1	1	2
Repke	1	1	2

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

1:46 p.m.

Mr. Cavendish moved that the meeting be adjourned. The motion was seconded by Mr. Repke and approved (Aye-7/Nay-0).

/s/ Joseph J Maslak  
Joseph J. Maslak, President

/d/ 4/14/99  
Date

/s/ W T Winsley  
William T. Winsley, Executive Director