



MINUTES OF THE JANUARY 6-8, 2020
MEETING OF THE STATE OF OHIO BOARD OF PHARMACY

Monday January 6, 2020

10:00 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:

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

Megan E. Marchal, RPh; Absent

Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Joe Koltak, *Senior Legal Counsel*; Ashley Gilbert, *Senior Legal Counsel*; and Kathryn Lewis, *Administrative Assistant*.

10:00 a.m. The Board was joined by Assistant Attorney General Henry Appel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. In the Matter of **David Haberland, Homeworth, Ohio.**

R-2020-0306 Ms. Rudell moved that the Board recess in order to consider the quasi-judicial matters in accordance with Chapter 119. of the Revised Code and the case precedent of *Angerman v. State Medical Bd.* (1990) 70 Ohio App.3d 346 and *TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al.* (1998) 81 Ohio St.3d 58. The motion was seconded by Ms. Yarosh and a roll-call vote was conducted by President Wilt as follows: Cox-yes; Miller-yes; Newlon-yes; Rudell-yes; Weaver-yes; Yarosh-yes.

10:36 a.m. The recess ended and the hearing was opened to the public.

R-2020-0307 After votes were taken in public session, the Board adopted the following order in the matter of **David Haberland, Homeworth, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2018-1471)

In The Matter Of:

David Haberland, R.Ph.3363 Knox School Rd.
Homeworth, OH 44634
(License No. 03-114966)**INTRODUCTION**

The Matter of David Haberland came for hearing on January 6, 2020, before the following members of the State of Ohio Board of Pharmacy (Board): Shawn C. Wilt, RPh, *Presiding*; Joshua M. Cox, RPh; Donald R. Miller, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh and Kilee S. Yarosh, RPh.

Megan E. Marchal, RPh; Absent.

David Haberland was represented by Robert Garrity. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

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

1. None

Respondent's Witnesses:

1. David Haberland

State's Exhibits:

- | | |
|------------------|------------|
| 1. Notice Letter | 04.12.2018 |
| 2. Board Order | 06.12.2018 |

Respondent's Exhibits:

- | | |
|--|------------|
| A. Current PRO Contract and UDS Results | 07.16.2018 |
| B. Chemical Dependency Treatment Documentation | 08.28.2018 |
| C. 12 Step Meeting Attendance | 09.23.2018 |
| D. Resume | No Date |

- | | |
|---------------------------------------|---------|
| E. Continuing Education Documentation | Various |
| F. Letters of Support | Various |

FINDINGS OF FACT AND DECISION OF THE BOARD

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the Board finds that David Haberland has substantially complied with the terms set forth in the Board Order of the State of Ohio Board of Pharmacy, Case No. 2018-1471 dated June 22, 2018.

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy hereby approves the reinstatement of the pharmacist license No. 03-1-14966, held by David Haberland to practice pharmacy in Ohio subject to a period of probation for five years beginning on the effective date of this Order, with the following conditions:

1. David Haberland must enter into and adhere to the terms of a **new** contract, signed within thirty days after the effective date of this Order, with an approved treatment provider or an approved monitoring program for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. Failure to adhere to the terms of the treatment contract will be considered a violation of the Board's Order and subject David Haberland to potential sanctions up to and including revocation of license. The contract must provide that:
 - a. Random, **observed** urine drug screens shall be conducted at least once each month.
 - b. The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - c. Alcohol and Ethyl Glucoronide (ETG) must be added to the standard urine drug screen.
 - d. Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.
 - e. In the event of a negative diluted screen, a hair sample test must be completed at the cost of the David Haberland in a timeframe consistent with

the drug lab's recommended policy, but in any event no later than 12 days after the negative diluted screen.

2. The intervener/sponsor shall submit reports to the Board, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.
 - a. Attendance is required a minimum of three times per calendar week (Sunday through Saturday) on separate days, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - b. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
3. David Haberland shall not refuse an employer provided drug or alcohol screen. If the Board becomes aware of any positive drug or alcohol screen results that were obtained in the course of employment or any mechanism other than via the signed contract with ODMHAS, the Board shall treat these results as a violation of the Board's Order and request David Haberland reappear before the Board for possible additional sanctions, including and up to revocation of license.
4. David Haberland shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of probation. The Board shall treat any such refusal as a violation of the Board's Order and request David Haberland reappear before the Board for possible additional sanctions, including and up to revocation of license.
5. David Haberland 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:
 - a. The written report and documentation provided by the treatment program pursuant to the contract, and
 - b. A written description of David Haberland's progress towards recovery and what David Haberland has been doing during the previous three months.
6. Other terms of probation are as follows:
 - a. David Haberland must meet at least annually with the Board's Probation Committee, the first meeting to be held January 2021.
 - b. David Haberland must request and receive advance approval from the Board or its Probation Committee for any out-of-state travel in excess of three days. Absent exigent circumstances, the request must be made a minimum of fourteen days prior to the out-of-state travel.

- c. The State of Ohio Board of Pharmacy hereby declares that David Haberland's pharmacist license 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.
 - d. David Haberland may not serve as a responsible pharmacist or designated representative at any Board-licensed facility, including medical marijuana dispensaries or home medical equipment providers.
 - e. David Haberland may not destroy, assist in, or witness the destruction of controlled substances.
 - f. David Haberland may not work in a pharmacy more than 40 hours per week or 80 hours over a two-week period.
 - g. David Haberland must not violate the drug laws of Ohio, any other state, or the federal government.
 - h. David Haberland must abide by the rules of the State of Ohio Board of Pharmacy.
 - i. David Haberland must comply with the terms of this Order.
 - j. David Haberland's license is deemed not in good standing until successful completion of the probationary period.
7. David Haberland must abide by all other terms of probation as set forth in Ohio Administrative Code Chapter 4729:4
8. David Haberland must immediately report any violation of the terms of this probation to the Board by contacting legal@pharmacy.ohio.gov. Failure to self-report any violation shall be treated as a violation of this Board's Order and will subject David Haberland to possible additional sanctions, including and up to revocation of license.
9. Any violation of probation or this Board's Order may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code, including and up to revocation of David Haberland's license.

At the conclusion of the probationary period, the Board will issue a notice of opportunity for hearing to David Haberland regarding the status of David Haberland's probation and whether David Haberland has successfully met all terms of probation and may be considered in good standing.

Kilee S. Yarosh moved for Findings of Fact; Fred M. Weaver seconded the motion. Motion passed (Aye-6/Nay-0).

Kilee S. Yarosh moved for the Decision of the Board; Fred M. Weaver seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

10:39 a.m. The Board was joined by Assistant Attorney General Henry Appel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. In the Matter of **Southside Pharmacy, Lorain, Ohio.**

R-2020-0308 Ms. Rudell moved that the Board recess in order to consider the quasi-judicial matters in accordance with Chapter 119. of the Revised Code and the case precedent of *Angerman v. State Medical Bd.* (1990) 70 Ohio App.3d 346 and *TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al.* (1998) 81 Ohio St.3d 58. The motion was seconded by Mr. Weaver and a roll-call vote was conducted by President Wilt as follows: Cox-yes; Miller-yes; Newlon-yes; Rudell-yes; Weaver-yes; Yarosh-yes.

11:37 a.m. The recess ended and the hearing was opened to the public.

R-2020-0309 After votes were taken in public session, the Board adopted the following order in the matter of **Southside Pharmacy, Lorain, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number A-2019-0086)

In The Matter Of:

Southside Pharmacy
c/o Naser Taher
2811 Fulton Road Suite B
Lorain, OH 44055
License No. 02-2447550

INTRODUCTION

The Matter of Southside Pharmacy came for hearing on January 6, 2020, before the following members of the State of Ohio Board of Pharmacy (Board): Shawn C. Wilt, RPh, *Presiding*; Joshua

M. Cox, RPh; Donald R. Miller, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh and Kilee S. Yarosh, RPh.

Megan E. Marchal, RPh; Absent.

Southside Pharmacy requested a hearing, and the responsible person from Southside Pharmacy, Mr. Naser Taher, was present at the hearing; however, Ohio law prevents a corporation from representation by any one other than an attorney licensed to practice law in the state of Ohio. Therefore, Mr. Taher was not allowed to present evidence, make legal arguments, examine witnesses or engage in any activities pertaining to the hearing that were otherwise required to be conducted by a properly licensed attorney. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Naser Taher

Respondent's Witnesses:

1. None

State's Exhibits:

- | | |
|--|------------|
| 1. Notice Letter | 08.14.2019 |
| 2. Request for Hearing | 08.27.2019 |
| 3. Scheduling Order | 08.30.2019 |
| 4. Inspection Report, December 5, 2018 | 12.05.2018 |
| 5. Inspection Report, December 6, 2019 | 12.05.2018 |
| 6. Response by Licensee | 01.16.2019 |
| 7. Salesforce Statement | 01.15.2019 |

Respondent's Exhibits:

- A. 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 December 5, 2018, an inspection of Southside Pharmacy by Board staff revealed an unregistered pharmacy technician performing the following in the pharmacy: receiving

verbal prescriptions via telephone, entering prescriptions into the computer system, and counting pills. The inspection also revealed that the unregistered technician had been working at Southside Pharmacy since August 2018.

CONCLUSIONS OF LAW

1. Such conduct as set forth in Findings of Fact Section constitutes a violation of each of the following divisions of Section 4729.57 of the ORC: Violating any provision of this chapter, ORC Section 4729.57(B)(3).
2. Such conduct as set forth in the Findings of Fact Section constitutes a violation of the following divisions of Section 4729.95 of the ORC: No terminal distributor of dangerous drugs shall knowingly allow any person employed or otherwise under the control of the person who owns, manages, or conducts the terminal distributor to violate division (A) of ORC 4729.95, ORC 4729.95(C).

DECISION OF THE BOARD

Pursuant to Section 4729.57 of the Ohio Revised Code, the State of Ohio Board of Pharmacy imposes a monetary penalty in the amount of \$2,000.00. This fine will be attached to your license record and must be paid no later than 6 months from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.

Nasar Taher must attend a Board-sponsored "Responsible Person Roundtable, within 6 months of the effective date of this agreement and provide proof of completion to the Board within 30 days of attendance.

Fred M. Weaver moved for Findings of Fact; Donald R. Miller seconded the motion. Motion passed (Aye-6/Nay-0).

Kilee S. Yarosh moved for Conclusions of Law; Fred M. Weaver seconded the motion. Motion passed (Aye-6/Nay-0).

Jennifer M. Rudell moved for Action of the Board; Donald R. Miller seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

- 11:44 a.m.** Mr. Griffin provided the Compliance Report.
- 11:45 a.m.** Mr. Cathcart provided the OARRS Report.
- 11:57 a.m.** The Board recessed for lunch.
- 1:16 p.m.** Ms. Dehner provided the Legal Report.
- 1:18 p.m.** Ms. Reed provided the Medical Marijuana Program Update.
- 1:22 p.m.** Ms. Reed presented the Medical Marijuana Health Claims Review Committee Recommendations from December 30, 2019 to the Board for consideration. After discussion, the Board tabled the matter so that the proposed amendments could be added.
- 2:16 p.m.** Ms. Dehner presented information to the Board, consistent with *Goldman v. State Med. Bd.*, 10th Dist. Franklin (Oct. 20, 1998), pertaining to Medical Marijuana Dispensary Applicants who were not viable for approval and had not requested a hearing in the timeframe set forth in chapter 119 of the Ohio Revised Code (ORC).
- R-2020-0310** Mr. Cox moved to adopt the following Orders pertaining to the above referenced Goldman Medical Marijuana Applicants. The Motion was seconded by Mr. Newlon and approved by the Board: Aye-6, Nay-0.

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

Case No. 2018-M628

In the Matter of Applicant:

7 POINTS GROUP, LLC

C/O MATTHEW ELAM

2675 LITTLE YORK ROAD

DAYTON, OH 45414

Account No./Application No.: 320-628

Application District: SOUTHWEST-4

Application Dispensary Address: 2003 S. SMITHVILLE ROAD DAYTON, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy

(Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on January 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Kilee S. Yarosh, RPh.; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M732

In the Matter of Applicant:

7 POINTS GROUP, LLC

C/O MATTHEW ELAM

2675 LITTLE YORK ROAD

DAYTON, OH 45414

Account No./Application No.: 320-732

Application District: SOUTHEAST-6

Application Dispensary Address: 711 W. UNION STREET ATHENS, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on January 6, 2020, before the following

members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Kilee S. Yarosh, RPh.; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M749

In the Matter of Applicant:

7 POINTS GROUP, LLC

C/O MATTHEW ELAM

2675 LITTLE YORK ROAD

DAYTON, OH 45414

Account No./Application No.: 320-749

Application District: SOUTHEAST-3

Application Dispensary Address: 4660 ROBERTS ROAD, COLUMBUS, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M753

In the Matter of Applicant:

7 POINTS GROUP, LLC

C/O MATTHEW ELAM

2675 LITTLE YORK ROAD

DAYTON, OH 45414

Account No./Application No.: 320-753

Application District: SOUTHWEST-2

Application Dispensary Address: 685 S. MAIN STREET MONROE, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana

provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M759

In the Matter of Applicant:

7 POINTS GROUP, LLC

C/O MATTHEW ELAM

2675 LITTLE YORK ROAD

DAYTON, OH 45414

Account No./Application No.: 320-759

Application District: NORTHWEST-3

Application Dispensary Address: 3326 MONROE STREET TOLEDO, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on August 7, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on January 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Kilee S. Yarosh, RPh.; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana

provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm. Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-1154

In the Matter of Applicant:

ABLE RX, INC

C/O ROBIN KRATZER

37 WEST DRIVE

HARTVILLE OH 44632

Account No./Application No.: 537-1154

Application District: NORTHEAST-4
Application Dispensary Address: 3775 CLEVELAND AVE. NW, UNIT A CANTON, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M1033

In the Matter of Applicant:
AGRI-MED ENTERPRISES, INC.
C/O CHARLES R. GRIFFITH
522 N. STATE ST.

WESTERVILLE OH 43082

Account No./Application No.: 514-1033

Application District: SOUTHWEST-8

Application Dispensary Address: 101 TAWA ROAD RICHWOOD, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 21, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on January 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Kilee S. Yarosh, RPh.; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M1038

In the Matter of Applicant:
AGRI-MED ENTERPRISES, INC.
C/O CHARLES R. GRIFFITH
522 N. STATE ST.

WESTERVILLE OH 43082

Account No./Application No.: 518-1038

Application District: SOUTHEAST-3

Application Dispensary Address: 1420 E 5TH AVENUE, COLUMBUS, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M1037

In the Matter of Applicant:

AGRI-MED, LLC

C/O JASON DORSEY

PO BOX 417

POWELL OH 43065

Account No./Application No.: 213-1037

Application District: SOUTHEAST-3

Application Dispensary Address: 4056 W. BROAD ST., COLUMBUS, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district

- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M1101

In the Matter of Applicant:

ALL NATURAL HEALING LLC

C/O REVAN SHAHARA

3623 E KRISTAL WAY

PHOENIX, AZ 85050

Account No./Application No.: 539-1101

Application District: SOUTHEAST-3

Application Dispensary Address: 342 E LONG ST, COLUMBUS, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

- State's Exhibit A—Respondent's Hearing Notice

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

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

Case No. 2018-M761

In the Matter of Applicant:

ALLIANCE WELLNESS & PAIN MANAGEMENT DISPENSARY, LLC
C/O EDWARD LOHNES
2155 PARKWAY BLVD.
ALLIANCE OH 44601

Account No./Application No.: 417-761

Application District: NORTHEAST-4

Application Dispensary Address: 475 EAST STATE STREET ALLIANCE, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service

- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M805

In the Matter of Applicant:

ALT MED OHIO 1, LLC

ALT MED OHIO

C/O DANIEL RAYMOND

6100 OAK TREE BOULEVARD, SUITE 200

INDEPENDENCE, OH 44131

Account No./Application No.: 206-805

Application District: NORTHWEST-7

Application Dispensary Address: 1033 COURT STREET FREMONT, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M814

In the Matter of Applicant:

ALT MED OHIO 2, LLC

ALT MED OHIO

C/O DANIEL RAYMOND

6100 OAK TREE BOULEVARD, SUITE 200

INDEPENDENCE, OH 44131

Account No./Application No.: 353-814

Application District: NORTHEAST-3

Application Dispensary Address: 1589 TRIPLETT BLVD. AKRON, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because

Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M924

In the Matter of Applicant:

ALT MED OHIO 2, LLC

ALT MED OHIO

C/O DANIEL RAYMOND

6100 OAK TREE BOULEVARD, SUITE 200

INDEPENDENCE, OH 44131

Account No./Application No.: 353-924

Application District: SOUTHWEST-1

Application Dispensary Address: 4894 RIDGE AVE. CINCINNATI, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical

marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M817

In the Matter of Applicant:

ALT MED OHIO 3, LLC

ALT MED OHIO

C/O DANIEL RAYMOND

6100 OAK TREE BOULEVARD, SUITE 200

INDEPENDENCE, OH 44131

Account No./Application No.: 395-817

Application District: SOUTHEAST-3

Application Dispensary Address: 14 S. KELLNER RD., COLUMBUS, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on 7/5/2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on January 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Kilee S. Yarosh, RPh.; and Richard J. Newlon, Public Member.

As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M818

In the Matter of Applicant:

ALT MED OHIO 4, LLC

ALT MED OHIO

C/O DANIEL RAYMOND

6100 OAK TREE BOULEVARD, SUITE 200

INDEPENDENCE, OH 44131

Account No./Application No.: 287-818

Application District: SOUTHWEST-5

Application Dispensary Address: 576 COLUMBUS AVE LEBANON, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M819

In the Matter of Applicant:

ALT MED OHIO 5, LLC

ALT MED OHIO

C/O DANIEL RAYMOND

6100 OAK TREE BOULEVARD, SUITE 200

INDEPENDENCE, OH 44131

Account No./Application No.: 134-819

Application District: NORTHEAST-4

Application Dispensary Address: 931 1ST STREET NE MASSILLON, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M925

In the Matter of Applicant:

ALT MED OHIO 5, LLC

ALT MED OHIO

C/O DANIEL RAYMOND

6100 OAK TREE BOULEVARD, SUITE 200

INDEPENDENCE, OH 44131

Account No./Application No.: 134-925

Application District: NORTHEAST-4

Application Dispensary Address: 4001 MAHONING RD NE CANTON, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

- The Affidavit of Erin Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M994

In the Matter of Applicant:

ALTERNATIVE HEALING CENTER LLC

C/O EIVAN SHAHARA

3623 E. KRISTAL WAY

PHOENIX, AZ 85050

Account No./Application No.: 391-994

Application District: SOUTHWEST-1

Application Dispensary Address: 89 W MCMILLAN ST CINCINNATI, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet

- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M1127

In the Matter of Applicant:

ALTERNATIVE RELIEF CENTER LLC

C/O REVAN SHAHARA

3623 E. KRISTAL WAY

PHOENIX, AZ 85050

Account No./Application No.: 219-1127

Application District: SOUTHEAST-1

Application Dispensary Address: 2915 SCIOTO TRL PORTSMOUTH, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

- State's Exhibit A—Respondent's Hearing Notice

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M1062

In the Matter of Applicant:

BCCO, LLC

BRIDGE CITY COLLECTIVE OHIO

C/O SAS AGENT FOR SERVICE, INC.

109 N BROAD ST STE 200

LANCASTER OH 43130

Account No./Application No.: 469-1062

Application District: SOUTHWEST-7

Application Dispensary Address: 12747 ST RT 56 MOUNT STERLING, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on 6/21/2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on January 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Kilee S. Yarosh, RPh.; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because

Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M1080

In the Matter of Applicant:

BCCO, LLC

BRIDGE CITY COLLECTIVE OHIO

C/O SAS AGENT FOR SERVICE, INC.

109 N BROAD ST STE 200

LANCASTER OH 43130

Account No./Application No.: 469-1080

Application District: SOUTHWEST-8

Application Dispensary Address: 31926 ST RT 37 RICHWOOD, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on 6/21/2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on January 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Kilee S. Yarosh, RPh.; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M1091

In the Matter of Applicant:

BCCO, LLC

BRIDGE CITY COLLECTIVE OHIO

C/O SAS AGENT FOR SERVICE, INC.

109 N BROAD ST STE 200

LANCASTER OH 43130

Account No./Application No.: 469-1091

Application District: NORTHEAST-2

Application Dispensary Address: 26361 CURTISS WRIGHT PARKWAY RICHMOND HEIGHTS, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on 6/15/2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on January 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Kilee S. Yarosh, RPh.; and Richard J. Newlon, Public Member.

As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M997

In the Matter of Applicant:

BCCO, LLC

BRIDGE CITY COLLECTIVE OHIO

C/O SAS AGENT FOR SERVICE, INC.

109 N BROAD ST STE 200

LANCASTER OH 43130

Account No./Application No.: 469-997

Application District: SOUTHEAST-2

Application Dispensary Address: 25010 S US 23 CIRCLEVILLE, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on 6/21/2018. Respondent did not request a hearing on the matter. The matter

subsequently came for consideration by the Board on January 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Kilee S. Yarosh, RPh.; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M165

In the Matter of Applicant:

BENTLEY 3636, LLC

EUPHORIA WELLNESS

C/O ANTHONY J. DEGIROLAMO

3930 FULTON DR., N.W., STE. 100B

CANTON OH 44718

Account No./Application No.: 100-165

Application District: NORTHEAST-3

Application Dispensary Address: 85 MASSILLON RD. AKRON, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M179

In the Matter of Applicant:

BENTLEY 3636, LLC

EUPHORIA WELLNESS

C/O ANTHONY J. DEGIROLAMO

3930 FULTON DR., N.W., STE. 100B

CANTON OH 44718

Account No./Application No.: 100-179

Application District: NORTHEAST-4

Application Dispensary Address: 3834 CLEVELAND AVE. NW CANTON, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M488

In the Matter of Applicant:

BUCKEYE BOTANICALS LLC

C/O 625 KEENA DR.

7806 STATE ROUTE 159

CHILLICOTHE OH 45601-9188

Account No./Application No.: 231-488

Application District: SOUTHEAST-2

Application Dispensary Address: 430 HOPETOWN RD CHILLICOTHE, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet

- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M972

In the Matter of Applicant:

BUCKEYE BOTANICALS LLC

C/O DANIEL J. IANNI, D.O.

7806 STATE ROUTE 159

CHILLICOTHE OH 45601-9188

Account No./Application No.: 231-972

Application District: SOUTHEAST-3

Application Dispensary Address: 1677 HOLT ROAD, COLUMBUS, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

- State's Exhibit A—Respondent's Hearing Notice

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M313

In the Matter of Applicant:

BUCKEYE MEDS LLC

BUCKEYE MEDS

C/O CHRIS HALE

2933 CHARMWOOD CT

DUBLIN OH 43017

Account No./Application No.: 261-313

Application District: SOUTHEAST-3

Application Dispensary Address: 5225 N HIGH ST, COLUMBUS, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because

Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M155

In the Matter of Applicant:

BUCKEYE RELIEF, LLC

C/O ANDREW K. RAYBURN

40 E. WASHINGTON STREET

CHAGRIN FALLS OH 44022

Account No./Application No.: 406-155

Application District: NORTHEAST-5

Application Dispensary Address: 36091-36161 VINE STREET EASTLAKE, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M1169

In the Matter of Applicant:

CANNABIS PLUS, LLC

C/O JOHN R. SEEMANN

561 STONEYBROOK LANE

CANFIELD OH 44406

Account No./Application No.: 552-1169

Application District: NORTHEAST-3

Application Dispensary Address: 201 EASTLAND AVE AKRON, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on 6/15/2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on January 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Kilee S. Yarosh, RPh.; and Richard J. Newlon, Public Member.

As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M766

In the Matter of Applicant:

CANNASEND OHIO COLUMBUS, LLC

STRAWBERRY FIELDS

C/O CANNASEND OHIO COLUMBUS, LLC

312 WALNUT STREET

CINCINNATI OH 45202

Account No./Application No.: 247-766

Application District: SOUTHEAST-3

Application Dispensary Address: 2946-2954 EAST MAIN STREET COLUMBUS, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on 6/29/2018. Respondent did not request a hearing on the matter. The matter

subsequently came for consideration by the Board on January 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Kilee S. Yarosh, RPh.; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M834

In the Matter of Applicant:
CANNAVATIONS OH, LLC
CANNAVATIONS
C/O REGISTERED AGENTS INC
6545 MARKET AVE. NORTH STE 100
NORTH CANTON OH 44721
Account No./Application No.: 449-834
Application District: NORTHEAST-5

Application Dispensary Address: 29017 EUCLID AVE WICKLIFFE, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M839

In the Matter of Applicant:

CANNAVATIONS OH, LLC

CANNAVATIONS

C/O REGISTERED AGENTS INC

6545 MARKET AVE. NORTH STE 100

NORTH CANTON OH 44721

Account No./Application No.: 449-839

Application District: NORTHWEST-8

Application Dispensary Address: 3 BAKER ST NORWALK, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M918

In the Matter of Applicant:

CANNAVATIONS OH, LLC

CANNAVATIONS

C/O REGISTERED AGENTS INC

6545 MARKET AVE. NORTH STE 100

NORTH CANTON OH 44721

Account No./Application No.: 449-918

Application District: NORTHWEST-3

Application Dispensary Address: 2658 W LASKEY ROAD TOLEDO, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Listing of scores for each district

- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M919

In the Matter of Applicant:

CANNAVATIONS OH, LLC

CANNAVATIONS

C/O REGISTERED AGENTS INC

6545 MARKET AVE. NORTH STE 100

NORTH CANTON OH 44721

Account No./Application No.: 449-919

Application District: NORTHEAST-1

Application Dispensary Address: 420 OBERLIN RD ELYRIA, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M183

In the Matter of Applicant:

CANNAVATIONS OH, LLC.

CANNAVATIONS

C/O REGISTERED AGENTS INC

6545 MARKET AVE. NORTH STE 100

NORTH CANTON OH 44721

Account No./Application No.: 97-183

Application District: SOUTHWEST-7

Application Dispensary Address: 304-308 E. DAYTON DR. FAIRBORN, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical

marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M1123

In the Matter of Applicant:

CANSORTIUM HEALTH OHIO, LLC

KNOX MEDICAL

C/O NORTHWEST REGISTERED AGENT SERVICE, INC.

6545 MARKET AVE. NORTH STE 100

NORTH CANTON OH 44721

Account No./Application No.: 351-1123

Application District: NORTHEAST-1

Application Dispensary Address: 1920 COOPER FOSTER PARK ROAD LORAIN, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on January 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Kilee S. Yarosh, RPh.; and Richard J. Newlon, Public Member.

As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M480

In the Matter of Applicant:

CANSORTIUM HEALTH OHIO, LLC

KNOX MEDICAL

C/O NORTHWEST REGISTERED AGENT SERVICE, INC.

6545 MARKET AVE. NORTH STE 100

NORTH CANTON OH 44721

Account No./Application No.: 351-480

Application District: NORTHEAST-3

Application Dispensary Address: 525 WOLF LEDGES PARKWAY AKRON, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy

(Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on January 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Kilee S. Yarosh, RPh.; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M631

In the Matter of Applicant:
CERTIFIED CULTIVATORS, LLC
C/O STEVEN M. ROTHSTEIN
10250 CHESTER ROAD
CINCINNATI OH 45215
Account No./Application No.: 243-631
Application District: SOUTHWEST-4

Application Dispensary Address: 1654 SPRINGFIELD STREET DAYTON, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M395

In the Matter of Applicant:

CIELO CLINIC LLC

NONE

C/O MGGM SERVICE CORPORATION

1001 LAKESIDE AVENUE, E., SUITE 1400

CLEVELAND OH 44114

Account No./Application No.: 104-395

Application District: NORTHEAST-2

Application Dispensary Address: 21700 SAINT CLAIR, EUCLID, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M1066

In the Matter of Applicant:

COLUMBIA CARE OH LLC

C/O CORPORATION SERVICE COMPANY

50 WEST BROAD STREET, SUITE 1330

COLUMBUS OH 43215

Account No./Application No.: 384-1066

Application District: SOUTHEAST-3

Application Dispensary Address: 1555 N. 4TH STREET, COLUMBUS, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M1151

In the Matter of Applicant:

COLUMBIA CARE OH LLC

C/O CORPORATION SERVICE COMPANY

50 WEST BROAD STREET, SUITE 1330

COLUMBUS OH 43215

Account No./Application No.: 384-1151

Application District: SOUTHWEST-2

Application Dispensary Address: 301 N. MAIN STREET MONROE, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet

- State's Exhibit D—Listing of scores for each district
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M781

In the Matter of Applicant:

COLUMBIA CARE OH LLC

C/O CORPORATION SERVICE COMPANY

50 WEST BROAD STREET, SUITE 1330

COLUMBUS OH 43215

Account No./Application No.: 384-781

Application District: SOUTHWEST-1

Application Dispensary Address: 3673 PAXTON AVENUE CINCINNATI, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M1155

In the Matter of Applicant:

CORSA VERDE, LLC

DBA BOTANICA

C/O BRYAN HILL

6539 HARRISON AVENUE SUITE #1101

CINCINNATI OH 45247

Account No./Application No.: 550-1155

Application District: NORTHEAST-1

Application Dispensary Address: 117 WAVERLY ST. ELYRIA, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm. Code 3796:6-2-04. Respondent is denied a medical

marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).
SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M1159

In the Matter of Applicant:

CORSA VERDE, LLC

DBA BOTANICA

C/O BRYAN HILL

6539 HARRISON AVENUE SUITE #1101

CINCINNATI OH 45247

Account No./Application No.: 550-1159

Application District: NORTHEAST-5

Application Dispensary Address: 1424 E 337TH ST. EASTLAKE, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M1160

In the Matter of Applicant:

CORSA VERDE, LLC

DBA BOTANICA

C/O BRYAN HILL

6539 HARRISON AVENUE SUITE #1101

CINCINNATI OH 45247

Account No./Application No.: 550-1160

Application District: SOUTHEAST-3

Application Dispensary Address: 6320 E. LIVINGSTONE AVE, REYNOLDSBURG, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 8, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on January 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Kilee S. Yarosh, RPh.; and Richard J. Newlon, Public Member.

As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M1162

In the Matter of Applicant:

CORSA VERDE, LLC

DBA BOTANICA

C/O BRYAN HILL

6539 HARRISON AVENUE SUITE #1101

CINCINNATI OH 45247

Account No./Application No.: 550-1162

Application District: SOUTHEAST-4

Application Dispensary Address: 1938 MT. VERNON RD. NEWARK, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy

(Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on January 6, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Kilee S. Yarosh, RPh.; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M1163

In the Matter of Applicant:

CORSA VERDE, LLC

DBA BOTANICA

C/O BRYAN HILL

6539 HARRISON AVENUE SUITE #1101

CINCINNATI OH 45247

Account No./Application No.: 550-1163

Application District: SOUTHWEST-2

Application Dispensary Address: 5285 COLLEGE CORNER PIKE OXFORD, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

Case No. 2018-M473

In the Matter of Applicant:

CRESCO LABS OHIO LLC
C/O COGENCY GLOBAL INC.
3958-D BROWN PARK DR.
HILLIARD OH 43026

Account No./Application No.: 341-473

Application District: SOUTHWEST-4

Application Dispensary Address: 3958 LINDEN AVE DAYTON, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye - 6 / Nay - 0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

2:20 p.m. Ms. Dehner proposed the Board issue an Amended Order for Nicolas Williams, which would allow a probation transfer to the state of Texas.

R-2020-0311 After votes were taken in public session, the Board adopted the following amended order in the matter of **Nicholas Williams**.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2017-1858)

In The Matter Of:

Nicholas Williams, Pharmacist

3019 Silver Spur Dr.

Katy, TX 77449

(License No. 03-237452)

After reviewing the supportive documents submitted by Nicholas Williams pertaining to his contract with Texas' Professional Recovery Network (PRN) as well as the correspondence from Texas' PRN, and upon recommendation of the Probation Committee, the Board hereby modifies Nicholas Williams' December 27, 2018 Board Order as follows:

1. Nicholas Williams must continue to regularly, with a frequency to be determined by his treating psychiatrist, with his treating psychiatrist and follow all medication and any other treatment recommendations.
2. Nicholas Williams' treating psychiatrist must provide reports to either Ohio Board staff and/or the probation committee no less than quarterly from the date of this Order. In the alternative, the psychiatrist's reports may be sent from the Texas Professional Recovery Network along with a quarterly report indicating Mr. Williams' compliance with his PRN contract. The reports may be emailed to legal@pharmacy.ohio.gov. If the frequency of meetings with his treating psychiatrist changes to less than quarterly, Nicholas Williams must notify the Board legal department by email and the treating psychiatrist must make note of it in the quarterly report.

3. Nicholas Williams shall report to the board any hospitalizations and/or encounters with law enforcement within three business days of release from the hospital or contact with law enforcement.
4. Nicholas Williams' Ohio pharmacist license, number 03-237452, remains on probation for a minimum of three (3) years from the effective date of the original Order, December 27, 2018.

Any other terms of the Board's December 27, 2018 Order are stricken unless Mr. Williams returns to reside and practice in Ohio.

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- 2:24 p.m.** Ms. Dehner proposed the Board adopt a more standardized timeframe for the completion of Board Order/Settlement Agreement Terms, which the Board deemed was appropriate.
- 2:25 p.m.** Ms. Dehner led a discussion on the preference to issue a closeout letter rather than a notice for a Chapter 119 hearing at the successful conclusion of a probationary period. The Board deemed this would no longer be required.
- 2:27 p.m.** Ms. Dehner led a discussion on the days and times that Summary Suspension Calls are held.
- R-2020-0312** Ms. Rudell moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law pursuant to Section 121.22(G)(1), (3) & (5) of the Ohio Revised Code. The motion was seconded by Ms. Yarosh and a roll-call vote was conducted by President Wilt as follows: Cox-yes; Miller-yes; Newlon-yes; Rudell-yes; Weaver-yes; Yarosh-yes.
- 4:16 p.m.** Executive Session concluded and the Board recessed for the day.

Tuesday, January 7, 2020

- 9:00 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:

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

Megan E. Marchal, RPh; Absent

Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Joe Koltak, *Senior Legal Counsel*; Ashley Gilbert, *Senior Legal Counsel*; and Kathryn Lewis, *Administrative Assistant*.

9:00 a.m. The Board was joined by Assistant Attorney General Henry Appel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. In the Matter of **Carmen Witsken, Springboro, Ohio.**

R-2020-0313 Ms. Rudell moved that the Board recess in order to consider the quasi-judicial matters in accordance with Chapter 119. of the Revised Code and the case precedent of *Angerman v. State Medical Bd.* (1990) 70 Ohio App.3d 346 and *TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al.* (1998) 81 Ohio St.3d 58. The motion was seconded by Mr. Weaver and a roll-call vote was conducted by President Wilt as follows: Cox-yes; Miller-yes; Newlon-yes; Rudell-yes; Weaver-yes; Yarosh-yes.

9:35 a.m. The recess ended and the hearing was opened to the public.

R-2020-0314 After votes were taken in public session, the Board adopted the following order in the matter of **Carmen Witsken, Springboro, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number: A-2019-0506)

In The Matter Of:

Carmen Witsken

8782 Sycamore Trails Drive
Springboro, Ohio 45066
License No. 06-015977

INTRODUCTION

The Matter of Carmen Witsken came for hearing on January 7, 2020, before the following members of the State of Ohio Board of Pharmacy (Board): Shawn C. Wilt, RPh, *Presiding*; Joshua M. Cox, RPh; Donald R. Miller, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh and Kilee S. Yarosh, RPh.

Megan E. Marchal, RPh; Absent.

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

SUMMARY OF EVIDENCEState's Witnesses:

1. Carmen Witsken

Respondent's Witnesses:

1. None

State's Exhibits:

- | | | |
|----|--------------------------------|------------|
| 1. | Notice Letter | 11.26.2019 |
| 2. | Request for Hearing | 11.29.2019 |
| 3. | Scheduling Order | 12.03.2019 |
| 4. | License Renewal Application | 09.05.2019 |
| 5. | Certified Copy of Court Action | 06.19.2019 |
| 6. | Statement of Respondent | 10.07.2019 |
| 7. | Lima Municipal Court Docket | 12.19.2019 |

Respondent's Exhibits:

- | | | |
|----|--|------------|
| A. | Letter from Jack C. Lunderman Jr., M.D. & Associates | 12.30.2019 |
| B. | Patient Prescription Record | 12.30.2019 |

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 September 5, 2019, Carmen Witsken submitted to the Board a pharmacy intern license renewal application. On the application, Carmen Witsken disclosed the following incident:
 - a. On or about June 18, 2019 Carmen Witsken entered a plea of guilty to theft, a misdemeanor of the first degree, in the Lima Municipal Court, Lima, Ohio. Carmen Witsken was sentenced to a \$400 fine, 20 hours of community service, a stay away order from Kohl's stores, and a suspended sentence of 30 days in jail. *State of Ohio v. Carmen Witsken, 19CRB-01177 A1.*
2. On or about October 7, 2019, Carmen Witsken was interviewed by an agent of the Board. Carmen Witsken admitted that she was arrested for shoplifting from Kohl's department store.

Carmen Witsken only had \$20.00 in her bank account and decided to steal several shirts, a wallet, and a sports bra.

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact Section constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of April 8, 2018:
 - a. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter or any rule adopted by the board under those provisions, ORC 4729.16(A)(2)(e); and
 - b. Engaged in any conduct for which the board may imposed discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.16(A)(2)(l).
2. Such conduct as set forth in the Findings of Fact Section each constitutes a violation of each of the following divisions of Rule 4729:1-4-01(B)(2) of the OAC as effective May 1, 2018:
 - a. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapter 4729. of the Revised Code or any rule adopted by the board under those provisions, OAC Rule 4729:1-4-01(B)(2)(e); and
 - b. Violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations..., OAC Rule 4729:1-4-01(B)(2)(m).

DECISION OF THE BOARD

The Board hereby closes the Matter of Carmen Witsken, case no. A-2019-0506.

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 Respondent's exhibits: A and B.

Fred M. Weaver moved for Findings of Fact; Jennifer M. Rudell seconded the motion. Motion passed (Aye-5/Nay-0).

Donald R. Miller moved for Conclusions of Law; Fred M. Weaver seconded the motion. Motion passed (Aye-5/Nay-0).

Fred M. Weaver moved for Action of the Board; Joshua M. Cox seconded the motion. Motion passed (Aye-5/Nay-0).

SO ORDERED.

9:41 a.m. The Board was joined by Assistant Attorney General Henry Appel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. In the Matter of **Carolyn Jones, Cincinnati, Ohio.**

R-2020-0315 Ms. Rudell moved that the Board recess in order to consider the quasi-judicial matters in accordance with Chapter 119. of the Revised Code and the case precedent of *Angerman v. State Medical Bd.* (1990) 70 Ohio App.3d 346 and *TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al.* (1998) 81 Ohio St.3d 58. The motion was seconded by Mr. Cox and a roll-call vote was conducted by President Wilt as follows: Cox-yes; Miller-yes; Newlon-yes; Rudell-yes; Weaver-yes; Yarosh-yes.

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

R-2020-0316 After votes were taken in public session, the Board adopted the following order in the matter of **Carolyn Jones, Cincinnati, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number A-2018-0113)

In The Matter Of:

Carolyn Jones
3155 South Whitetree Circle
Cincinnati, OH 45236
License No. 03-325496

INTRODUCTION

The Matter of Carolyn Jones came for hearing on January 7, 2020, before the following members of the State of Ohio Board of Pharmacy (Board): Shawn C. Wilt, RPh, *Presiding*; Joshua M. Cox, RPh; Donald R. Miller, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh and Kilee S. Yarosh, RPh.

Megan E. Marchal, RPh and Kilee S. Yarosh, RPh; Absent.

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

SUMMARY OF EVIDENCE

State's Witnesses:

1. Carolyn Jones—Respondent
2. Teresa Meyer—Board Agent

Respondent's Witnesses:

1. None

State's Exhibits:

- | | |
|--|------------|
| 1. Notice of Opportunity for Hearing | 04.10.2020 |
| 2. Request for Hearing | 05.21.2019 |
| 3. Notice of Hearing | 07.18.2019 |
| 4. Demographic | 09.18.2018 |
| 5. Statements | Various |
| 6. Police Report | 04.15.2019 |
| 7. Patient Profile, Medical Expense Summary and RX | |
| a. Jones, Carolyn | Various |
| b. Jones, Robert | Various |
| 9. OSP Lab Report and Chain of Custody | Various |
| 10. Pharmacist Time Schedule | Various |
| 11. Controlled Substance Ref Table | 09.15.2018 |
| 12. Summary Suspension/Notice of Opportunity for Hearing | 09.12.2019 |

Respondent's Exhibits:

- | | |
|-------------------------------------|------------|
| A. Letter from Gary Yuratovac, Esq. | 01.03.2020 |
|-------------------------------------|------------|

FINDINGS OF FACT

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

1. On or about October 26, 2018, TriHealth System (TriHealth) reported several drug thefts that all occurred when Carolyn Jones was working at various pharmacy locations. As a result of

the missing drugs, further investigation revealed phone order prescriptions received by and filled by Carolyn Jones, for herself and her estranged husband, Robert Jones. Carolyn Jones' physician verified the following prescriptions were fraudulent:

- a. Zanaflex 4 mg (June 21, 2018);
 - b. Gabapentin 300 mg (June 21, 2018);
 - c. Elavil 25 mg tablets (June 21, 2018); and
 - d. Zithromax 250 mg tablets (August 21, 2018).
2. Carolyn Jones' husband's physician verified the following prescriptions were fraudulent:
 - a. Methocarbamol 500 mg tablets, a quantity of two hundred seventy tablets, with five refills (October 12, 2018);
 - b. Voltaren 75 mg, a quantity of one hundred eighty tablets, with five refills (October 12, 2018);
 - c. Prednisone 20 mg, a quantity of sixty-two tablets, with two refills (October 12, 2018);
 - d. Fioricet, a quantity of one hundred twenty tablets, with eleven refills (October 19, 2018); and
 - e. Imitrex 100 mg, a quantity of eighteen tablets, with no refills (October 19, 2018).
 3. On or about November 8, 2018, Carolyn Jones was interviewed. Carolyn Jones admitted to creating false prescriptions for both herself and her husband.
 4. Agents obtained one hundred five tablets Carolyn Jones claimed were Zanaflex 4 mg and one tablet of Buspar 15 mg, however, Carolyn Jones could not explain the whereabouts of the additional medications she illegally obtained from TriHealth pharmacies.
 5. On or about November 8, 2018, Carolyn Jones provided a urine sample. The Urine Drug Toxicology Report indicates positive results for Desmethyldiazepam, Dihydrocodeine, Hydrocodone, Tramadol, Butalbital, Oxazepam, Temazepam. Carolyn Jones did not have a valid prescription for these drugs as of November 2018.

CONCLUSIONS OF LAW

1. Such conduct as set forth in paragraphs 1(a), 1(b), 1(c), 1(d), 2(a), 2(b), 2(c), 2(d), and 2(e) of the Findings of Fact Section each constitute a violation of Section 2925.23 of the O.R.C., illegal processing of a drug document.
2. Such conduct as set forth in the Findings of Fact Section constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC, as effective September 29, 2017:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16 Section (A)(2)(b); and
 - b. Is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, ORC Section 4729.16(A)(2)(c); and
 - c. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter 3715.75 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, ORC 4729.16(A)(2)(e); and
 - d. Engaged in any conduct for which the board may imposed discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.16(A)(2)(l).
3. Such conduct as set forth in the Findings of Fact Section constitutes a violation of Section 4729.08(B) of the ORC, not of good habits.
4. Such conduct as set forth in the Findings of Fact Section each constitutes a violation of each of the following divisions of Rule 4729:1-4-01(B)(2) of the OAC as effective May 1, 2018:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, OAC Rule 4729:1-4-01(B)(2)(b); and
 - b. Is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, OAC Rule 4729:1-4-01(B)(2)(c); and
 - c. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapter 4729. of the Revised Code, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925., 3796., 3719. Or 4752. of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729:1-4-01(B)(2)(e); and

- d. Committed acts that constitute moral turpitude that constitutes a misdemeanor or a felony in this state, regardless of the jurisdiction in which it was committed, OAC Rule 4729:1-4-01(B)(2)(l); and
- e. Violated any state or federal law or rule regardless of the jurisdiction in which the acts were committed, OAC Rule 4729:1-4-01(B)(2)(m).

DECISION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Carolyn Jones on September 12, 2019.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist license no. 03-325496, held by Carolyn Jones, and such suspension is effective as of the date of the mailing of this Order.

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

Carolyn Jones must successfully complete the terms of the Hamilton County Court of Common Pleas Mental Health Court, Community Treatment Intervention Project (MHC). The Board shall treat any violation of the MHC or failure to successfully complete MHC as a violation of this Board's Order and request Carolyn Jones reappear before the Board for possible additional sanctions, including and up to revocation of license. Carolyn Jones must provide the Board with documentation of successful completion of the MHC. Documentation of successful completion of the MHC shall be submitted to legal@pharmacy.ohio.gov.

After successful completion of the MHC, Carolyn Jones must submit to (at her own expense) a mental and physical evaluation by a Board-approved psychiatrist demonstrating Carolyn Jones' fitness to practice pharmacy with requisite judgment, skill, competence, and safety to the public. This evaluation shall be completed not more than 60 days before filing her reinstatement petition. Documentation of completion of this evaluation shall be submitted to legal@pharmacy.ohio.gov.

After the above terms have been met, the Board will consider any petition filed by Carolyn Jones for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

1. Carolyn Jones must maintain a current address with the Board throughout the duration of the suspension.

2. Carolyn Jones shall not refuse an employer provided, court-ordered, or other drug or alcohol screen. If the Board becomes aware of any positive drug or alcohol screen results for illicit drugs or drugs for which Carolyn Jones does not have a prescription, the Board shall treat these results as a violation of the Board's Order and request Carolyn Jones reappear before the Board for possible additional sanctions, including and up to revocation of license.
3. Carolyn Jones shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of suspension. The Board shall treat any such refusal as a violation of the Board's Order and request Carolyn Jones reappear before the Board for possible additional sanctions, including and up to revocation of license.
4. Carolyn Jones must immediately report any violation of the terms of this suspension to the Board by contacting legal@pharmacy.ohio.gov. Failure to self-report any violation shall be treated as a violation of this Board's Order and will subject Carolyn Jones to possible additional sanctions, including and up to revocation of license.
5. Carolyn Jones must demonstrate satisfactory proof to the Board that she is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy.
6. Carolyn Jones must provide, in the reinstatement petition, documentation of the following:
 - a. Successful completion of the MHC;
 - b. Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;
 - c. Compliance with the terms of this Order.
7. If reinstatement is not accomplished within **three years** of the effective date of the Board's September 12, 2019 Summary Suspension Notice of Opportunity for Hearing, Carolyn Jones must also show successful completion of the North American Pharmacist Licensure Examination (NAPLEX) and the Multistate Pharmacy Jurisprudence Exam (MPJE), or an equivalent examination(s) approved by the Board.
8. Violation of any term of this Order may result in additional action before the Board up to and including revocation of Carolyn Jones' pharmacy license.
9. Any violation of Chapters 2925., 3715., 3719., 4729., of the Ohio Revised Code, any administrative code violation or a violation of any other state or federal law will be considered a violation of this Order resulting in a hearing before the Board and may also result in criminal and/or administrative charges.

10. Failure to complete the terms set forth in this Board's Order, or to petition for reinstatement within five years of the date of this Order, will result in the Board issuing a notice of opportunity for hearing to consider additional disciplinary action, including and up to revocation of Carolyn Jones's license.

Further, the Board hereby grants the State's Motion to Seal the Record in this matter including, but not limited to, all confidential patient health information contained in the record, specifically State's exhibits: 7 and 9.

Jennifer M. Rudell moved for Findings of Fact; Fred M. Weaver seconded the motion. Motion passed (Aye-5/Nay-0).

Joshua M. Cox moved for Conclusions of Law; Jennifer M. Rudell seconded the motion. Motion passed (Aye-5/Nay-0).

Jennifer M. Rudell moved for Action of the Board; Donald R. Miller seconded the motion. Motion passed (Aye-5/Nay-0).

SO ORDERED.

-
- 11:22 a.m.** Mr. McNamee and Ms. Wai presented the Board with a *Proposal to Classify Non-Pharmaceutical Benzodiazepine Pharmacophores as a Schedule I Controlled Substances*.
- R-2020-0317** Mr. Weaver moved that the Board approve the *Proposal to Classify Non-Pharmaceutical Benzodiazepine Pharmacophores as a Schedule I Controlled Substances*. The motion was seconded by Mr. Cox and approved by the Board: Aye-6, Nay-0.
- 11:25 a.m.** Mr. McNamee and Ms. Wai led a discussion on revisions to 4729:5-3-17—Automated Pharmacy Systems, 4729:1-2-10—Emeritus Pharmacists, 4729:1-2-09—Expedited Pharmacist Licensure for Members of the Military and Spouses Who are Licensed in Another Jurisdiction, 4729:2-2-11—Expedited Pharmacy Intern Licensure for Members of the Military and Spouses Who are Licensed in Another Jurisdiction, 4729: 3-2-06—Expedited Pharmacy Technician Registration for Members of the Military and Spouses Who are Licensed in Another Jurisdiction, and 4729:5-9-02.3—Record Keeping at an Institutional Pharmacy.
- R-2020-0318** Mr. Weaver moved that the Board approve revisions to rules 4729:5-3-17—Automated Pharmacy Systems, 4729:1-2-10—Emeritus Pharmacists, 4729:1-2-09—Expedited Pharmacist Licensure for Members of the Military and Spouses Who are Licensed in Another Jurisdiction, 4729:2-2-11—Expedited Pharmacy Intern Licensure for Members of the Military and Spouses

Who are Licensed in Another Jurisdiction, 4729: 3-2-06—Expedited Pharmacy Technician Registration for Members of the Military and Spouses Who are Licensed in Another Jurisdiction, and 4729:5-9-02.3—Record Keeping at an Institutional Pharmacy for filing with CSI and/or JCARR. The motion was seconded by Mr. Newlon and approved by the Board: Aye-6, Nay-0.

11:55 a.m. Mr. McNamee and Ms. Wai led a discussion on revisions to rule 4729:5-8-03—Compliance.

R-2020-0319 Ms. Yarosh moved that the Board approve revisions to rule 4729:5-8-03—Compliance for filing with CSI and JCARR. The motion was seconded by Mr. Newlon and approved by the Board: Aye-6, Nay-0.

12:08 p.m. Mr. McNamee and Ms. Wai introduced Mr. Antonio Ciaccia, a representative of the Ohio Pharmacists Association (OPA), who led a discussion on a letter dated November 27, 2019 from the OPA that proposed modifications to rules 4729: 1-4-01—Disciplinary Actions, 4729:1-4-02—Duty to Report, and 4729: 3-4-02—Duty to Report, and 4729: 2-4-02—Duty to Report.

12:13 p.m. The Board recessed for lunch.

R-2020-320 Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. A-2019-0459 & 501-0067-D**

**Gregory White, RPh
License No. 03-320070
5751 Cambrook Ct.
Dublin, OH 43016**

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 Gregory White, for the purpose of resolving all issues between the parties relating to the Board investigation of Gregory White's failure to conduct proper drug utilization review. Together, the Board and Gregory White 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. Gregory White is an Ohio-licensed pharmacist under license number 03-330870.

FACTS

1. The Board initiated an investigation of Gregory White, pharmacist license number 03-330870, related to Gregory White's failure to conduct proper drug utilization review.
2. On or about October 17, 2019, the Board sent a Notice of Opportunity for Hearing to Gregory White, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.
3. On or about November 13, 2019, Gregory White timely requested an administrative hearing, which was subsequently scheduled for April 8, 2020.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Gregory White neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated October 17, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Gregory White agrees to pay to the OSBP the amount of amount of \$2,000. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Gregory White must obtain, within 90 days from the effective date of this Agreement, 24 hours of approved continuing pharmacy education units (2.4 CEUs), which may not also be used for license renewal. No fewer than six CEU shall be in palliative care/end of life care, six CEU shall be in pain management/opioid use, six CEU shall be in medication safety, and six

CEU shall be in ethics. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.

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

R-2020-321

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

**IN THE MATTER OF:
CASE NO. A-2019-0458 & 501-0067-C**

**Nathan Kochheiser, RPh
License No. 03-330870
1264 Kochheiser Rd.
Mansfield, Ohio 44904**

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 Nathan Kochheiser, for the purpose of resolving all issues between the parties relating to the Board investigation of Nathan Kochheiser's failure to conduct proper drug utilization review. Together, the Board and Nathan Kochheiser 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. Nathan Kochheiser is an Ohio-licensed pharmacist under license number 03-330870.

FACTS

1. The Board initiated an investigation of Nathan Kochheiser, pharmacist license number 03-330870, related to Nathan Kochheiser's failure to conduct proper drug utilization review.
2. On or about October 17, 2019, the Board sent a Notice of Opportunity for Hearing to Nathan Kochheiser, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.
3. On or about November 13, 2019, Nathan Kochheiser timely requested an administrative hearing, which was subsequently scheduled for April 8, 2020.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Nathan Kochheiser neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated October 17, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.

3. Nathan Kochheiser agrees to pay to the OSBP the amount of amount of \$1,000. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Nathan Kochheiser must obtain, within 90 days from the effective date of this Agreement, 12 hours of approved continuing pharmacy education units (1.2 CEUs), which may not also be used for license renewal. No fewer than six CEU will be in palliative care/end of life care. The remaining six CEU shall be in pain management/opioid use. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
5. Nathan Kochheiser agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Nathan Kochheiser understands that he has the right to be represented by counsel for review and execution of this agreement.
7. Nathan Kochheiser agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Nathan Kochheiser waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and specifically withdraws his request for a hearing in this matter and waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
12. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-322

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

**IN THE MATTER OF:
Case No. A-2019-0274
I-2019-0320-G**

**Celeste Pawlicki
Registration No. 09-108085
513 Franklin Street
Hamilton, OH 45013**

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 Celeste Pawlicki for the purpose of resolving all issues between the parties relating to the Board investigation of working at Lifeline Pharmacy, located at 3699 Symmes Road, Hamilton, Ohio, without a valid registration as a pharmacy technician. Together, the Board and Celeste Pawlicki are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.96 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Sections 4729.90 of the Ohio Revised Code to perform the duties of a certified pharmacy technician in the state of Ohio.
2. Celeste Pawlicki is an Ohio-registered pharmacy technician trainee under registration number 09-108085.

FACTS

1. On or about March 12, 2019, the Board initiated an investigation of Celeste Pawlicki, pharmacy technician trainee registration number 09-108085, related to Celeste Pawlicki's working as a pharmacy technician at Lifeline Pharmacy without a valid registration as a pharmacy technician.
2. On or about December 2, 2019 the Board sent a Notice of Opportunity for Hearing to Celeste Pawlicki 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. Celeste Pawlicki neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated December 2, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Celeste Pawlicki agrees to pay to the OSBP the amount of amount of \$25.00. This fine will be attached to your registration record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Celeste Pawlicki agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
5. Celeste Pawlicki understands that she has the right to be represented by counsel for review and execution of this agreement.
6. Celeste Pawlicki agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
7. Celeste Pawlicki waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
8. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
9. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
10. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
11. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-323 Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
Case No. A-2019-0273 & I-2019-0320-D**

**Alexandra Kaiser
Registration No. 09-107783
509 Park Dr. Apt 1
Trenton, OH 45067**

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 Alexandra Kaiser for the purpose of resolving all issues between the parties relating to the Board investigation of working at Lifeline Pharmacy, located at 3699 Symmes Road, Hamilton, Ohio, without a valid registration as a pharmacy technician. Together, the Board and Alexandra Kaiser are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.96 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Sections 4729.90 of the Ohio Revised Code to perform the duties of a certified pharmacy technician in the state of Ohio.
2. Alexandra Kaiser is an Ohio-registered pharmacy technician trainee under registration number 09-107783.

FACTS

1. On or about March 12, 2019, the Board initiated an investigation of Alexandra Kaiser, pharmacy technician trainee registration number 09-107783, related to Alexandra Kaiser’s working as a pharmacy technician at Lifeline Pharmacy without a valid registration as a pharmacy technician.

2. On or about December 2, 2019 the Board sent a Notice of Opportunity for Hearing to Alexandra Kaiser 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. Alexandra Kaiser neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated December 2, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Alexandra Kaiser agrees to pay to the OSBP the amount of amount of \$25.00. This fine will be attached to your registration record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Alexandra Kaiser agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
5. Alexandra Kaiser understands that she has the right to be represented by counsel for review and execution of this agreement.
6. Alexandra Kaiser agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
7. Alexandra Kaiser waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
8. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

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

R-2020-324

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

**IN THE MATTER OF:
Case No. A-2019-0489
I-2019-0320-m**

**Morgan Steele
Registration No. 09-107939
586 Wayne Madison Road, Apt. B
Trenton, Ohio 45067**

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 Morgan Steele for the purpose of resolving all issues between the parties relating to the Board investigation of working at Lifeline Pharmacy, located at 3699 Symmes Road, Hamilton, Ohio, without a valid registration as a pharmacy technician. Together, the Board and Morgan Steele are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.96 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Sections 4729.90 of the Ohio Revised Code to perform the duties of a certified pharmacy technician in the state of Ohio.
2. Morgan Steele is an Ohio-registered pharmacy technician trainee under registration number 09-107939.

FACTS

1. On or about March 12, 2019, the Board initiated an investigation of Morgan Steele, pharmacy technician trainee registration number 09-107939, related to Morgan Steele's working as a pharmacy technician at Lifeline Pharmacy without a valid registration as a pharmacy technician.
2. On or about December 2, 2019 the Board sent a Notice of Opportunity for Hearing to Morgan Steele 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. Morgan Steele neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated December 2, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Morgan Steele agrees to pay to the OSBP the amount of amount of \$25.00. This fine will be attached to your registration record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Morgan Steele agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
5. Morgan Steele understands that she has the right to be represented by counsel for review and execution of this agreement.
6. Morgan Steele agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.

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

R-2020-325

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

**IN THE MATTER OF:
Case No. A-2019-0271 & I-2019-0320-F**

**Marie Collett
Registration No. 09-107738
4496 Trenton Oxford Rd
Hamilton, OH 45011**

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 Marie Collett for the purpose of resolving all issues between the parties relating to the Board investigation of working at Lifeline Pharmacy, located at 3699 Symmes Road, Hamilton, Ohio, without a valid registration as a pharmacy technician. Together, the Board and Marie Collett are referred to hereinafter as "the parties."

JURISDICTION

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

2. Marie Collett is an Ohio-registered pharmacy technician trainee under registration number 09-107738.

FACTS

1. On or about March 12, 2019, the Board initiated an investigation of Marie Collett, pharmacy technician trainee registration number 09-107738, related to Marie Collett's working as a pharmacy technician at Lifeline Pharmacy without a valid registration as a pharmacy technician.
2. On or about December 2, 2019 the Board sent a Notice of Opportunity for Hearing to Marie Collett 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. Marie Collett neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated December 2, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Marie Collett agrees to pay to the OSBP the amount of amount of \$25.00. This fine will be attached to your registration record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Marie Collett agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
5. Marie Collett understands that she has the right to be represented by counsel for review and execution of this agreement.

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

R-2020-326

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

**IN THE MATTER OF:
Case No. A-2019-0269 & I-2019-0320**

**Jacob Burrell
Registration No. 09-211047
6128 Hamilton Ave, Apt 12
Cincinnati, OH 45224**

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 Jacob Burrell for the purpose of resolving all issues between the parties relating to the Board investigation of working at Lifeline Pharmacy, located at 3699 Symmes Road, Hamilton, Ohio, without a valid registration as a pharmacy technician. Together, the Board and Jacob Burrell are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.96 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Sections 4729.90 of the Ohio Revised Code to perform the duties of a certified pharmacy technician in the state of Ohio.
2. Jacob Burrell is an Ohio-registered pharmacy technician under registration number 09-211047.

FACTS

1. On or about March 12, 2019, the Board initiated an investigation of Jacob Burrell, registered pharmacy technician registration number 09-211047, related to Jacob Burrell's working as a pharmacy technician at Lifeline Pharmacy without a valid registration as a pharmacy technician.
2. On or about December 2, 2019 the Board sent a Notice of Opportunity for Hearing to Jacob Burrell 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. Jacob Burrell neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated December 2, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Jacob Burrell agrees to pay to the OSBP the amount of amount of \$25.00. This fine will be attached to your registration record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Jacob Burrell agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

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

R-2020-327

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

**IN THE MATTER OF:
CASE NO. A-2019-0213**

**Confidential Drug
License No. 02-2854100**
c/o Lyman Eaton
8250 Bash Road, Ste. D
Indianapolis, IN 46250

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 Confidential Drug, for the purpose of resolving all issues between the parties relating

to the Board investigation of illegal sales of dangerous drugs. Together, the Board and Confidential Drug are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code (ORC) and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the ORC to practice as a TDDD in the state of Ohio. Additionally, Section 4729.57 of the Revised Code grants the Board the authority to impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or \$1,000 if the acts committed have not been classified as an offense by the ORC.
2. Confidential Drug has a current TDDD license with the Board under license number 02-2854100. Which lists Lyman Eaton as the Responsible Person.

FACTS

1. On or about January 23, 2018, the Board initiated an investigation of Confidential Drug, Terminal Distributor of Dangerous Drugs license number 02-2854100, related to Confidential Drug’s illegal sales of dangerous drugs.
2. On or about August 14, 2019, the Board sent a Notice of Opportunity for Hearing to Confidential Drug, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Confidential Drug neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 14, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio’s pharmacy law as set forth in the Notice, and hereby adjudicates the same.

3. Confidential Drug agrees to pay to the Board a monetary penalty in the amount of \$16,000.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Settlement Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Confidential Drug agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Confidential Drug agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Confidential Drug of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Confidential Drug by the Board and will NOT discharge Confidential Drug from any obligation under the terms of this Agreement.
6. Confidential Drug agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Confidential Drug understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Confidential Drug will operate.
9. Confidential Drug waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

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

R-2020-328

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

**IN THE MATTER OF:
CASE NO. A-2019-0062-A**

Heartland Pharmacy 2, LLC
License No. 02-2243550
c/o Kindy Ghussin
191 West Nationwide Blvd., Suite 300
Columbus, OH 43215

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 Heartland Pharmacy 2, LLC (Heartland), for the purpose of resolving all issues between the parties relating to the Board investigation of issues involving the application for a Terminal Distributor of Dangerous Drugs license. Together, the Board and Heartland are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Heartland Pharmacy 2, LLC was licensed by the Board as a Terminal Distributor of Dangerous Drugs from September 10, 2012 through July 16, 2019 under license number 02-2243550.

FACTS

1. On or about November 23, 2016, the agents from the Board initiated an investigation of Heartland due to a patient complaint.

2. On or about May 20, 2019 the Board sent a Notice of Opportunity for Hearing to Heartland, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.
3. On or about June 15, 2019, Heartland Pharmacy 2 timely requested an administrative hearing, which was subsequently scheduled for June 30, 2019. The matter was continued and the hearing was subsequently scheduled for March 2, 2020.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Heartland Pharmacy 2 neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated May 20, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Heartland Pharmacy 2 agrees to pay to the Board a monetary penalty the amount of \$2,000. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Heartland Pharmacy 2 agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Heartland Pharmacy 2 agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Heartland of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted

to Heartland by the Board and will NOT discharge Springfield from any obligation under the terms of this Agreement.

6. Heartland Pharmacy 2 agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Heartland Pharmacy 2 understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Heartland Pharmacy 2 will operate.
9. Heartland Pharmacy 2 waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, specifically withdraws its request for a hearing in this matter, and waives any right to an appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

R-2020-329

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

**IN THE MATTER OF:
CASE NO. A-2018-0040**

Jay Culler, RPh
License No. 03-320329
1291 Crestview Avenue SW
New Philadelphia, OH 44663

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 Jay Culler, for the purpose of resolving all issues between the parties relating to the Board investigation of Jay Culler for violating the terms of his June 7, 2017 Settlement Agreement with the Board by filling multiple prescriptions for himself, and fraudulently adding refills to a valid prescription for Augmentin, that were later dispensed and picked-up. Together, Board and Jay Culler are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Jay Culler is a licensed pharmacist under license number 03-320329.

FACTS

1. On or about February 26, 2018 the Board initiated an investigation of Jay Culler, pharmacist license number 03-320329, related to Jay Culler’s violating the terms of his June 7, 2017 Settlement Agreement with the Board by filling multiple prescriptions for himself, and fraudulently adding refills to a valid prescription for Augmentin, that were later dispensed and picked-up.
2. On or about May 8, 2019, the Board sent a Notice of Opportunity for Hearing to Jay Culler, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.
3. On or about May 14, 2019, Jay Culler timely requested a hearing.

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

TERMS

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

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

2. Jay Culler neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated May 8, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Jay Culler agrees to a one-year suspension of his pharmacist license, No. 03-129762, to become effective as of the date of this Order.
4. Jay Culler agrees to pay to the Board a monetary penalty in the amount of \$1,000.00. This fine will be attached to your license record and must be paid prior to reinstatement of your license. To pay this fine you must login to www.license.ohio.gov and process the items in your cart.
5. Jay Culler may not fill prescriptions for himself or family members for a period of two years from the date his license is reinstated.
6. Jay Culler agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Jay Culler understands that he has the right to be represented by counsel for review and execution of this agreement.
8. Jay Culler agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the Board on renewal applications or applications for a new license.
9. Jay Culler withdraws his request for a hearing, waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-330

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

**IN THE MATTER OF:
CASE NO. M-2019-0097**

Green Rx, LLC (MMD.04007)

CONSENT AGREEMENT

This Consent Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Green Rx, LLC, for the purpose of resolving all issues between the parties related to the Board's investigation of Green Rx, LLC for violations of Ohio Adm.Code 3796:6-2-12. Together, the Board and Green Rx, LLC are referred to hereinafter as "the Parties."

JURISDICTION

1. Pursuant to Section 3796.15 of the Ohio Revised Code, the Board shall enforce, or cause to be enforced, sections 3796.08. 3796.10. 3796.20. 3796.22. and 3796.23. of the Revised Code. If it has information that any provision of those sections or any rule adopted under this chapter has been violated, it shall investigate the matter and take any action as it considers appropriate.
2. Pursuant to 3796:6-4-01 of the Ohio Administrative Code (Ohio Adm.Code), the Board shall regulate activities as they relate to the dispensing of medical marijuana and medical marijuana products to registered patients and designated caregivers. The Board shall investigate all activities related to Chapters 2925., 3715., 3719., and 3796. of the Revised Code as they relate to dispensing operations.
3. On or about June 4, 2018, Green Rx, LLC was awarded provisional dispensary licenses under license numbers MMD.04007.

OVERVIEW

1. On or about June 20, 2019, the Board issued a change of dispensary ownership inquiry to Green Rx, LLC related to Green Rx, LLC's ownership status under Ohio Adm.Code 3796:6-2-12.

2. In response to the change of dispensary ownership inquiry dated June 20, 2019, Green Rx, LLC provided the Board the following documents:
 - a. *Amended and Restated Operating Agreement of Green Rx, LLC* (Unexecuted);
 - b. *Consulting and Administrative Services Agreement*, made and entered into April 18, 2019 between Green Rx, LLC, Stephen Hightower, Damon Lynch III, James Wilson, H. Leon Hewitt, Tondra Newman, Kim Walker, Shonetina Benson, Ty Bobo, Sara McConnell, Reffinia Kelley, Ryan Kunkle, and VHGRX Holdings, LLC or its assigns of Verano Holdings, LLC;
 - c. *Escrow Agreement*, made and entered into April 18, 2019 between Green Rx, LLC, Stephen Hightower, Damon Lynch III, James Wilson, H. Leon Hewitt, Tondra Newman, Kim Walker, Shonetina Benson, Ty Bobo, Sara McConnell, Reffinia Kelley, Ryan Kunkle, VHGRX Holdings, LLC, and Mid-Maryland Title Company, Inc.; and
 - d. *Membership Interest Purchase Agreement*, made and entered April 18, 2019 between Stephen Hightower, Damon Lynch III, James Wilson, H. Leon Hewitt, Tondra Newman, Kim Walker, Shonetina Benson, Ty Bobo, Sara McConnell, Reffinia Kelley, Ryan Kunkle and VHGRX Holdings, LLC.

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 costs of investigation are \$5,000 ("Costs of Investigation").
2. Green Rx, LLC voluntarily agrees to pay the Costs of Investigation. To pay the Costs of Investigation, Green Rx, LLC may (1) remit payment by credit card or debit card via the eLicense portal (www.elicense.ohio.gov) (NOTE: effective 07/01/2019, the State of Ohio Board of Pharmacy no longer accepts ACH (Electronic Checks) or American Express); or (2) remit payment via Certified Check or Cashier's Check to the State of Ohio Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, OH 43215, made payable to "Treasurer State of Ohio."
3. The Costs of Investigation must be paid prior to the award of a certificate of operation to Green Rx, LLC.
4. The Board may exercise its authority under Section 3796.14 of the Ohio Revised Code and Ohio Adm.Code 3796:6-4-03 for violations of 3796:6-2-04(J). Green Rx, LLC agrees to pay the

following fines should it not receive a certificate of operation and commence operations by the dates set forth below:

- a. A fine in the amount of twenty-five thousand dollars (\$25,000.00) for violations of Ohio Adm.Code 3796:6-2-04(J) to be imposed if Green Rx, LLC has not received a certificate of operation and commenced operations by 11:59p.m. on February 18, 2020;
 - b. A fine in the amount of seventy-five thousand dollars (\$75,000.00) for violations of Ohio Adm.Code 3796:6-2-04(J) to be imposed if Green Rx, LLC has not received a certificate of operation and commenced operations by 11:59p.m. on March 19, 2020.
5. The Board may exercise its authority under Section 3796.14 of the Ohio Revised Code and Ohio Adm.Code 3796:6-4-03 for violations of 3796:6-2-04(J) if Green Rx, LLC receives a certificate of operation and commences operations on or after March 20, 2020.
6. Green Rx, LLC agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Green Rx, LLC neither admits nor denies any violation of Chapter 3796. of the Ohio Revised Code or Section 3796:6 of the Ohio Administrative Code.
8. Nothing in this Agreement shall be construed as discipline under Chapter 3796. of the Ohio Revised Code or Section 3796:6 of the Ohio Administrative Code.
9. **General Release.** In consideration of the covenants and agreements contained herein, the Parties, for themselves and each of their respective administrators, trustees, accountants, parents, subsidiaries, divisions, affiliates, predecessors, successors, present or former officers, directors, employees, shareholders, owners, attorneys and assigns, hereby fully and forever release, withdraw, remise, quit-claim and fully and forever discharge the other party, and each of their respective heirs, executors, administrators, trustees, accountants, parents, subsidiaries, divisions, affiliates, predecessors, successors, present or former officers, directors, employees, shareholders, owners, attorneys, and assigns, from any and all claims, demands, damages, accounts, debts, liens, suits, actions, and rights or causes of action of every kind and description, whether known or unknown, suspected or unsuspected, which it now has, or has had, or hereafter can, shall, or may have arising out of or related to the subject matter of this Agreement. The Parties agree not to pursue litigation in this matter or for any claim related to matters described herein. This release does not affect the Parties' rights to enforce the terms of this agreement.
10. **Public Record.** All Parties to this Agreement understand that this document is a public record under R.C. 149.43, and its terms will therefore become part of the minutes of a meeting of the Pharmacy Board. Notwithstanding the previous statement, Green Rx, LLC neither waives nor retracts any prior assertion or classification of records as trade secrets subject to the

protections and limitations of Chapter 1333. of the Revised Code and nothing in this Agreement eliminates, voids, or otherwise impairs the applicability of exemptions to Ohio's Public Records Act, including but not limited to Section 149.43(A)(1)(v).

11. **Chapter 119. Proceedings.** The Parties acknowledge and agree that this Agreement was entered without resort to the administrative procedures set forth in Chapter 119. of the Ohio Revised Code.
12. **Entire Agreement.** This Agreement supersedes any and all agreements by, between and among the Parties, and represents their entire agreement pertaining to the subject matter hereof. There is no agreement or understanding relating to the subject matter hereof, whether express, implied, written or oral, not expressly set forth herein.
13. **Binding Effect.** This Agreement is binding upon and shall inure to the benefit of the Parties hereto and their agents, employees, successors and assigns. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the Parties or any other corporation through whom or with whom Green Rx, LLC will operate.
14. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio.
15. **Interpretation.** This Agreement shall be interpreted as though mutually drafted by the Parties hereto and their respective counsel.
16. **Headings.** The headings preceding the paragraphs herein are intended to be for convenience only and shall have no operative force or effect.
17. **Authority.** The Parties hereto represent and warrant to each other that each Party possesses the full requisite authority to enter into this Agreement and that the person signing this Agreement on behalf of each Party is fully and duly authorized to do so.
18. **Execution in Counterparts; Facsimile Signatures.** The Parties acknowledge and agree that this Agreement may be executed (1) in one or more counterparts, which together shall constitute a single, integrated agreement, and (2) by facsimile signatures which shall have the same force and effect as original signatures.
19. **Effective Date.** This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-331

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

**IN THE MATTER OF:
CASE No. M-2019-0164**

**Ohio Grown Therapies, LLC
License No. MMD.04022
Account No./Application No. 98-584
1246 North 21st Street
Newark, OH 43055**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

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

WITNESSETH:

WHEREAS, on or about June 4, 2018, the Board awarded Ohio Grown Therapies, LLC a provisional dispensary license to operate a medical marijuana dispensary at 1246 North 21st Street, Newark, OH 43055;

WHEREAS, on or about January 14, 2019, Ohio Grown Therapies, LLC and Ohio Natural Treatment Solutions, LLC entered into an Option Purchase Agreement, whereby Ohio Grown Therapies, LLC granted Ohio Natural Treatment Solutions, LLC an option to purchase the provisional dispensary license (the “Newark Dispensary License.”) Additionally, in conjunction with the execution of this agreement, Ohio Natural Treatment Solutions, LLC loaned Ohio Grown Therapies, LLC the sum of one million dollars (\$1,000,000.00);

WHEREAS, on or about January 14, 2019, Ohio Grown Therapies, LLC executed an Amended and Restated Secured Promissory Note to pay one million dollars (\$1,000,000.00) to the order of Ohio Natural Treatment Solutions, LLC;

WHEREAS, on or about January 14, 2019, Ohio Grown Therapies, LLC and Ohio Natural Treatment Solutions, LLC entered into an Escrow Agreement;

WHEREAS, on or about January 14, 2019, Ohio Grown Therapies, LLC and Ohio Natural Treatment Solutions, LLC entered into an Assignment and Assumption of Real Estate Purchase Agreement, whereby Ohio Grown Therapies, LLC agreed to assign its rights, title and interest in and to the Real Estate Purchase Agreement to Ohio Natural Treatment Solutions, LLC for the property located at 1246 North 21st Street, Newark, OH 43055;

WHEREAS, on or about January 14, 2019, Ohio Grown Therapies, LLC and Ohio Natural Treatment Solutions, LLC entered into a Lease Agreement, whereby Ohio Grown Therapies, LLC leased the property located at 1246 North 21st Street, Newark, OH 43055 from Ohio Natural Treatment Solutions, LLC;

WHEREAS, on or about January 14, 2019, Ohio Grown Therapies, LLC and Ohio Natural Treatment Solutions, LLC entered into a Consulting and Administrative Services Agreement (“CSA”) whereby Ohio Natural Treatment Solutions was “responsible for the development, administration, and servicing of the Licensed Activities...” including providing to Ohio Grown Therapies, LLC the “Consulting Services” set forth in Section 6(a) through 6(i) of the CSA;

WHEREAS, on or about June 3, 2019, Ohio Grown Therapies, LLC and Ohio Natural Treatment Solutions, LLC entered into an agreement addressing certain contingencies should the transfer of the “Newark Dispensary License” described in the Option Purchase Agreement be disallowed by the Board;

WHEREAS, at all times referenced herein, Ohio Grown Therapies, LLC was operating under a provisional dispensary license, and had not yet obtained a certificate of operation as a medical marijuana dispensary.

WHEREAS, the Board has determined that the above-mentioned agreements violate Ohio Adm.Code 3796:6-2-12(C)(6), as interpreted by the Board.

WHEREAS, Ohio Grown Therapies, LLC has amended the above-mentioned agreements so that they unequivocally do not violate the change of ownership rules found in Ohio Adm.Code 3796:6-2-12.

WHEREAS, On or about June 5, 2019, Ohio Grown Therapies, LLC’s was granted a variance to August 9, 2019 to complete construction of its dispensary facility in accordance with Ohio

Adm.Code 3796:6-2-04(J). As of the date of this Agreement, Ohio Grown Therapies, LLC has not commenced operations in accordance with Ohio Adm.Code 3796:6-2-04(J).

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

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

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

1. **Preambles**. The foregoing preambles are incorporated herein by reference.
2. **Specific Actions**.
 - a. The Board hereby issues a reprimand to Ohio Grown Therapies, LLC.
 - b. Ohio Grown Therapies, LLC agrees to pay the following fines:
 - i. A fine in the amount of five thousand dollars (\$5,000.00) for violations of Ohio Adm.Code 3796:6-2-12.
 - ii. A fine in the amount of seventy-five thousand dollars (\$75,000.00) for violations of Ohio Adm.Code 3796:6-2-04(J) to be imposed under the following conditions:
 1. If Ohio Grown Therapies, LLC commences operations consistent with Ohio Adm.Code 3796:6-2-04(J) by 11:59p.m. on January 15, 2020, the amount of the fine imposed will be twenty-five thousand dollars (\$25,000) with fifty thousand dollars (\$50,000) stayed;
 2. If Ohio Grown Therapies, LLC commences operations consistent with Ohio Adm.Code 3796:6-2-04(J) between January 16, 2020 and 11:59p.m. on February 14, 2020, the amount of the fine imposed will be seventy-five thousand dollars (\$75,000) with zero dollars (\$0.00) stayed;
 3. If Ohio Grown Therapies, LLC commences operations consistent with Ohio Adm.Code 3796:6-2-04(J) on or after February 15, 2020, the Board may exercise its authority under Section 3796.14 of the Ohio Revised Code and Ohio Adm.Code 3796:6-4-03 for continued violations of 3796:6-2-04(J).
 - iii. The fine described in Section (2)(b)(i) will be attached to Ohio Grown Therapies, LLC's license record forthwith and must be paid no later than 30 days from when the fine is attached to Ohio Grown Therapies, LLC's license record. To pay the fine Ohio Grown Therapies, LLC may (1) remit payment by credit card or debit card via the eLicense

portal (www.elicense.ohio.gov) (NOTE: effective 07/01/2019, the State of Ohio Board of Pharmacy no longer accepts ACH (Electronic Checks) or American Express); or (2) remit payment via Certified Check or Cashier's Check to the State of Ohio Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, OH 43215, made payable to "Treasurer State of Ohio".

- iv. The fine described in Section (2)(b)(ii) will be attached to Ohio Grown Therapies, LLC's license record at the earlier of: (1) when Ohio Grown Therapies, LLC commences operations or (2) February 15, 2020 and must be paid no later than 30 days from when the fine is attached to Ohio Grown Therapies, LLC's license record. To pay this fine Ohio Grown Therapies, LLC may (1) remit payment by credit card or debit card via the eLicense portal (www.elicense.ohio.gov) (NOTE: effective 07/01/2019, the State of Ohio Board of Pharmacy no longer accepts ACH (Electronic Checks) or American Express); or (2) remit payment via Certified Check or Cashier's Check to the State of Ohio Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, OH 43215, made payable to "Treasurer State of Ohio".
- c. Once the fine identified in Section (2)(b)(i) has been paid to the Board and Ohio Grown Therapies, LLC notifies the Board that it is ready for final inspection pursuant to Ohio Adm.Code 3796:6-2-06(A), the Board will schedule a final inspection of Ohio Grown Therapies, LLC's provisional dispensary location within fourteen days in accordance with Ohio Adm.Code 3796:6-2-06(B).
- d. Once Ohio Grown Therapies, LLC has complied with the conditions of this Agreement and met all other licensure requirements such as payment of the appropriate fees and passing the final inspection(s), the Board will award Ohio Grown Therapies, LLC a certificate of operation.
- e. Ohio Grown Therapies, LLC agrees to the following conditions:
 - i. An Associated Key Employee listed of Ohio Grown Therapies, LLC shall personally interview and determine the management level employees to work in the Dispensary. An Associated Key Employee of Ohio Grown Therapies, LLC or its management level employees shall choose medical marijuana merchandise to purchase for sale; choose the design of the Dispensary; administer and control the daily operations of the Dispensary; and choose which independent contractors will provide services to the dispensary and authorize payment to independent contractors for services rendered.
 - ii. All key employees and dispensary support employees will be employed directly by Ohio Grown Therapies, LLC and not a third-party. Ohio Grown Therapies, LLC cannot request a final inspection until it has complied with this provision.
 - iii. Ohio Grown Therapies, LLC's licensed Associated Key Employee(s) shall have ultimate authority and control over the operations of the Dispensary including without limitation, security, inventory management and control, quality control

recordkeeping, collection efforts, patient education and services, marketing and advertising, information technology, and accounting services.

3. Specific Releases.

- a. Ohio Grown Therapies, LLC. Ohio Grown Therapies, LLC agrees not to institute or reinstitute any actions, in any jurisdictions, in any forum, tribunal, court, or administrative proceeding, for any form of relief against the Board relating to, arising from, or concerning its provisional dispensary licenses or dispensary licenses related to the matters described herein; however, Ohio Grown Therapies, LLC may institute an action, including against the Board, for the purpose of preventing disclosure of its trade secrets and/or confidential information.
- b. The Board. The Board agrees not to treat this Agreement or the facts listed in the preamble as disqualifying Ohio Grown Therapies, LLC from submitting any future applications in the State of Ohio for dispensaries should the Board determine to make future application opportunities available to the public, nor from disqualifying Ohio Grown Therapies, LLC from transferring the Ohio Grown Therapies, LLC dispensary license to a third party in the future, nor from submitting for consideration by the Board reasonable requests for variances.

- 4. General Release.** In consideration of the covenants and agreements contained herein, the Parties, for themselves and each of their respective administrators, trustees, accountants, parents, subsidiaries, divisions, affiliates, predecessors, successors, present or former officers, directors, employees, shareholders, owners, attorneys and assigns, hereby fully and forever release, withdraw, remise, quit-claim and fully and forever discharge the other party, and each of their respective heirs, executors, administrators, trustees, accountants, parents, subsidiaries, divisions, affiliates, predecessors, successors, present or former officers, directors, employees, shareholders, owners, attorneys, and assigns, from any and all claims, demands, damages, accounts, debts, liens, suits, actions, and rights or causes of action of every kind and description, whether known or unknown, suspected or unsuspected, which it now has, or has had, or hereafter can, shall, or may have arising out of or related to the subject matter of this Agreement. The Parties agree not to pursue litigation in this matter or for any claim related to matters described herein. This release does not affect the Parties' rights to enforce the terms of this agreement.

5. **Public Record.** All Parties to this Agreement understand that this document is a public record under R.C. §149.43, and its terms will therefore become part of the minutes of a meeting of the Pharmacy Board.
6. **Costs and Expenses of Administrative and Court Proceedings.** Each party shall be responsible for the costs and expenses it incurred in connection with any hearings or other litigation.
7. **Chapter 119. Proceedings.** The Parties acknowledge and agree that this Agreement was entered without resort to the administrative procedures set forth in Chapter 119. of the Ohio Revised Code.
8. **Entire Agreement.** This Agreement supersedes any and all agreements by, between and among the Parties, and represents their entire agreement pertaining to the subject matter hereof. There is no agreement or understanding relating to the subject matter hereof, whether express, implied, written or oral, not expressly set forth herein.
9. **Binding Effect.** This Agreement is binding upon and shall inure to the benefit of the Parties hereto and their agents, employees, successors and assigns.
10. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio.
11. **Interpretation.** This Agreement shall be interpreted as though mutually drafted by the Parties hereto and their respective counsel.
12. **Headings.** The headings preceding the paragraphs herein are intended to be for convenience only and shall have no operative force or effect.
13. **Authority.** The Parties hereto represent and warrant to each other that each Party possesses the full requisite authority to enter into this Agreement and that the person signing this Agreement on behalf of each Party is fully and duly authorized to do so.
14. **Execution in Counterparts; Facsimile Signatures.** The Parties acknowledge and agree that this Agreement may be executed (1) in one or more counterparts, which together shall

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

R-2020-332 Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

[KDJOH, LLC \(M-2019-0059\) Settlement Agreement](#)

R-2020-333 Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

[WGB, LLC \(M-2019-0060\) Settlement Agreement](#)

R-2020-334 Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

IN THE MATTER OF:
Case No. M-2019-0068

Cresco Labs Ohio, LLC
License No. MMD.0700002
180 Main Street
Wintersville, OH 43953

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

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

WITNESSETH:

WHEREAS, on or about June 4, 2018, the Board awarded Verdant Creations, LLC ("Verdant") three provisional dispensary licenses to operate medical marijuana dispensaries in Chillicothe, Newark, and Marion, and awarded a provisional dispensary license to Care Med, LLC ("CareMed" and, together with Verdant, "Verdant/CareMed") in Cincinnati (collectively, the "Dispensaries");

WHEREAS, Cresco, through certain of its affiliates (the "Ohio LLCs"), entered into agreements with each of the Verdant and Care Med locations to provide consulting services and certain loan arrangements and also entered into option agreements (the "Option Agreements") that will allow the Ohio LLCs to purchase each of the Dispensaries after certain conditions were met, including Board approval.

WHEREAS, the Board has awarded Certificates of Operation to all of the Dispensaries;

WHEREAS, Cresco Labs, and Verdant/Care Med have worked with the Board to amend the agreements between the Ohio LLCs and Verdant/Care Med, including the Option Agreements, to ensure they comply with Ohio Administrative Code 3796:6-2-12 and to eliminate any suggestion that they violate any rules regarding ownership and control of a dispensary (as so amended, collectively, the "Verdant/CareMed Agreements");

WHEREAS, the Board approved the Verdant/CareMed Agreements;

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

WHEREAS, Cresco and each of the Ohio LLCs denies that it has violated any statutes or regulations governing medical marijuana dispensaries;

WHEREAS, there has been no finding by the Board that Cresco or any of the Ohio LLCs has violated any Ohio statute or regulation governing medical marijuana dispensaries;

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

1. **Preambles**. The foregoing preambles are incorporated herein by reference.

2. **Specific Actions.** The Board hereby issues a reprimand and a fine of five thousand dollars (\$5,000) against Cresco and, without admitting any violation or liability, Cresco hereby accepts such reprimand and fine.
3. **Specific Agreements and Releases.**
 - a. **Cresco.** Cresco agrees not to institute or reinstitute any actions, in any jurisdictions, in any forum, tribunal, court, or administrative proceeding, for any form of relief against the Board related to the matters described herein; provided, that the foregoing agreement shall not include any action or proceeding by Cresco to enforce the terms of this Agreement (including, without limitation, those related to the Option Agreements) or Cresco's defense of any action brought by the Board related to the subject matter hereof or any other issue related to or involving Cresco or any of its affiliates.
 - b. **The Board.** The Board agrees not to treat this Agreement or the matters recited in the preamble as disqualifying Cresco, the Ohio LLCs, Cresco Labs Inc. or any of its affiliates or any party to the Verdant/CareMed Agreements, from submitting any future applications in the State of Ohio for dispensaries should the Board determine to make future application opportunities available to the public or to Cresco or any party to the Verdant/CareMed Agreements. Furthermore, the Board agrees that so long as Cresco complies with all terms and conditions of this Agreement and that Cresco Labs Inc. and the Ohio LLCs which are parties to the Verdant/CareMed Agreements, have not been disciplined pursuant to R.C. 3796.14(B)(1) after the date hereof other than for a reprimand, the Board shall, upon the application pursuant to the Option Agreements as approved by the Board and upon the review and approval of the application by the Board pursuant to Ohio law and Administrative Rules, approve the change of ownership of the Dispensaries as detailed in the Option Agreements without undue delay.
4. **General Release.** In consideration of the covenants and agreements contained herein, the Parties, for themselves and each of their respective administrators, trustees, accountants, parents, subsidiaries, divisions, affiliates, predecessors, successors, present or former officers, directors, managers, employees, shareholders, members, partners, owners, attorneys and assigns, hereby fully and forever release, withdraw, remise, quit- claim and fully and forever discharge the other Party, and each of their respective heirs, executors, administrators, trustees, accountants, parents, subsidiaries, divisions, affiliates, predecessors, successors, present or former officers, directors, managers, employees, shareholders, members, partners, owners, attorneys, and assigns, from any and all claims, demands, damages, accounts, debts, liens, suits, actions, and rights or causes of action of every kind and

description, whether known or unknown, suspected or unsuspected, which it now has, or has had, or hereafter can, shall, or may have arising out of or related to the subject matter of this Agreement. The Parties agree not to pursue litigation in this matter or for any claim related to matters described herein. This release does not affect the Parties' rights to enforce the terms of this Agreement.

5. **Public Record**. All Parties to this Agreement understand that this document is a public record under R.C. §149.43, and its terms will therefore become part of the minutes of a meeting of the Board.
6. **Costs and Expenses**. Each Party shall be responsible for the costs and expenses it incurred in connection with this Agreement and the subject matter hereof.
7. **Chapter 119. Proceedings**. The Parties acknowledge and agree that this Agreement was entered without resort to the administrative procedures set forth in Chapter 119 of the Ohio Revised Code.
8. **Entire Agreement**. This Agreement supersedes any and all agreements by, between and among the Parties, and represents their entire agreement pertaining to the subject matter hereof. There is no agreement or understanding relating to the subject matter hereof, whether express, implied, written or oral, not expressly set forth herein.
9. **Binding Effect**. This Agreement is binding upon and shall inure to the benefit of the Parties hereto and their agents, employees, successors and assigns. The Parties expressly agree that the Ohio LLCs shall be third-party beneficiaries of this Agreement with rights to enforce the terms hereof as if each were a party to this Agreement.
10. **Governing Law**. This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio.
11. **Interpretation**. This Agreement shall be interpreted as though mutually drafted by the Parties hereto and their respective counsel.
12. **Headings**. The headings preceding the paragraphs herein are intended to be for convenience only and shall have no operative force or effect.

13. **Authority.** The Parties hereto represent and warrant to each other that each Party possesses the full requisite authority to enter into this Agreement and that the person signing this Agreement on behalf of each Party is fully and duly authorized to do so.
14. **Execution in Counterparts; Facsimile Signatures.** The Parties acknowledge and agree that this Agreement may be executed (1) in one or more counterparts, which together shall constitute a single, integrated signatures.
15. **Limited Consent to Jurisdiction.** The Parties acknowledge that this Agreement is being entered into to forgo the need for an administrative hearing. To this end, Cresco consents to the jurisdiction of the Ohio Board of Pharmacy for the purposes of entering into this Agreement and the enforcement of its terms and conditions. The Parties consent to the jurisdiction of the Franklin County Court of Common Pleas or the United States District Court for the Southern District of Ohio to resolve any disputes between them.

IN WITNESS WHEREOF, Cresco Labs Ohio, LLC and the State of Ohio Board of Pharmacy intending to be legally bound hereby, have executed this Settlement Agreement, which becomes effective upon the date of the Board President's signature below:

-
- R-2020-0335** Ms. Rudell moved that the December 9-11, 2019 Meeting Minutes be approved as written. The motion was seconded by Mr. Newlon and approved by the Board: Aye-6, Nay-0.
- R-2020-0336** Ms. Rudell moved that the December 27, 2019 Conference Call Minutes be approved as written. The motion was seconded by Mr. Newlon and approved by the Board: Aye-6, Nay-0.
- R-2020-0337** Ms. Rudell moved that the January 3, 2020 Conference Call Minutes be approved as written. The motion was seconded by Mr. Newlon and approved by the Board: Aye-6, Nay-0.
- 1:51 p.m.** The Board recessed for a break in proceedings.
- 1:54 p.m.** Pursuant to Sections 4729.16(E), the State of Ohio Board of Pharmacy was joined by Thomas Pyles, *Chief of Investigations*, for the purpose of considering whether to order a mental/physical examination in the matter of an Ohio licensed pharmacist.
- R-2020-0338** After hearing Mr. Pyles discuss the significant facts, Mr. Cox moved that the Board compel the pharmacist in question, to submit to a mental and physical examination pursuant to 4729.16(E). The motion was seconded by Ms. Yarosh and approved by the Board: Aye-6, Nay-0.

- 2:02 p.m.** Ms. Reed presented the Board with the Health Claims Review Committee Recommendations of December 30, 2019, with amendments made consistent with the Board's previous review.
- R-2020-0339** Mr. Weaver moved to approve the Health Claims Review Committee Recommendations of December 30, 2019 as amended. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-6, Nay-0.
- R-2020-0340** Ms. Rudell moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law pursuant to Section 121.22(G)(1), (3) & (5) of the Ohio Revised Code and that the Board return to public session and promptly adjourn at the conclusion of executive session. The motion was seconded by Ms. Yarosh and a roll-call vote was conducted by President Wilt as follows: Cox-yes; Miller-yes; Newlon-yes; Rudell-yes; Weaver-yes; Yarosh-yes.
- 3:30 p.m.** Executive Session concluded and the Board recessed for the day.

Wednesday, January 8, 2020

- 9:00 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:
- Shawn C. Wilt, RPh, *Presiding*; Joshua M. Cox, RPh; Donald R. Miller, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; and Kilee S. Yarosh, RPh.
- Megan E. Marchal, RPh; Absent
- Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Joe Koltak, *Senior Legal Counsel*; Ashley Gilbert, *Senior Legal Counsel*; and Kathryn Lewis, *Administrative Assistant*.
- 9:00 a.m.** Ms. Dehner proposed a rule amendment to 4729:9-1-01—Schedule I Controlled Substances.
- R-2020-0341** Ms. Yarosh moved that the Board approve revisions to rule 4729:9-1-01—Schedule I Controlled Substances. The motion was seconded by Ms. Rudell and approved by the Board: Aye-6, Nay-0.
- 9:01 a.m.** Ms. Dehner proposed that, due a clerical error, the Board vacate the Order for Buckeye State Wellness, LLC Case no. 2018-M862 and allow a chapter 119 hearing.
- R-2020-0342** Ms. Yarosh moved that the Board vacate the Order for Buckeye State Wellness, LLC. Case no. 2018-M862 allow a Chapter 119 hearing. The motion was seconded by Mr. Miller and approved

by the Board: Aye-6, Nay-0. The Board adopted the following Order in the matter of Buckeye State Wellness, LLC.

ORDER VACATING THE NOVEMBER 8, 2019 ORDER
OF THE STATE OF OHIO BOARD OF PHARMACY
AND SETTING THE MATTER FOR HEARING
(Case Number 2018-M862)

In The Matter Of:

BUCKEYE STATE WELLNESS LLC
c/o CT CORPORATION SYSTEMS

1300 East Ninth Street

Cleveland, OH 44114

Account No./Application No.: 429-862

Application District: SOUTHEAST-3

Application Dispensary Address: 4825 E. Main St., Columbus, OH

On June 14, 2019, the State of Ohio Board of Pharmacy (Board) issued a Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) in the matter of Buckeye State Wellness, LLC. As of the thirtieth day after mailing pursuant to Section 119.07 of the Revised Code, the Board had not received a request for a hearing from Buckeye State Wellness, LLC. Accordingly, the matter was set before the Board pursuant to *Goldman v. State Med. Bd.* and heard on November 6, 2019. On November 8, 2019, the Board issued its Order in the matter and served Buckeye State Wellness LLC with its Order. Upon receipt of the November 8, 2019 Order, the Board received communication from Theodore C. Flowers, counsel for Buckeye State Wellness LLC, indicating Buckeye State Wellness LLC requested a hearing on July 9, 2019, as instructed in the Notice letter, via email.

The Board conducted an inquiry into these matters and discovered Buckeye State Wellness LLC's request for a hearing dated July 9, 2019 was located in the Legal email folder. As such, this Board hereby vacates its Order dated November 8, 2019 and grants Buckeye State Wellness LLC a hearing in this matter as to the allegations set forth in the Notice issued on June 14, 2019. A scheduling letter with a new hearing date will be sent to Buckeye State Wellness LLC.

9:03 a.m. The Board was joined by Assistant Attorney General Henry Appel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. In the Matter of **Richard Noell, Liberty Township, Ohio.**

R-2020-0343 Ms. Rudell moved that the Board recess in order to consider the quasi-judicial matters in accordance with Chapter 119. of the Revised Code and the case precedent of *Angerman v. State Medical Bd.* (1990) 70 Ohio App.3d 346 and *TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al.* (1998) 81 Ohio St.3d 58. The motion was seconded by Ms. Yarosh and a roll-call vote was conducted by President Wilt as follows: Cox-yes; Miller-yes; Newlon-yes; Rudell-yes; Weaver-yes; Yarosh-yes.

3:07 p.m. The recess ended and the hearing was opened to the public.

R-2020-0344 After votes were taken in public session, the Board adopted the following order in the matter of **Richard Noell, Liberty Township, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number I-2014-1431 & A-2019-0052)

In The Matter Of:

Richard Noell
6075 Loganberry Ct
Liberty Township, OH 45011
(License no. 03-3333934)

INTRODUCTION

The Matter of Richard Noell came for hearing on January 8, 2020, before the following members of the State of Ohio Board of Pharmacy (Board): Shawn C. Wilt, RPh, *Presiding*; Joshua M. Cox, RPh; Donald R. Miller, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh and Kilee S. Yarosh, RPh.

Megan E. Marchal, RPh; Absent.

Richard Noell was represented by G. Todd Hoffpauir. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCEState's Witnesses:

1. Richard Noell—Respondent
2. Rick Haun— Board Compliance Agent
3. Donald Sullivan, R.Ph, Ph.D (Expert Witness)

Respondent's Witnesses:

1. Richard Noell

State's Exhibits:

1. Notice Letters
 - a. Notice Letter (2019) 05.08.2019
 - b. Notice Letter (2016) 12.21.2016
 - c. Notice Letter (2015) 01.29.2015
2. Request for Hearing 02.27.2015
3. a & b
 - a. Initial Scheduling Order 02.25.2015
 - b. Current Scheduling Order 09.19.2019
4. Credential View Screen 01.09.2017
5. Application for Reciprocity 04.21.2014
6. a, b, & c
 - a. Certification of Documents from DeKalb County, Georgia 02.21.2019
 - b. Final Disposition Felony Sentence with Probation 01.30.2019
 - c. Indictment (2016) 02.25.2016
7. Transcript of Respondent Testimony 12.13.2018 12.13.2018
8. Statement of Megan Dameron (with attachments) 09.08.2016
9. a & b
 - a. Expert Opinion of Donald Sullivan, R.Ph, Ph.D. (*filed under seal) 10.13.2016
 - b. Expert Opinion of Donald Sullivan, R.Ph, Ph.D. (redacted) 10.13.2016
10. Report of Georgia Drugs & Narcotics Agency –03.09.2011 (*filed under seal) 03.09.2011
11. *Withdrawn*
12. a & b

a. Report of Georgia Drugs and Narcotics Agency—06.13.2011 (*filed under seal)	06.13.2011
b. Report of Georgia Drugs and Narcotics Agency—06.23.2011 (*filed under seal)	06.23.2011
13. Report of Georgia Drugs and Narcotics Agency—11.18.2011 (*filed under seal)	11.18.2011
14. Report of Georgia Drugs and Narcotics Agency—12.07.2011 (*filed under seal)	12.07.2011
15. Georgia Drugs and Narcotics Agency Interview Report of Amber Brandt—12.06.2011 (*filed under seal)	12.06.2011
16. Dismissal Entry of 2011 Indictment	09.24.2013
17. Confidential Patient Key (*filed under seal)	No Date
18. Patient Records for Patient #1 (*filed under seal)	Various
19. Patient Records for Patient #2 (*filed under seal)	Various
20. Patient Records for Patient #3 (*filed under seal)	Various
21. Patient Records for Patient #4 (*filed under seal)	Various
22. Patient Records for Patient #5 (*filed under seal)	Various
23. Patient Records for Patient #6 (*filed under seal)	Various
24. Patient Records for Patients #7-10 (*filed under seal)	Various

Respondent's Exhibits:

A. Plea Agreement, In the Superior Court of DeKalb County, State of Georgia, Criminal Action No. 16CR1511 – 6	01.30.2019
B. Letter of Support from Hai Nguyen, PharmD	12.27.2019
C. Letter of Support from Amandeep Sharma RPh	No Date
D. Richard Noell Curriculum Vitae	No Date

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 January 30, 2019, Richard Noell pleaded guilty in the DeKalb County Superior Court, Case No. 16 CR 1511-6 to one count of Violation of Georgia Racketeer Influenced and Corrupt Organizations Act, in violation of the Official Code Georgia Annotated (OCGA) Section 16-14-4(c), a felony. Richard Noell entered into the First Offender/Conditional Discharge program pursuant to OCGA Section 42-8-60 for first time felons. Richard Noell was placed on five years of probation and given a \$25,000 fine.
2. Richard Noell owned Olde Time Pharmacy, Inc. located at 402 Argonne Terrace Road #230, Canton, GA 30115 and co-owned Olde Time Pharmacy at Sixes located at 684 Sixes Road Canton, GA 30115. During the years 2009, 2010 and 2011, Richard Noell engaged in a pattern of conduct that led to the dispensing of prescriptions from both pharmacies to patients of pain management clinics known as Better Living Wellness & Rehabilitation Center and Atlanta Counseling & Recovery Center. The prescriptions issued by the physicians at both pain management clinics were prescribed without a legitimate medical purpose.

CONCLUSIONS OF LAW AND DECISION OF THE BOARD

1. Such conduct as set forth in the Findings of Fact Section 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 the Findings of Fact Section constitutes a violation of the following divisions of (A)(2) of section 4729.16 of the ORC, as effective February 12, 2001:
 - a. Guilty of a felony or gross immorality, ORC Section 4729.16(A)(1); and
 - b. Guilty of dishonesty or unprofessional conduct in the practice of pharmacy, ORC Section 4729.16(A)(2); and
 - c. Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter...Chapter 2925 or 3719 or any rule adopted by the board under those provisions; ORC Section 4729.16(A)(5).
3. Such conduct as set forth in paragraph (1) of the Findings of Fact Section each constitutes a violation of each of the following divisions of Rule 4729:1-4-01(B)(2) of the OAC as effective May 1, 2018: Has been granted entry into a diversion program, deferred prosecution program, or the equivalent thereof, OAC Rule 4729:1-4-01(B)(2)(r).

The Board further finds the following based on the testimony and evidence presented: There were a myriad of Red Flags any reasonable, prudent pharmacist in that timeframe would have taken note of, which were obvious yet ignored by Noell, including but not limited to:

- Cash payments,
- Patients traveling long distances,
- Excessive dose,
- Excessive quantity,
- Dosage form,
- Along with the prescription combination of other drugs of abuse, including controlled substances.

Additionally, Mr. Noell's failure to ever speak to the physician about the appropriateness of the prescriptions is extremely troublesome to this Board and demonstrates a complete lack of regard for patient safety.

In the expert opinion of the Board, as well as by his own admission, the conduct of Mr. Noell contributed to the abuse of prescription drugs, the opioid crisis, and possibly resulted in or was connected to patient harm.

Finally, the conduct to which Mr. Noell pleaded guilty as well as the evidence presented, including his own testimony, leads this Board to no other finding than Mr. Noell was engaged in drug trafficking of controlled substances.

The conduct engaged in goes so far beyond the pale of the practice of pharmacy, whether in Georgia, Ohio, or on a national level, the Board finds its only Decision in this case should be to permanently revoke the license of Mr. Noell.

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, State's exhibits: 9a, 10, 12a, 12b, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, and 24.

Jennifer M. Rudell moved for Findings of Fact; Joshua M. Cox seconded the motion. Motion passed (Aye-6/Nay-0).

Fred M. Weaver moved for Conclusions of Law and the Decision of the Board; Kilee S. Yarosh seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2020-0345 Ms. Rudell moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law pursuant to Section 121.22(G)(1), (3) & (5) of the Ohio Revised Code and that the Board return to public

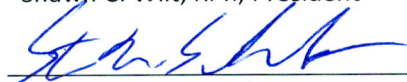
session and promptly adjourn at the conclusion of executive session. The motion was seconded by Mr. Cox and a roll-call vote was conducted by President Wilt as follows: Cox-yes; Miller-yes; Newlon-yes; Rudell-yes; Weaver-yes; Yarosh-yes.



Shawn C. Wilt, RPh, President

Date:

2/3/2020



Steven W. Schierholt, Executive Director

Date:

2/5/20