



MINUTES OF THE MARCH 5-6, 2018
MEETING OF THE STATE OF OHIO BOARD OF PHARMACY

Monday, March 5, 2018

10:01 a.m. The State of Ohio Board of Pharmacy convened in the Hearing Room, 17th Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

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

Curtis L. Passafume, Jr., RPh; Absent.

Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Sarah Ackman, *Senior Legal Counsel*; Joe Koltak, *Senior Legal Counsel*; Jenni Wai, *Chief Pharmacist*; Eric Griffing, *Director of Compliance and Enforcement*; Yvonne Tertel, *Assistant Attorney General*; and Cameron McNamee, *Director of Policy and Communications*.

The Board was joined by Assistant Attorney General Yvonne Tertel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Jodie Lones, RPh, Havelock, North Carolina**.

10:46 a.m. The hearing ended and the record was closed.

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

11:17 a.m. The recess ended and the hearing was opened to the public.

R-2018-266 After votes were taken in public session, the Board adopted the following order in the matter of **Jodie Lones, RPh, Havelock, North Carolina**.



ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2017-2316)

In The Matter Of:

Jodie Lones, RPh
202 Cindy Lane
Havelock, North Carolina 28532
(License No. 03-1-24227)

INTRODUCTION

The Matter of Jodie Lones came for hearing on March 5, 2018, before the following members of the State of Ohio Board of Pharmacy (Board): Megan E. Marchal, RPh, *Presiding*; Joshua M. Cox, RPh; Michael A. Moné, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Shawn C. Wilt, RPh and Kilee S. Yarosh, RPh.

Curtis L. Passafume, Jr., RPh; Absent.

Jodie Lones was represented by Stephen Yurik. The State of Ohio was represented by Yvonne Tertel, Assistant Attorney General.

SUMMARY OF EVIDENCE**State's Witnesses:**

1. Chandra Galante, RPh—State of Ohio Board of Pharmacy

Respondent's Witnesses:

1. Jodie Lones, RPh—Respondent

State's Exhibits:

- | | | |
|-----|--|------------|
| 1. | Notice of Opportunity for Hearing | 12-19-2017 |
| 2. | Request for Hearing | 01-10-2018 |
| 3. | Scheduling Letter | 01-22-2018 |
| 4. | Credential View Screen | No Date |
| 5. | OSBP Letter of Deficiency | 07-06-2017 |
| 6. | Attestation of Continuing Education Form | 02-22-2017 |
| 7. | Letter from Jodie Lones | No Date |
| 8. | Pharmacist's Letter Materials | 02-16-2017 |
| 9. | CPE Monitor Activity Transcripts (03-01-2013 – 09-15-2016) | Various |
| 10. | OSBP Certificates of Continuing Pharmacy Education | Various |
| 11. | CPE Monitor Activity Transcript (09-16-2016 – 01-01-2017) | Various |

Respondent's Exhibits:

A.	E-mail of Jodie Lones to Chandra Galante	02-20-2017
B.	Pharmacist's Letter's Total of CE Hours Completed	02-16-2017
C.	Pharmacist's Letter's Listing of Courses Completed	02-16-2017
D.	CPE Monitor's Activity Transcript	02-16-2017
E.	Character letter from Antoinette Nadine Dobbins	02-27-2018

DECISION OF THE BOARD

The Board hereby dismisses the Notice of Opportunity for Hearing issued to Jodie Lones, dated December 19, 2017.

Mr. Moné moved for Action of the Board; Mr. Weaver seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

11:18 a.m. The Board recessed briefly.

11:27 a.m. The meeting reconvened in the Hearing Room.

The Board was joined by Assistant Attorney General Yvonne Tertel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Carolyn Ford, RPh, Toledo, Ohio.**

11:46 a.m. The hearing ended and the record was closed.

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

11:56 a.m. The recess ended and the hearing was opened to the public.

R-2018-267 After votes were taken in public session, the Board adopted the following order in the matter of **Carolyn Ford, RPh, Toledo, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2016-1027)

In The Matter Of:

Carolyn Ford, RPh

647 Caswell Avenue

Toledo, Ohio 43609

(License No. 03-2-17985)

INTRODUCTION

The Matter of Carolyn Ford came for consideration on March 5, 2018, before the following members of the State of Ohio Board of Pharmacy (Board): Megan E. Marchal, RPh, *Presiding*; Joshua M. Cox, RPh; Michael A. Moné, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Shawn C. Wilt, RPh and Kilee S. Yarosh, RPh.

Curtis L. Passafume, Jr., RPh; Absent.

Carolyn Ford was not present nor represented by Counsel. The State of Ohio was represented by Yvonne Tertel, Assistant Attorney General.

SUMMARY OF EVIDENCE**State's Witnesses:**

1. Homer Chapa—State of Ohio Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
|----|--|------------|
| 1. | Notice of Opportunity for Hearing | 10-31-2017 |
| 2. | Credential View Screen | No Date |
| 3. | OSBP Licensing Materials and E-mail from Carolyn Ford | 01-12-2016 |
| 4. | Certified Docket Entry from Toledo Municipal Court | 02-20-2016 |
| 5. | Certified Court Records and Docket from Perrysburg Municipal Court | 02-06-2016 |
| 6. | Perrysburg Police Division Records | 03-22-2016 |

Respondent's Exhibits:

None

FINDINGS OF FACT

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

1. On Carolyn Ford's renewal application submitted on or about September 15, 2015, she answered "No" to the question inquiring in the last 18 months whether she had a record of arrest of criminal charges pending or had a conviction of a felony, misdemeanor, or traffic violation (even if expunged or sealed) or the equivalent thereof in another jurisdiction?
 - a. On or about December 23, 2014, Carolyn Ford was charged with criminal damaging and disorderly conduct, both misdemeanor offenses, in Toledo Municipal Court. On or about March 19, 2015, she entered a plea of no contest and was found guilty of disorderly conduct. She was sentenced to 30 days suspended jail time and placed on inactive probation for 1 year ending March 19, 2016. Carolyn Ford was also ordered to pay the fines, costs and restitution. Case No. CRB-14-20032-0102 (disorderly conduct) and CRB-14-20032-0202 (criminal mischief).
 - b. On or about February 8, 2016, Carolyn Ford was charged with menacing for an ongoing offense occurring between the dates of February 3, 2016 and February 5, 2016, a misdemeanor of the fourth degree, in Perrysburg Municipal Court. On or about July 18, 2016 she was placed in the Court's Mental Health Deferred Finding Program on the conditions that you successfully complete treatment, take all medications as prescribed, and pay the costs associated. On or about July 18, 2016, she successfully completed the program and the case was dismissed. Case No. CRB 1600133

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact constitutes a violation of Section 4729.08(B) of the ORC and Rule 4729-5-04(C) of the OAC, not of good moral character and habits.
2. Such conduct as set forth in paragraph (1) of the Findings of Fact constitutes a violation of the following divisions of (A)(2) of section 4729.16 of the ORC:
 - a. Guilty of gross immorality, ORC Section 4729.16(A)(1); and
 - b. Guilty of willfully violating...any of the provisions of this chapter...or any rule adopted by the board under those provisions, ORC Section 4729.16(A)(5); and
 - c. Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code, ORC 4729.16(A)(10).

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State of Ohio Board of Pharmacy imposes a monetary penalty in the amount of \$650.00, by means of a cashier's check made

payable to "Treasurer, State of Ohio," mailed with the enclosed form to the OSBP, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, prior to submitting an application for the renewal of license number, 03-2-17985.

Ms. Rudell moved for Findings of Fact; Mr. Weaver seconded the motion. Motion passed (Aye-7/Nay-0).

Mr. Wilt moved for Conclusions of Law; Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

Mr. Weaver moved for Action of the Board; Mr. Wilt seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

11:58 a.m. The Board recessed for lunch.

1:00 p.m. The meeting reconvened in the Hearing Room.

Mr. Griffin provided the Compliance and Enforcement update.

Mr. Cox provided the PAPC Committee report.

Ms. Dehner provided the Legal Report.

Ms. Galante provided the Licensing update.

R-2018-268 Mr. Wilt moved that the Board adopt the following Resolution:

Pharmacy Technician Registration

All technicians who submit application materials for registration by 11:59 pm on April 6, 2018 will be issued a notification by the Board indicating the person may practice as the technician classification (trainee, registered or certified) for which the application was submitted. The notification will be valid until a date to be determined by the Board at the April 2018 meeting.

The motion was seconded by Mr. Newlon and approved by the Board: Aye-7.

R-2018-269 Ms. Yarosh moved that the Board approve the decision of the Responsible Person Committee. The motion was seconded by Mr. Cox and approved by the Board: Aye-7.

R-2018-270 The Board received an application for the Continuing Education Provider Status of **Celeste Wise, R.Ph.** (03-2-30268) Twinsburg, Ohio. Ms. Yarosh moved that the Continuing Education Provider Status be approved. The motion was seconded by Ms. Rudell and approved by the Board: Aye – 6/Abstain-1.

- 1:32 p.m.** Mr. Schierholt provided the MMAC Committee updates and the OARRS/IT report.
- 1:46 p.m.** Ms. Wai led a discussion regarding flavoring and reconstitution of compounding agents.
- 2:20 p.m.** Mr. Weaver moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law pursuant to Section 121.22(G)(1), (3) & (5) of the Ohio Revised Code. The motion was seconded by Mr. Moné and a roll-call vote was conducted by President Marchal as follows: Cox-yes; Newlon-yes; Moné - yes; Rudell-yes; Weaver-yes; Wilt-yes and Yarosh-yes.
- 3:04 p.m.** The meeting reconvened in the Hearing Room.
- Mr. McNamee provided the Legislative update.
- R-2018-271** Mr. Weaver moved that the Board approve the Distributor of Dangerous Drugs Rule packet for filing with CSI. The motion was seconded by Mr. Cox and approved by the Board: Aye-6.
- R-2018-272** Mr. Wilt moved that the Board adopt the following Resolution:

Medical Oxygen by First Responders

Pursuant to paragraph (F)(3) of rule 4729-9-05 of the Administrative Code, the Board hereby authorizes individuals licensed or certified under Chapter 4765. of the Revised Code to remove medical oxygen from a licensed terminal distributor of dangerous drugs in order to treat current or prospective patients. The medical oxygen may be maintained by the individuals authorized by this resolution for an amount of time as determined by the licensee's medical director. Medical oxygen shall be administered in accordance with the licensee's protocol or valid prescriber order.

In accordance with paragraph (F)(3) of rule 4729-9-05 of the Administrative Code, the individuals authorized by to this resolution shall maintain personal supervision and control over the medical oxygen removed from the terminal distributor. If personal supervision is not provided, the medical oxygen shall be physically secured in a manner to prevent unauthorized access and shall be stored at temperatures which will ensure the integrity of the medical oxygen prior to its use as stipulated by the USP/NF and/or the manufacturer's or distributor's labeling.

The motion was seconded by Ms. Rudell and approved by the Board: Aye-6.

- R-2018-273** Ms. Yarosh moved that the Board approve the following Resolution

Recognition of National Accrediting Bodies for Home Medical Equipment

The Board hereby approves of the following accrediting bodies that meet the requirements set forth in Ohio Administrative Code 4761:1-4-01.

- American Board for Certification in Orthotics, Prosthetics & Pedorthics, Inc. (ABC)
- Accreditation Commission for Health Care (ACHC)

- Board for Orthotist/Prosthetist Certification (BOC)
- Committee on Accreditation of Rehabilitation Facilities (CARF)
- Community Health Accreditation Program, Inc. (CHAP)
- Healthcare Quality Association on Accreditation (HQAA)
- The Compliance Team, Inc. (TCT)
- The Joint Commission on Accreditation of Healthcare Organizations

The motion was seconded by Ms. Rudell and approved by the Board: Aye-6.

R-2018-274 Ms. Yarosh moved that the Board approve Rule 4729:5-3-01. The motion was seconded by Mr. Cox and approved by the Board: Aye-6/Abstain-1.

R-2018-275 Mr. Weaver moved that the Board approve the Technician Course Standards as presented. The motion was seconded by Mr. Newlon and approved by the Board: Aye-6.

4:04 p.m. Mr. Weaver moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law pursuant to Section 121.22(G)(1), (3) & (5) of the Ohio Revised Code. The motion was seconded by Ms. Rudell and a roll-call vote was conducted by President Marchal as follows: Cox-yes; Newlon-yes; Moné - yes; Rudell-yes; Weaver-yes; Wilt-yes and Yarosh-yes.

4:30 p.m. Executive Session concluded and the Board recessed for the day.

Tuesday, March 6, 2018

9:01 a.m. The State of Ohio Board of Pharmacy convened in the Hearing Room, 17th Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Megan E. Marchal, RPh, Presiding; Richard J. Newlon, *Public Member*; Joshua M. Cox, RPh; Michael A. Moné, RPh; Curtis L. Passafume, Jr., RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Shawn C. Wilt, RPh; and Kilee S. Yarosh, RPh.

R-2018-276 Mr. Wilt moved that the Board approve the Board Meeting Minutes of February 5-6, 2018, as written. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-7/Abstain-1.

9:04 a.m. The Board was joined by Assistant Attorney General Yvonne Tertel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Kristine King, RPh, Powell, Ohio.**

9:45 a.m. The hearing ended and the record was closed.

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

10:10 a.m. The recess ended and the hearing was opened to the public.

R-2018-277 After votes were taken in public session, the Board adopted the following order in the matter of **Kristine King, RPh, Powell, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2017-1249)

In The Matter Of:

Kristine King, RPh

175 Valley Run Place

Powell, Ohio 43065

(License No. 03-2-15424)

INTRODUCTION

The Matter of Kristine King came for hearing on March 6, 2018, before the following members of the State of Ohio Board of Pharmacy (Board): Megan E. Marchal, RPh, *Presiding*; Joshua M. Cox, RPh; Michael A. Moné, RPh; Richard J. Newlon, *Public Member*; Curtis L. Passafume, Jr., RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Shawn C. Wilt, RPh and Kilee S. Yarosh, RPh.

Kristine King was represented by Bradley Koffel. The State of Ohio was represented by Yvonne Tertel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Leslie Arnold—State of Ohio Board of Pharmacy

Respondent's Witnesses:

1. Kristine King, RPh—Respondent

State's Exhibits:

- | | | |
|----|-----------------------------------|------------|
| 1. | Notice of Opportunity for Hearing | 10-24-2017 |
| 2. | Request for Hearing | 11-21-2017 |
| 3. | Scheduling Letter | 11-27-2017 |
| 4. | Credential View Screen | No Date |

5.	Schedule II Prepetual Inventory Form	04-28-2017
6.	DEA Form 106	02-20-2017
7.	Kristine King Statement	02-13-2017
8.	Kristine King E-mail to Melissa Bocock	02-13-2017
9.	Melissa Bocock Statement	02-28-2017

Respondent's Exhibits:

None

FINDINGS OF FACT

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

1. On or about February 8, 2017, Kristine King did, without consent, remove a 20-mg stock bottle of Dextroamphetamine Saccharate, Amphetamine Aspartate, Dextroamphetamine Sulfate and Amphetamine Sulfate, hereinafter referred to as amphetamine salts, containing five 20 mg tablets from the Walmart location where she was employed as a pharmacist, Walmart Pharmacy #10-2149 located at 1575 Coshocton Ave., Mt. Vernon, OH 43050 (Knox County).
2. The discovery was made on or about Sunday, February 12, 2017, when Walmart Pharmacy Manager Melissa Bocock, R.Ph. conducted a periodic audit of the pharmacy's schedule II controlled substance stock.
3. Kristine King acknowledged that she had inadvertently placed the bottle in her purse while working within the pharmacy on February 8th and had taken the drug home. She agreed to return the drugs to the pharmacy when she reported for her next scheduled shift on February 13, 2017; however, when she returned to work she neglected to return the controlled substances. She was ordered to return home to retrieve the tablets and to bring them back to the pharmacy, which she did later that afternoon.

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact constitutes a violation of the following divisions of (A)(2) of section 4729.16 of the ORC, as effective July 16, 2015, each violation constituting a minor misdemeanor:
 - a. Guilty of unprofessional conduct in the practice of pharmacy, ORC Section 4729.16(A)(2);

Further, the Board hereby grants the State's Motion to Seal the Record in this matter including, but not limited to, all confidential patient health information contained in the record, specifically State's exhibit: 5.

Ms. Yarosh moved for Findings of Fact; Mr. Wilt seconded the motion. Motion passed (Aye-8/Nay-0).

Mr. Wilt moved for Conclusions of Law; Mr. Weaver seconded the motion. Motion passed (Aye-8/Nay-0).

SO ORDERED.

10:12 a.m. The Board recessed briefly.

10:27 a.m. The meeting reconvened in the Hearing Room.

R-2018-278 Ms. Marchal announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. 2017-2305**

Katie Angus
2119 Marks Road
Valley City, Ohio 44280
License No. 03-1-29319

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and Katie Angus, for the purpose of resolving all issues between the parties relating to the OSBP investigation of Katie Angus's failure to obtain the required amount of continuing education units. Together, OSBP and Katie Angus are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Katie Angus is a licensed pharmacist under license number 03-1-29319.

FACTS

1. The OSBP initiated an audit of continuing education units completed by Katie Angus, pharmacist license number 03-1-29319. The audit showed she failed to complete the required hours.

2. On or about November 27, 2017, the OSBP sent a Notice of Opportunity for Hearing to Katie Angus, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Katie Angus neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated November 27, 2017; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. The State of Ohio Board of Pharmacy hereby reprimands Katie Angus.
4. Katie Angus agrees to pay to the Board a monetary penalty in the amount of \$500.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
5. Katie Angus must obtain, within 90 days from the effective date of this Agreement, 60 hours of approved continuing pharmacy education (6.0 CEUs) which may not also be used for license renewal.
6. The 28.75 hours (2.875 CEUs) of continuing pharmacy education that were proactively completed by Katie Angus, after the Request for Evidence of Completion of Continuing Education letter was mailed, will count towards the continuing pharmacy education in term #5 leaving 31.25 hours (3.125 CEUs) of continuing pharmacy education owed to the Board. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
7. Katie Angus agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Katie Angus understands that she has the right to be represented by counsel for review and execution of this agreement.
9. Katie Angus agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.

10. Katie Angus waives any request for a hearing in this matter and an opportunity to be heard pursuant to Chapter 119 of the Ohio Revised Code, and specifically waives any right to an appeal.

11. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

12. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

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

R-2018-279

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

**IN THE MATTER OF:
CASE NO. 2017-2282**

Robert Bryan Hutcheson
1540 East Lower Springboro Road
Waynesville, Ohio 45068
License No. 03-1-15062

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and Robert Bryan Hutcheson, for the purpose of resolving all issues between the parties relating to the OSBP investigation of Robert Bryan Hutcheson's failure to obtain the required amount of continuing education units. Together, OSBP and Robert Bryan Hutcheson are referred to hereinafter as "the parties."

JURISDICTION

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

2. Robert Bryan Hutcheson is a licensed pharmacist under license number 03-1-15062.

FACTS

1. The OSBP initiated an audit of continuing education units completed by Robert Bryan Hutcheson, pharmacist license number 03-1-15062. The audit showed he failed to complete the required hours.

2. On or about November 21, 2017, the OSBP sent a Notice of Opportunity for Hearing to Robert Bryan Hutcheson, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

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

TERMS

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

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

2. Robert Bryan Hutcheson neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated November 21, 2017; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.

3. The State of Ohio Board of Pharmacy hereby reprimands Robert Bryan Hutcheson.

4. Robert Bryan Hutcheson agrees to pay to the Board a monetary penalty in the amount of \$500.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.

5. Robert Bryan Hutcheson must obtain, within 90 days from the effective date of this Agreement, 22 hours of approved continuing pharmacy education (2.2 CEUs) which may not also be used for license renewal.

6. The 23.5 hours (2.35 CEUs) of continuing pharmacy education that were proactively completed by Robert Bryan Hutcheson, after the Request for Evidence of Completion of Continuing Education letter was mailed, will count towards the continuing pharmacy education in term #5 leaving 0 hours (0.0 CEUs) of continuing pharmacy education owed to the Board. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.

7. Robert Bryan Hutcheson agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

8. Robert Bryan Hutcheson understands that he has the right to be represented by counsel for review and execution of this agreement.

9. Robert Bryan Hutcheson agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.

10. Robert Bryan Hutcheson waives any request for a hearing in this matter and an opportunity to be heard pursuant to Chapter 119 of the Ohio Revised Code, and specifically waives any right to an appeal.

11. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

12. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

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

R-2018-280

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

**IN THE MATTER OF:
Docket No. D-090806-009
Case No. 2018-1109**

Brian Martin
1528 Mud Switch Road
Martinsville, Ohio 45146
***SURRENDERED* License No. 03-3-25201**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Brian Martin, for the purpose of resolving all issues between the parties relating to Brian Martin's Board Order dated October 6, 2011. Together, the Board and Brian Martin are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy in the state of Ohio.

2. Brian Martin's pharmacists license, license no. 03-3-25201, was suspended by the Board on October 6, 2011 and remains indefinitely suspended.

FACTS

On or about January 19, 2018, the Board initiated an investigation related to Brian Martin's potential employment at an Ohio-licensed drug distributor applicant.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. **BRIAN MARTIN PERMANENTLY AND VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY HIS LICENSE AND REGISTRATION TO PRACTICE PHARMACY, LICENSE NO. 03-3-25201, WITH DISCIPLINE PENDING.**
3. **Brian Martin agrees to immediately return his license and wall certificate to the Board, if the Board is not already in possession of both.**
4. **Brian Martin may not reapply for any license issued by the State of Ohio Board of Pharmacy pursuant to Chapters 3719., 3796., 4729., or 4752. of the Revised Code without first petitioning the Board and demonstrating completion of the terms of the October 6, 2011 Board Order.**
5. **The Board, in the October 6, 2011 Board Order, hereby modifies term (A) in the Decision of the Board which states, "Brian Lee Martin, pursuant to Rule 4729-9-07(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drug during such period of suspension." The Board specifically authorizes Brian Martin to work solely for a licensee whose license has been issued pursuant to Section 4729.53 of the Revised Code in a sales/marketing position as described in Brian Martin's letter dated January 30, 2018 and as described in the letter from Ron Ferguson, R.Ph, on behalf of Premier Rx Wholesale, dated February 1, 2018.**
6. Brian Martin agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Brian Martin understands that he has the right to be represented by counsel for review and execution of this agreement.
8. Brian Martin waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.

9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

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

R-2018-281

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

**IN THE MATTER OF:
Case No. 2017-1607**

Marcella Iseman, R.Ph.
7202 English Drive
Newton, Ohio 45244
Surrendered License No. 03-1-35653

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Marcella Iseman, for the purpose of resolving all issues between the parties relating to the Board investigation of Marcella Iseman's theft of a Scheduled II controlled substance, which was adjudicated on February 5, 2018. Together, the Board and Marcella Iseman are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy as a pharmacist in the state of Ohio.

2. Marcella Iseman is an Ohio-licensed pharmacist under suspended license number 03-1-35653.

FACTS

1. On or about April 24, 2017, the Board initiated an investigation of Marcella Iseman, pharmacist license number 03-1-35653, related to Marcella Iseman's theft of a Scheduled II controlled substance.

2. On or about April 27, 2017 the Board summarily suspended Marcella Isemann's Ohio license as a pharmacist, outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.
3. On or about May 10, 2017, Marcella Isemann timely requested an administrative hearing, which was subsequently scheduled for September 11, 2017.
4. The case came before the Board for administrative hearing on February 5, 2018 and the Board issued its final order on February 13, 2018.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Subsequent to the Board's order being issued on February 13, 2018, the Board was contacted by Marcella Isemann on February 28, 2018 by email in which she requested to surrender her license.
3. **MARCELLA ISEMANN PERMANENTLY AND VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY HER LICENSE AND REGISTRATION TO PRACTICE PHARMACY, LICENSE NO. 03-1-35653, WITH DISCIPLINE PENDING.**
4. Marcella Isemann agrees to immediately return her license and wall certificate to the Board, if the Board is not already in possession of both.
5. Marcella Isemann may never reapply for any license issued by the State of Ohio Board of Pharmacy pursuant to Chapters 3719., 3796., 4729. or 4752. of the Revised Code.
6. Marcella Isemann agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Marcella Isemann understands that she has the right to be represented by counsel for review and execution of this agreement.
8. Marcella Isemann agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license.
9. Marcella Isemann waives any right to appeal.

10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

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

R-2018-282

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

**IN THE MATTER OF:
CASE NO. 2017-2351**

Nelson Waynesboro
588 Meadow Glen Lane
Tallmadge, OH 44278
License No. 03-1-32020

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and Nelson Waynesboro, for the purpose of resolving all issues between the parties relating to the OSBP investigation of Nelson Waynesboro's failure to obtain the required amount of continuing education units. Together, OSBP and Nelson Waynesboro are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Nelson Waynesboro is a licensed pharmacist under license number 03-1-32020.

FACTS

1. The OSBP initiated an audit of continuing education units completed by Nelson O. Waynesboro, pharmacist license number 03-1-32020. The audit showed he failed to complete the required hours.

2. On or about January 5, 2018 the OSBP sent a Notice of Opportunity for Hearing to Nelson O. Waynesboro, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Nelson Waynesboro neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated January 5, 2018; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. The State of Ohio Board of Pharmacy hereby reprimands Nelson Waynesboro.
4. Nelson Waynesboro agrees to pay to the Board a monetary penalty in the amount of \$750.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
5. Nelson Waynesboro must obtain, within 90 days from the effective date of this Agreement, 108 hours of approved continuing pharmacy education (10.8 CEUs). Of the total required, at least 3 hours (0.3 CEUs) must be obtained in law, and 2 hours (0.2CEU) must be obtained in patient or medication safety which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
6. The 72 hours (7.2 CEUs) of continuing pharmacy education that were proactively completed by Nelson Waynesboro, after the Request for Evidence of Completion of Continuing Education letter was mailed, will count towards the continuing pharmacy education in term #5 leaving 36 hours (3.6 CEUs) of continuing pharmacy education owed to the Board. Copies of the completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
7. Nelson Waynesboro agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Nelson Waynesboro understands that he has the right to be represented by counsel for review and execution of this agreement.
9. Nelson Waynesboro agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds

a professional license, including to the OSBP on renewal applications or applications for a new license.

10. Nelson Waynesboro waives any request for a hearing in this matter and an opportunity to be heard pursuant to Chapter 119 of the Ohio Revised Code, and specifically waives any right to an appeal.

11. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

12. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

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

10:30 a.m. The Board was joined by Assistant Attorney General Yvonne Tertel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Stephen Mayo, RPh, Ironton, Ohio.**

10:41 a.m. The hearing ended and the record was closed.

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

10:49 a.m. The recess ended and the hearing was opened to the public.

R-2018-283 After votes were taken in public session, the Board adopted the following order in the matter of **Stephen Mayo, RPh, Ironton, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2017-1659)

In The Matter Of:

Stephen D. Mayo, RPh

PO Box 519

Ironton, Ohio 45638

(License No. 03-2-21460)

INTRODUCTION

The Matter of Stephen D. Mayo came for consideration on March 6, 2018, before the following members of the State of Ohio Board of Pharmacy (Board): Megan E. Marchal, RPh, *Presiding*; Joshua M. Cox, RPh; Michael A. Moné, RPh; Richard J. Newlon, *Public Member*; Curtis L. Passafume, Jr., RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Shawn C. Wilt, RPh and Kilee S. Yarosh, RPh.

Stephen D. Mayo was not present nor represented by Counsel. The State of Ohio was represented by Yvonne Tertel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Jason Doty—State of Ohio Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
|----|---|------------|
| 1. | Notice of Opportunity for Hearing | 10-31-2017 |
| 2. | Credential View Screen | No Date |
| 3. | Fruth Pharmacy Summary | 05-09-2017 |
| 4. | Fruth Pharmacy Exit Interview of Stephen D. Mayo | 05-09-2017 |
| 5. | Fruth Pharmacy Termination Form of Stephen D. Mayo | 05-09-2017 |
| 6. | Fruth Pharmacy Restitution Agreement with Stephen D. Mayo | 05-09-2017 |
| 7. | Fruth Pharmacy Pinpoint Audit | 05-08-2017 |
| 8. | Statement of Stephen D. Mayo | 05-15-2017 |
| 9. | Jackson County Municipal Court Complaint | 06-07-2017 |

Respondent's Exhibits:

None

FINDINGS OF FACT

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

1. Between the dates of approximately October 1, 2016 through May 9, 2017, Stephen D. Mayo admitted to taking, without consent or prescription, 31 tablets of Viagra 100mg for his own personal use from a stock bottle at Fruth Pharmacy in Wellston, Ohio, where he was employed. He has paid restitution to Fruth Pharmacy.

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact constitutes a violation of Section 4729.08(B) of the ORC, not of good moral character and habits.
2. Such conduct as set forth in the Findings of Fact constitutes a violation of division (B)(6) of Section 2913.02 of the ORC.
3. Such conduct as set forth in the Findings of Fact constitutes a violation of the following divisions of (A)(2) of section 4729.16 of the ORC:
 - a. Guilty of dishonesty or unprofessional conduct in the practice of pharmacy, ORC Section 4729.16(A)(2); and
4. Such conduct as set forth in the Findings of Fact constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of April 6, 2017:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16 Section (A)(2)(b); and
5. Such conduct as set forth in the Findings of Fact constitutes a violation of each of the following divisions of Rule 4729-5-04 of the OAC as effective April 28, 2016:
 - a. Violated any state or federal law or rule regardless of the jurisdiction in which the acts were committed, OAC Rule 4729-5-04(A); and
 - b. Violated...any of the provisions of Chapters 4729...of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729-5-04(B); and

DECISION OF THE BOARD

1. After consideration of the record as a whole, the State of Ohio Board of Pharmacy hereby reprimands Stephen D. Mayo for his actions in this matter.
2. Pursuant to Section 4729.56 of the Ohio Revised Code, the State of Ohio Board of Pharmacy imposes a monetary penalty in the amount of \$2,800.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the OSBP, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Order.

Mr. Wilt moved for Findings of Fact; Mr. Passafume seconded the motion. Motion passed (Aye-8/Nay-0).

Mr. Moné moved for Conclusions of Law; Mr. Passafume seconded the motion. Motion passed (Aye-8/Nay-0).

Mr. Moné moved for Action of the Board; Mr. Passafume seconded the motion. Motion passed (Aye-8/Nay-0).

SO ORDERED.

R-2018-284 Mr. Weaver moved that the Board approve the Probation Committee's decision to modify the Settlement Agreement of Joseph Merrill dated June 7, 2017. The motion was seconded by Mr. Moné and approved by the Board: Aye-7/Abstain-1.

10:54 a.m. Mr. Schierholt provided the Executive Director report

11:14 a.m. Mr. Weaver moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law pursuant to Section 121.22(G)(1), (3) & (5) of the Ohio Revised Code. The motion was seconded by Mr. Passafume and a roll-call vote was conducted by President Marchal as follows: Cox-yes; Newlon-yes; Moné -yes; Passafume-yes; Rudell-yes; Weaver-yes; Wilt-yes and Yarosh-yes.

11:54 p.m. The meeting reconvened in the Hearing Room.

R-2018-285 Ms. Rudell moved that the meeting be adjourned. The motion was seconded by Mr. Newlon and approved by the Board: Aye-8.

Megan E. Marchal, RPh, President

Date

Steven W. Schierholt, Esq., Executive Director

Date

The following candidates for licensure by reciprocity participated in a discussion of pharmacy laws and rules with Ms. Terri Ghittman, *OARRS Pharmacist*, in Room South B&C, 31st Floor of the Vern Riffe Center for the Government and the Arts:

JUDITH M. ASHE	03-3-37864
ASHLEY E. BROADWATER	03-3-37882
ADORA ROLA CAMPAGNOLO	03-3-37884
JOHN S. CARVER	03-3-37854
EMILY COLE	03-3-37893
THOMAS ALTON CURRY	03-3-37845
CHRISTIAN VAN DANG	03-3-37791
SUSAN JENNIFER DIETZE	03-3-37872
MICHAEL DOWLING	03-3-37869
ANGELA VEREB FOWLER	03-3-37880
ALLIE MARIE GAETANO	03-3-37850
GWENDOLYN A. GAYDOS	03-3-37799
AMANDA MARIE HARRIS	03-3-37855
DESIREE D. HEINZ	03-3-37823
SARAH ELAINE HONAKER	03-3-37781
JOHN H. HUDSON	03-3-37792
ANGELA L. JOHNSON	03-3-37628
ADIKALI HASSAN KAMARA	03-3-37865
LUBNA KOUSA	03-3-37719
KRISTEN ELIZABETH LEMON	03-3-37874
RAHAT NAZIR	TBD
BRITTANY M. PAYNE	03-3-37875
ZAFAR QURESHI	03-3-37677
ADRIENNE CAMILLE ROBERTS	03-3-37832
JOHN W. SCHUETTE	03-3-37876
GARY LEE SPENCE	03-3-37870
JAMES MICHAEL STOVER	03-3-37853
KENT EDWARD WILLIAMS	03-3-37848
TRAVIS W. ZIMMERMAN	03-3-37796