



MINUTES OF THE JULY 7-8, 2020
MEETING OF THE STATE OF OHIO BOARD OF PHARMACY

Tuesday, July 7, 2020

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

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

Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Blair Cathcart, *Director of Information Services*; Kyle Chapman, *Agent*; Michael Clark, *IT Administrator*; Brenda Cooper, *Executive Assistant*; William Difrangia, *Agent*; Paula Economus, *Administrative Assistant*; Chad Garner, *Director of OARRS*; Ashley Gilbert, *Senior Legal Counsel*; Joseph Koltak, *Senior Legal Counsel*; Kathryn Lewis, *Administrative Assistant*; Sharon Maerten-Moore, *Director of Medical Marijuana Operations*; Justin Sheridan, *Senior Legal Counsel*; Michelle Siba, *Senior Legal Counsel*; and Jenni Wai, *Chief Pharmacist*.

9:02 a.m. Mr. Wilt, Presiding, administered the Oath of President to Ms. Rudell, hereafter President of the State of Ohio Board of Pharmacy for Fiscal year 2021:

I, Jennifer Rudell, as President of the State of Ohio Board of Pharmacy,

do solemnly swear to uphold the Constitution of the United States and the State of Ohio;

to impartially enforce the laws governing the profession of pharmacy and the legal distribution of drugs in the state of Ohio;

and carry out the responsibilities of the Board as mandated by the laws of the State of Ohio without bias or prejudice, so help me God.

9:03 a.m. Mr. Wilt, Presiding, administered the Oath of Vice President to Mr. Cox, hereafter Vice President of the State of Ohio Board of Pharmacy for Fiscal year 2021:

I, Joshua Cox, as Vice President of the State of Ohio Board of Pharmacy,

do solemnly swear to uphold the Constitution of the United States and the State of Ohio;

to impartially enforce the laws governing the profession of pharmacy and the legal distribution of drugs in the state of Ohio;

and carry out the responsibilities of the Board as mandated by the laws of the State of Ohio without bias or prejudice, so help me God.

9:04 a.m. Ms. Rudell administered the Oath of New Member to Ms. Buettner.

I, Trina Buettner, as a Member of the state of Ohio Board of Pharmacy,

do solemnly swear to uphold the Constitution of the United States and the State of Ohio;

to impartially enforce the laws governing the profession of pharmacy and the legal distribution of drugs in the state of Ohio;

and carry out the responsibilities of the Board as mandated by the laws of the state of Ohio without bias or prejudice, so help me God.

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

R-2021-0001 Mr. Cox 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: Buettner-yes; Cox-yes; Miller-yes; Newlon-yes; Weaver-yes; Wilt-yes; and Yarosh-yes.

11:54 a.m. The recess ended and the hearing was opened to the public.



R-2021-0002

After votes were taken in public session, the Board adopted the following orders in the matter of **David Todd Harrison, New Philadelphia, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number A-2019-0417)

In The Matter Of:

David Todd Harrison
521 Snazzy Circle SW
New Philadelphia, OH 44663
(License no. 03-120988)

INTRODUCTION

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

Megan E. Marchal, RPh; Absent.

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

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

1. David Harrison
2. William Difrangia, Agent of the Ohio Board of Pharmacy

Respondent's Witnesses:

1. David Harrison

State's Exhibits:

1. Notice Letter
2. Request for Hearing
3. Scheduling Order
4. DEA Form 106
5. Inspection Report
6. Corrective Action Against Respondent
7. Statement of Respondent

8. "Preliminary Drug Cycles"

9. Final Audit Forms

Respondent's Exhibits:

A. Resume

B. Letter of Support from Cassi Newsome

C. Letter of Support from Nathan Pounds

D. Letter of Support from Kimberly Cawfis

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. An investigation at Rite Aid #2414, located at 735 North Water Street, Uhrichsville, Ohio, where David Harrison was the Responsible Person, discovered there was a shortage of 100 hydrocodone APAP 7.5/325 mg tablets. David Harrison did not notify the Board of the shortage. The investigation further revealed he had been adjusting several drug counts and potential drug discrepancies without reporting the discrepancies to district management or the Board.
2. David Harrison made the following adjustments without explanation and without notification to Rite Aid district management or the Board:
 - a. Tramadol:
 - i. January 14, 2018 - Tramadol 50 mg, cycle counted down by 54 tablets.
 - ii. March 28, 2018 - Tramadol ER 200mg, cycle counted down by 60 tablets; and a different cycle counted up 30 tablets.
 - b. Alprazolam
 - i. January 27, 2018 - Alprazolam 0.5mg, counted down by 538 tablets (Counted up by 486 tablets in December 2017. A shortage of 52 tablets should have been reported.)
 - ii. March 28, 2018 - Alprazolam, 0.5 mg, counted down by 10 tablets.
 - iii. February 19, 2018 - Alprazolam, 0.25 mg, cycle counted up by 2 tablets; and a different cycle counted down by 131 tablets.
 - iv. March 28, 2018 - Alprazolam, 2 mg, cycled counted down by 10 tablets.
 - c. Zolpidem
 - i. March 23, 2018 - Zolpidem, 5 mg, cycle counted down by 36 tablets.
 - d. Clonazepam

- i. February 23, 2018 - Clonazepam, 0.5 mg, cycle counted down by 2 tablets.
 - ii. April 17, 2018 - Clonazepam, 0.5 mg, cycle counted down by 8 tablets.
 - iii. May 18, 2018 - Clonazepam, 0.5 mg, cycle counted down by 15 tablets (between two NDC's). Cycle counted up by 9 on a third. Should have a 6-tablet shortage.
3. Audit results from June 11, 2018 and July 10, 2018, identified shortages of the following controlled substances, that were not reported to the Board, from on or about May 1, 2017 to on or about July 10, 2018:
 - a. shortage of 100 hydrocodone APAP 7.5/325mg tablets
 - b. shortage of 21 Methylphenidate ER 18mg tablets;
 - c. shortage of 5 alprazolam 0.5mg tablets;
 - d. shortage of 11 alprazolam 0.25mg tablets;
 - e. shortage of 17 alprazolam 2mg tablets;
 - f. shortage of 127 clonazepam 0.5mg tablets;
 - g. shortage of 146 clonazepam 1mg tablets;
 - h. shortage of 30 Lyrica 50mg tablets;
 - i. shortage of 21 Lyrica 150mg tablets;
 - j. shortage of 141 zolpidem 10mg tablets;
 - k. shortage of 36 zolpidem 12.5mg tablets;
 - l. shortage of 30 tramadol 100mg tablets.
4. On or about June 20, 2018, David Harrison was interviewed by agents of the Board. David Harrison made the following statements, which the Board also finds to be fact:
 - a. David Harrison never reported any drug discrepancies for schedule III, IV or V medications because he did not think he was required to do so. David Harrison adjusted these medications without notification to the Board or Rite Aid district management.
 - b. David Harrison would only adjust on-hand counts in the dispensing software.
 - c. David Harrison believed he was only required to contact district management when there was a discrepancy with a schedule II drug. Schedule III, IV and V discrepancies were adjusted and not reported. David Harrison was the only person adjusting the on-hand counts.
 - d. David Harrison was aware adjustments/discrepancies needed to be reported but failed to do so.

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of the following divisions of Rule 4729-9-15 of the OAC, as effective April 28, 2016:

- a. Each... terminal distributor of dangerous drugs... shall notify the following upon discovery of the theft or significant loss of any dangerous drug or controlled substance, including drugs in transit that were either shipped from or to the... terminal distributor of dangerous drugs...:
 - i. The state board of pharmacy, by telephone immediately upon discovery of the theft or significant loss, OAC Rule 4729-9-15(A)(1);
 - ii. If a controlled substance, the drug enforcement administration (DEA) pursuant to 21 C.F.R. 1301.76(b) (1/21/2016), OAC Rule 4729-9-15(A)(2);
 - iii. Law enforcement authorities pursuant to section 2921.22 of the Revised Code, OAC Rule, OAC Rule 4729-9-15(A)(3).
2. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of the following sections of Rule 4729-5-11 of the OAC, as effective February 17, 2017:
 - a. The responsible person shall be responsible for the practice of the profession of pharmacy, including, but not limited to, the supervision and control of dangerous drugs as required in division (B) of section 4729.55 of the Revised Code, adequate safeguards as required in division (C) of section 4729.55 of the Revised Code, security and control of dangerous drugs as required in rule 4729-9-11 of the Administrative Code and maintaining all drug records otherwise required, OAC Rule 4729-5-11(A)(2); and
 - b. The person to whom the terminal distributor of dangerous drugs license has been issued and all pharmacists on duty are responsible for compliance with all state and federal laws, regulations, and rules governing the distribution of drugs and the practice of pharmacy, OAC Rule 4729-5-11(A)(3).
3. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of Rule 4729-9-11(A)(1) of the OAC, A pharmacist, prescriber, and responsible person pursuant to rule 4729-5-11 of the Administrative Code shall provide supervision and control of dangerous drugs as required in division (B) of section 4729.55 of the Revised Code, and adequate safeguards to ensure that dangerous drugs are being distributed in accordance with all state and federal laws as required in section 4729.55 of the Revised Code, by the following procedures: In a pharmacy, except as provided in paragraph (A)(2) of this rule, a pharmacist shall provide personal supervision of the dangerous drugs, exempt narcotics, hypodermics, poisons, D.E.A. controlled substance order forms, all records relating to the distribution of dangerous drugs, except where the board has granted a permission for such records to be stored at a secure off-site location pursuant to rules 4729-9-14 and 4729-9-22 of the Administrative Code, at all times in order to deter and detect theft or diversion.

4. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of April 6, 2017:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16 Section (A)(2)(b); and
 - b. 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
 - c. 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).
5. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of each of the following divisions of Rule 4729-5-04 of the OAC as effective April 28, 2016:
 - a. Violated any state or federal law or rule regardless of the jurisdiction in which the acts were committed, OAC Rule 4729-5-04(A); and
 - b. Violated...any of the provisions of Chapters 4729...of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729-5-04(B).

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, David Harrison, pharmacist license no. 03-120988, shall not serve as a Responsible Person or Designated Representative in any facility licensed by the Board for three years from the date of the Order. Further, David Harrison's license no. 03-120988 is placed on probation for a period of one-year subject to the following conditions:

1. David Harrison must obtain, within 90 days from the effective date of this Order, six hours of approved continuing pharmacy education (0.6 CEUs), which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
2. David Harrison must attend a Board-sponsored "Responsible Person Roundtable" and provide proof of completion to the Board within 30 days of attendance. The CEUs earned at the Roundtable may be included in the six CEU hours required by this Order.
3. David Harrison must pay to the Board a monetary penalty in the amount of \$1,000.00. This fine will be attached to license no. 03-120988, and must be paid no later than 90 days from the effective date of this Order. To pay

this fine the licensee must login to www.elicense.ohio.gov and process the items in the cart.

4. 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 Harrison's license.

Shawn M. Wilt moved for Findings of Fact; Fred M. Weaver seconded the motion. Motion passed (Aye-7/Nay-0). (Joshua M. Cox, RPh-Aye; Trina L. Buettner, RPh-Aye; Donald R. Miller, RPh-Aye; Richard J. Newlon, Public Member-Aye; Shawn M. Wilt, RPh-Aye; Fred M. Weaver, RPh-Aye, and Kilee S. Yarosh, RPh-Aye).

Joshua M. Cox moved for Conclusions of Law; Kilee S. Yarosh seconded the motion. Motion passed (Aye-7/Nay-0). (Joshua M. Cox, RPh-Aye; Trina L. Buettner, RPh-Aye; Donald R. Miller, RPh-Aye; Richard J. Newlon, Public Member-Aye; Shawn M. Wilt, RPh-Aye; Fred M. Weaver, RPh-Aye, and Kilee S. Yarosh, RPh-Aye).

Shawn M. Wilt moved for Action of the Board; Fred M. Weaver seconded the motion. Motion passed (Aye-7/Nay-0). (Joshua M. Cox, RPh-Aye; Trina L. Buettner, RPh-Aye; Donald R. Miller, RPh-Aye; Richard J. Newlon, Public Member-Aye; Shawn M. Wilt, RPh-Aye; Fred M. Weaver, RPh-Aye, and Kilee S. Yarosh, RPh-Aye).

SO ORDERED.

11:59 a.m.	Mr. Garner provided the OARRS Report.
12:01 p.m.	Mr. Griffin provided the Compliance and Enforcement Report
12:04 p.m.	Ms. Southard provided the Licensing Report.
12:10 p.m.	Mr. McNamee provided the Legislative Report
12:14 p.m.	Mr. Schierholt provided the Executive Director Report.
12:15 p.m.	The Board recessed for lunch.
12:46 p.m.	Ms. Southard presented the OBOT Non-Physician Ownership Waiver Request of First Care Integrated Health LLC—Columbus, Ohio (APP-000361234) to the Board for consideration.
<u>R-2021-0003</u>	Ms. Yarosh moved to approve the request of First Care Integrated Health LLC. The Motion was seconded by Mr. Miller and approved by the Board: Aye-7, Nay-0.

12:49 p.m. Ms. Southard presented the OBOT Non-Physician Ownership Waiver Request of Quest Recovery Center LLC—Mount Vernon, Ohio (APP-000355342) to the Board for consideration.

R-2021-0004 Mr. Wilt moved to approve the request of Quest Recovery Center LLC. The Motion was seconded by Mr. Cox and approved by the Board: Aye-7, Nay-0.

12:51 p.m. Ms. Southard presented the Examination Score Validity Extension Request of Rasha Metwali—APP-000267781 to the Board for consideration.

R-2021-0005 Mr. Newlon moved to approve the request of Rasha Metwali. The Motion was seconded by Ms. Yarosh and approved by the Board: Aye-7, Nay-0.

12:55 p.m. Ms. Southard presented the Examination Score Validity Extension Request of Angelica Francisco—Pending License Number: 03438300 to the Board for consideration.

R-2021-0006 Ms. Yarosh moved to approve a six-month extension for Angelica Francisco. The Motion was seconded by Mr. Wilt and approved by the Board: Aye-7, Nay-0.

12:59 p.m. Ms. Southard presented a resolution *Approved Pharmacy Technician Training Programs* to the Board for approval.

R-2021-0007 Mr. Cox moved that the Board approve the resolution. The motion was seconded Ms. Yarosh and approved by the Board: Aye-7, Nay-0. The following resolution was adopted by the Board:

In addition to the pharmacy technician training programs approved in rule 4729:3-3-02 of the Administrative Code, the Board hereby approves the completion of a doctor of pharmacy (PharmD) program as meeting the training and education requirements for registration as a registered or certified pharmacy technician. Successful completion of a PharmD program is only valid if the applicant's graduation date is within five (5) years of an application for registration.

1:03 p.m. Mr. McNamee presented a resolution *Drug Sample Delivery to a Patient's Home During COVID-19* to the Board for approval.

R-2021-0008 Mr. Newlon moved that the Board approve the resolution. The motion was seconded Mr. Cox and approved by the Board: Aye-7, Nay-0. The following resolution was adopted by the Board:

The State of Ohio Board of Pharmacy hereby adopts the United States Food and Drug Administration's Temporary Policy on Prescription Drug Marketing Act Requirements for Distribution of Drug Samples During the COVID-19 Public

Health Emergency (June 2020) authorizing Ohio-licensed drug distributors to deliver drug samples to a patient's home.

This resolution shall remain in effect only for the duration of the Public Health Emergency related to COVID-19 declared by the Secretary of Health and Human Services (HHS) on January 31, 2020, effective January 27, 2020, including any renewals made by the HHS Secretary in accordance with section 319(a)(2) of the Public Health Service Act (PHS Act) (42 U.S.C. 247d(a)(2)).

1:05 p.m.

Mr. McNamee presented a resolution *Rescission of Waiver Approval* to the Board for approval.

R-2021-0009

Mr. Miller moved that the Board approve the resolution. The motion was seconded Mr. Weaver and approved by the Board: Aye-7, Nay-0. The following resolution was adopted by the Board:

To allow for licensees to adjust business operations accordingly, the State of Ohio Board of Pharmacy shall provide a minimum of 30 days' notice prior to the rescission of any resolutions or waivers issued due to the COVID-19 pandemic. The 30-day notice requirement does not apply to any resolution that is based upon authorization of a federal agency or the Governor of the State of Ohio.

1:07 p.m.

Mr. McNamee presented a resolution *Ohio Department of Health Wholesale License Application* to the Board for approval.

R-2021-0010

Mr. Weaver moved that the Board approve the resolution. The motion was seconded Ms. Yarosh and approved by the Board: Aye-7, Nay-0. The following resolution was adopted by the Board:

The State of Ohio Board of Pharmacy hereby waives the criminal records check requirements of section 4729.52 of the Revised Code for the Ohio Department of Health's application for a wholesale distributor of dangerous drugs license at 5835 Green Pointe Drive South, Groveport, Ohio 43125.

1:13 p.m.

Mr. McNamee presented an exemption request to the Board submitted by Humana Pharmacy for an exemption from the in-person naloxone training requirements of rules 4729-5-39 and 4729:1-3-04 of the Administrative Code to the Board for approval.

R-2021-0012

Mr. Weaver moved that the Board approve the exemption request. The motion was seconded Mr. Newlon and approved by the Board: Aye-7, Nay-0.

- 1:25 p.m.** Mr. McNamee presented amendments to rule 4729:9-1-01 – Schedule I Controlled Substances (Isotonitazene) to the Board for approval.
- R-2021-0013** Mr. Cox moved that the Board approve 4729:9-1-01 – Schedule I Controlled Substances (Isotonitazene) for filing with CSI and/or JCARR. The motion was seconded by Mr. Newlon and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Miller-yes; Newlon-yes; Weaver-yes; Wilt-yes; and Yarosh-yes.
- 1:30 p.m.** Mr. McNamee presented amendments to rules 4729:1-3-02–Immunization Administration and 4729:5-8 – Nonresident Terminal Distributors of Dangerous Drugs to the Board for approval.
- R-2021-0014** Mr. Wilt moved that the Board approve 4729:1-3-02–Immunization Administration and 4729:5-8 – Nonresident Terminal Distributors of Dangerous Drugs for filing with CSI and/or JCARR. The motion was seconded by Mr. Weaver and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Miller-yes; Newlon-yes; Weaver-yes; Wilt-yes; and Yarosh-yes.
- 1:45 p.m.** Mr. McNamee presented amendments to rules 4729:5-3-17 – Automated Pharmacy Systems and 4729:5-5-19 / 4729:5-9-02.13 – Central Fill Pharmacies to the Board for approval.
- R-2021-0015** Mr. Wilt moved that the Board approve 4729:5-3-17 – Automated Pharmacy Systems and 4729:5-5-19 / 4729:5-9-02.13 – Central Fill Pharmacies for filing with CSI and/or JCARR. The motion was seconded by Mr. Weaver and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Miller-yes; Newlon-yes; Weaver-yes; Wilt-yes; and Yarosh-yes.
- 2:14 p.m.** Ms. Rudell presented the 4729-2-02 Appointments for Fiscal Year 2021.
- 2:17 p.m.** Ms. Dehner discussed the Board Meeting Dates for Fiscal Year 2021.
- 2:26 p.m.** The Meeting Adjourned for the Day.

Wednesday, July 8, 2020

- 9:01 a.m.** Acting under the authority Section 12 of amended substitute house bill number 197, effective March 27, 2020, the State of Ohio Board of Pharmacy convened for a public meeting via skype audio/visual conference call, with the following members present:
- Jennifer M. Rudell, RPh, *Presiding*; Trina Buettner, RPh; Joshua M. Cox, RPh; Donald R. Miller, RPh; Richard J. Newlon, *Public Member*; Fred M. Weaver, RPh; Shawn C. Wilt, RPh; and Kilee S. Yarosh, RPh.
- Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Blair Cathcart, *Director of Information Services*; Michael Clark, *IT Administrator*; Brenda Cooper, *Executive Assistant*; Paula Economus,

Administrative Assistant; Chad Garner, Director of OARRS; Ashley Gilbert, Senior Legal Counsel; Eric Griffin, Director of Compliance and Enforcement; Joseph Koltak, Senior Legal Counsel; Kathryn Lewis, Administrative Assistant; Sharon Maerten-Moore, Director of Medical Marijuana Operations; Justin Sheridan, Senior Legal Counsel; Michelle Siba, Senior Legal Counsel; Karrie Southard, Director of Licensing; Dana Southerland, Agent; Jenni Wai, Chief Pharmacist; and Stephen Wilson, Medical Marijuana Licensee Liaison .

9:01 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 **Benjamin Rosanswank, Columbus, Ohio.**

R-2021-0016

Mr. Cox 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. Newlon and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Miller-yes; Newlon-yes; Weaver-yes; Wilt-yes; and Yarosh-yes.

9:53 a.m.

The recess ended and the hearing was opened to the public.

R-2021-0017

After votes were taken in public session, the Board adopted the following orders in the matter of **Benjamin Rosanswank, Columbus, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number A-2019-0519)

In The Matter Of:

Benjamin Rosanswank, R.Ph.

2647 Homecroft Drive
Columbus, OH 43211
(License No. 03-334798)

INTRODUCTION

The Matter of Benjamin Rosanswank came for hearing on July 8, 2020, before the following members of the State of Ohio Board of Pharmacy (Board): Jennifer M. Rudell, RPh, *Presiding*; Joshua M. Cox, RPh; Trina Buettner, RPh; Richard J. Newlon, *Public Member*; Donald R. Miller III, RPh; Fred M. Weaver, RPh; Shawn C. Wilt, RPh and Kilee S. Yarosh, RPh.

Megan E. Marchal, RPh; Absent.

Benjamin Rosanswank was not present, and had not timely requested a hearing. The State of Ohio was represented by Henry Appel, Assistant Attorney

General. 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).

SUMMARY OF EVIDENCE

State's Witnesses:

1. Dana Sutherland—State of Ohio Board of Pharmacy Agent

Respondent's Witnesses:

1. None

State's Exhibits:

1. Summary Suspension/Notice of Opportunity for Hearing, Case No. A-2019-0519; Proof of Service
2. Property Inventory
3. Photographs
4. Columbus Police Crime Laboratory Report
5. Miami Valley Regional Crime Laboratory Evidence Submission Form; Laboratory Report; Property/Evidence Transfer

Respondent's Exhibits:

None.

FINDINGS OF FACT

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

1. On or about November 7, 2019, Board Agents assisted in the execution of a search warrant at the residence of Benjamin Rosanswank, located at 2647 Homecroft Drive, Columbus, Ohio 43211. During the execution of the search warrant the following items were recovered inside the residence:
 - a. Equipment used to manufacture and cultivate marijuana;
 - b. Equipment used to extract THC from marijuana;
 - c. Several marijuana plants;
 - d. Multiple products of flavored vaporizers;
 - e. Approximately five-and-a-half pounds of Marijuana packaged in vacuum sealed bags;
 - f. One assault-style rifle;

- g. One semi-automatic handgun;
 - h. One sandwich baggie containing approximately six Oxycodone 30mg tablets (Oxycodone is a schedule II controlled substance);
 - i. One sandwich baggie containing approximately 10 Alprazolam 2mg tablets (Alprazolam is a schedule IV controlled substance).
2. On or about November 7, 2019, Board Agents interviewed Benjamin Rosanswank, where he made the following statements, which the Board also find to be fact:
- a. Benjamin Rosanswank began cultivating and trafficking marijuana in August of 2018.
 - b. Rosanswank sold marijuana he cultivated;
 - c. Rosanswank illegally purchased the Oxycodone and Alprazolam found inside his residence.

CONCLUSIONS OF LAW

1. Such conduct as set forth in Paragraphs (1)(a), (1)(b), (1)(c), (1)(d), (1)(e), and (2)(a) of the Allegations Section, constitutes a violation of Section 2925.04 of the ORC, Illegal Cultivation of Marihuana, a felony of the third degree.
2. Such conduct as set forth in Paragraphs (1)(e), 1(f), (1)(g), (2)(a), and (2)(b) of the Allegations Section, constitutes a violation of Section 2925.03 of the ORC, Trafficking in Marihuana, a felony of the third degree.
3. Such conduct as set forth in Paragraphs (1)(h) and (2)(c) of the Allegations Section, constitutes a violation of Section 2925.11(A) of the ORC, Aggravated Possession of Drugs, a felony of the fifth degree.
4. Such conduct as set forth in Paragraphs (1)(i) and (2)(c) of the Allegations Section, constitutes a violation of Section 2925.11(A) of the ORC, Possession of Drugs, a misdemeanor of the first degree.
5. Such conduct as set forth in the Allegations Section, constitutes a violation of the following divisions of (A) of Section 4729.16 of the ORC effective as of April 8, 2019, each violation constituting a minor misdemeanor, each punishable by a maximum penalty of \$150:
 - a. Benjamin Rosanswank violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter 3715.75 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, ORC 4729.16(A)(2)(e); and/or

- b. Benjamin Rosanswank 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)(I).
- 6. Such conduct as set forth in the Allegations Section, constitutes a violation of each of the following divisions of Rule 4729:1-4-01 of the OAC as effective May 1, 2018, each violation punishable by a maximum penalty of \$500:
 - a. Benjamin Rosanswank violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapters 4729...3719. and 2925. of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729:1-4-01(B)(2)(e); and/or
 - b. Benjamin Rosanswank committed an act involving moral turpitude that constitutes a misdemeanor or felony in this state, regardless of the jurisdiction in which the act was committed, OAC Rule 4729:1-4-01(B)(2)(I); and/or
 - c. Benjamin Rosanswank violated any state or federal law, regulation 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

On the basis of Findings of Fact and section (1) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently Pharmacist license No. 03-334798, held by Benjamin Rosanswank effective as of the date of the mailing of this Order.

On the basis of Findings of Fact and section (2) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently Pharmacist license No. 03-334798, held by Benjamin Rosanswank effective as of the date of the mailing of this Order.

On the basis of Findings of Fact and section (3) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently Pharmacist license No. 03-334798, held by Benjamin Rosanswank effective as of the date of the mailing of this Order.

On the basis of Findings of Fact and section (4) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently Pharmacist license No. 03-334798, held by Benjamin Rosanswank effective as of the date of the mailing of this Order.

On the basis of Findings of Fact and section (5) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently Pharmacist license No. 03-334798, held by Benjamin Rosanswank effective as of the date of the mailing of this Order.

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

Pharmacist license No. 03-334798, held by Benjamin Rosanswank effective as of the date of the mailing of this Order.

Mr. Wilt moved for Findings of Fact; Mr. Weaver seconded the motion. Motion passed (Aye-7/Nay-0) (Joshua M. Cox, RPh-Aye; Trina Buettner, RPh-Aye; Richard J. Newlon, *Public Member-Aye*; Donald R. Miller III, RPh-Aye; Fred M. Weaver, RPh-Aye; Shawn C. Wilt, RPh-Aye; and Kilee S. Yarosh, RPh-Aye).

Mr. Weaver moved for Conclusions of Law; Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0) (Joshua M. Cox, RPh-Aye; Trina Buettner, RPh-Aye; Richard J. Newlon, *Public Member-Aye*; Donald R. Miller III, RPh-Aye; Fred M. Weaver, RPh-Aye; Shawn C. Wilt, RPh-Aye; and Kilee S. Yarosh, RPh-Aye).

Mr. Cox moved for Action of the Board; Ms. Yarosh seconded the motion. Motion passed (Aye-7/Nay-0) (Joshua M. Cox, RPh-Aye; Trina Buettner, RPh-Aye; Richard J. Newlon, *Public Member-Aye*; Donald R. Miller III, RPh-Aye; Fred M. Weaver, RPh-Aye; Shawn C. Wilt, RPh-Aye; and Kilee S. Yarosh, RPh-Aye).

SO ORDERED.

10:08 a.m.

Ms. Maerten-Moore presented the Health Claims Review Committee Recommendations to the Board for consideration.

R-2021-0018

Ms. Yarosh moved to approve Advertising Submission: #1514: Pharmacann, LLC Db a Verilife: MMD.0700029 and Advertising Submission: #1556: Bloom Medicinals, LLC: MMD.0700018, MMD.0700025, MMD.0700030, MMD. 0700031, and MMD. 0700045. The motion was seconded by Mr. Wilt and a roll-call vote was conducted by President Rudell as follows: Cox-yes; Miller-yes; Newlon-yes; Weaver-yes; Wilt-yes; and Yarosh-yes. (Ms. Buettner was not able to participate in the vote for this particular motion due to technical issues).

10:13 a.m.

Ms. Maerton-Moore presented amendments to rule 3796:6-3-01-Dispensary operations generally to the Board for approval.

R-2021-0019

Mr. Cox moved that the Board approve 3796:6-3-01-Dispensary operations generally for filing with CSI and/or JCARR. The motion was seconded by Mr. Miller and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Miller-yes; Newlon-yes; Weaver-yes; Wilt-yes; and Yarosh-yes.

10:17 a.m.

Ms. Maerton-Moore presented amendments to rules 3796:7-1-01 Definitions, 3796:7-2-01 Procedure for Patient Registration, 3796:7-2-04 Purchase of medical marijuana, 3796:7-3-01 Medical marijuana patient and caregiver fee structure, 3796:8-1-01 Definitions, 3796:8-2-03 Forms and form variations considered attractive to children, 3796:8-2-04 Quantity of medical marijuana that may be purchased by a patient or caregiver, and 3796:8-2-06 Portions, dosing, and units of medical marijuana sold at a dispensary to the Board for approval.

- R-2021-0020** Mr. Wilt moved that the Board approve 3796:7-1-01 Definitions, 3796:7-2-01 Procedure for Patient Registration, 3796:7-2-04 Purchase of medical marijuana, 3796:7-3-01 Medical marijuana patient and caregiver fee structure, 3796:8-1-01 Definitions, 3796:8-2-03 Forms and form variations considered attractive to children, 3796:8-2-04 Quantity of medical marijuana that may be purchased by a patient or caregiver, and 3796:8-2-06 Portions, dosing, and units of medical marijuana sold at a dispensary for filing with CSI and/or JCARR. The motion was seconded by Mr. Weaver and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Miller-yes; Newlon-yes; Weaver-yes; Wilt-yes; and Yarosh-yes.
- R-2021-0021** Mr. Cox 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. Miller and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Miller-yes; Newlon-yes; Weaver-yes; Wilt-yes; and Yarosh-yes.
- R-2021-0022** Mr. Cox moved that the June 8-9 Board Meeting Minutes be approved as written. The motion was seconded by Mr. Newlon and approved by the Board: Aye-7, Nay-0.
- R-2021-0023** Mr. Cox moved that the June 10, 2020 Probation Committee Meeting Minutes be approved as written. The motion was seconded by Mr. Newlon and approved by the Board: Aye-7, Nay-0.
- R-2021-0024** Mr. Cox moved that the June 19, 2020 Conference Call Minutes be approved as written. The motion was seconded by Mr. Newlon and approved by the Board: Aye-7, Nay-0.
- R-2021-0025** Mr. Cox moved that the June 30, 2020 Conference Call Minutes be approved as written. The motion was seconded by Mr. Newlon and approved by the Board: Aye-7, Nay-0.
- R-2021-0026** Ms. Rudell announced the following Settlement Agreement has been signed by all parties and is now effective:
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IN THE MATTER OF:
Case No. A-2020-0220
I-2020-0229-B

Happy Druggist Pharmacy
License No. 02-2385600
c/o Paul Westervelt, RPh
487 W. Main Street
W. Jefferson, OH 43162

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 Happy Druggist Pharmacy for the purpose of resolving all issues between the parties relating to the Board investigation of an employee performing pharmacy technician duties without obtaining registration with the Board. Together, the Board and Happy Druggist Pharmacy are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
1. Happy Druggist Pharmacy, located at 487 W. Main Street, W. Jefferson, OH 43162, has an active TDDD license with the Board under license number 02-2385600, which lists Paul Westervelt, RPh as the Responsible Person.

FACTS

1. The Board initiated an investigation of Happy Druggist Pharmacy, TDDD license number 02-2385600, regarding an employee performing pharmacy technician duties without obtaining appropriate registration with the Board.
2. On or about June 9, 2020, the Board sent a Notice of Opportunity for Hearing to Happy Druggist Pharmacy, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Happy Druggist Pharmacy neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated June 9, 2020, however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Happy Druggist Pharmacy agrees to pay to the Board a monetary penalty the amount of \$250.00. This fine will be attached to your license record and

must be paid no later than 90 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.

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

R-2021-0027

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

**IN THE MATTER OF:
Case No. 2020-0418**

**Helping People Recover, LLC
PENDING License No. APP-000250961
c/o Ryan Fryman, DO
2717 Sawbury Blvd.
Columbus, Ohio 43235**

**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 Helping People Recover, LLC for the purpose of resolving all issues between the parties relating to the Board investigation of the owner and Responsible Person's disciplinary history with the Medical Board of Ohio. Together, the Board and Helping People Recover 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 4729.55 of the Ohio Revised Code.
2. Pursuant to Section 4729.553(B) of the Ohio Revised Code (ORC) and the rules adopted thereunder, no person shall knowingly operate a facility, clinic, or other location where a prescriber provides office-based opioid treatment (OBOT) to more than thirty patients or that meets any other identifying criteria establish in rules without holding a category III Terminal Distributor of Dangerous Drugs (TDDD) license with an OBOT classification.
3. To be eligible to receive a license as a category III TDDD with an OBOT classification, an applicant shall submit evidence satisfactory to the state board of pharmacy that the applicant's OBOT will be operated in accordance with the requirements specified in division (D) of this section and that the applicant meets any other applicable requirements of this chapter. ORC 4729.553(C).
4. On or about April 18, 2019, Ryan Fryman, DO, signed as the owner, and David Allen, MD, signed as the Responsible Person, on an application for a

Terminal Distributor of Dangerous Drugs License with an OBOT classification on behalf of Helping People Recover, LLC, APP-000250961.

FACTS

1. The Board initiated an investigation of Helping People Recover, LLC's, application for a Terminal Distributor of Dangerous Drugs license with an OBOT classification, APP-000250961, related to Ryan Fryman and David Allen's disciplinary history with the State Medical Board of Ohio.
2. On or about June 9, 2020, the Board sent a Notice of Opportunity for Hearing to Helping People Recover, 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. Helping People Recover neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated June 9, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. **Upon execution of this Agreement, the Board shall approve APP-000250961 and issue a TDDD license with an OBOT classification to Helping People Recover, subject to the following conditions:**
 - a. On or about August 10, 2016, the Medical Board of Ohio entered an Order against Ryan Fryman, DO, as set forth in Attachment A, attached hereto and incorporated as though fully set forth herein (hereinafter referred to as "Order").
 - b. Ryan Fryman agrees and acknowledges he must comply with all terms and conditions set forth in the August 10, 2016 Order.
 - c. Failure to adhere to the terms and conditions set forth in the Order will be considered a violation of this Agreement and subject to potential sanctions up to and including revocation of license.
 - d. Ryan Fryman must immediately report any violation of the terms of the Order and this Agreement by contacting legal@pharmacy.ohio.gov. Failure to self-report shall be treated as a violation of this Agreement and will

subject Helping People Recover to possible additional sanctions, including and up to revocation of license.

- e. This Agreement shall remain in effect until Ryan Fryman is formally discharged from all terms and conditions imposed by the August 10, 2016 Medical Board of Ohio Order.
 4. Helping People Recover agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs with an OBOT classification, 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 Helping People Recover 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 Helping People Recover by the Board and will NOT discharge Helping People Recover from any obligation under the terms of this Agreement.
 5. Helping People Recover agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 6. Helping People Recover understands that it has the right to be represented by counsel for review and execution of this agreement.
 7. 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 Helping People Recover will operate.
 8. Helping People Recover waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 12. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2021-0028

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

**IN THE MATTER OF:
Case No. A-2020-0232
I-2019-1522-A**

**Maranda Zupp
Registration No. 09-112289
9 Marita Drive
Mount Vernon, OH 43050**

**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 Maranda Zupp for the purpose of resolving all issues between the parties relating to the Board investigation of performing duties of a pharmacy technician without first obtaining and maintaining Board-registration. Together, the Board and Maranda Zupp are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.96 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Sections 4729.90 and 4729.92 of the Ohio Revised Code to perform the duties of a pharmacy technician trainee in the state of Ohio.
2. Maranda Zupp is a pharmacy technician trainee in the state of Ohio under registration number 09-112289.

FACTS

1. The Board initiated an investigation of Maranda Zupp, pharmacy technician trainee registration number 09-112289, related to her performing duties of a pharmacy technician without first obtaining and maintaining Board-registration
2. On or about June 5, 2020 the Board sent a Notice of Opportunity for Hearing to Maranda Zupp 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. Maranda Zupp neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated June 5, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
 3. Maranda Zupp agrees to pay to the Board the amount of amount of \$250.00. 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. Maranda Zupp agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 5. Maranda Zupp understands that she has the right to be represented by counsel for review and execution of this agreement.
 6. Maranda Zupp 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. Maranda Zupp waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 8. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 9. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 10. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 11. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2021-0029

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

**IN THE MATTER OF:
Case No.A-2020-0233
I-2019-1522-B**

**Cornelia Carpenter
Registration No. 09-112185
96 Baldwin Ct.
Howard, OH 43028**

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 Cornelia Carpenter for the purpose of resolving all issues between the parties relating to the Board investigation of performing duties of a pharmacy technician without first obtaining and maintaining Board-registration. Together, the Board and Cornelia Carpenter are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.96 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Sections 4729.90 and 4729.92 of the Ohio Revised Code to perform the duties of a pharmacy technician trainee in the state of Ohio.
2. Cornelia Carpenter is a pharmacy technician trainee in the state of Ohio under registration number 09-112185.

FACTS

1. The Board initiated an investigation of Cornelia Carpenter, pharmacy technician trainee registration number 09-112185, related to her performing duties of a pharmacy technician without first obtaining and maintaining Board-registration
2. On or about June 5, 2020 the Board sent a Notice of Opportunity for Hearing to Cornelia Carpenter 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. Cornelia Carpenter neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated June 5, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
 3. Cornelia Carpenter agrees to pay to the Board the amount of amount of \$250.00. 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. Cornelia Carpenter agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 5. Cornelia Carpenter understands that she has the right to be represented by counsel for review and execution of this agreement.
 6. Cornelia Carpenter 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. Cornelia Carpenter waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 8. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 9. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 10. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 11. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2021-0030

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

**IN THE MATTER OF:
Case No. A-2020-0010
I-2019-1147-A**

**Benzer OH 6, LLC
License No. 02-32000039
c/o Dmitri Sorokin, RPh
155 N. Point Drive
Mount Orab, Ohio 45154**

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 Benzer OH 6, LLC (Benzer) for the purpose of resolving all issues between the parties relating to the Board investigation of an employee performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board. Together, the Board and Benzer 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. Benzer, located at 155 N. Point Drive, Mount Orab, Ohio, has an active TDDD license with the Board under license number 02-32000039, which lists Dmitri Sorokin, RPh as the Responsible Person.

FACTS

1. The Board initiated an investigation of Benzer, TDDD license number 02-32000039, related to an employee performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board.

2. On or about April 6, 2020, the Board sent a Notice of Opportunity for Hearing to Benzer, 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. Benzer neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated April 6, 2020, however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Benzer agrees to pay to the Board a monetary penalty the amount of \$5,000.00. This fine will be attached to your license record and must be paid no later than 90 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Benzer 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. Benzer 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 Benzer 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 Benzer by the Board and will NOT discharge Benzer from any obligation under the terms of this Agreement.

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

R-2021-0031

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

IN THE MATTER OF:
CASE No. A-2020-0128
License No. 03-337715
Ron Scrim, R.Ph.
7134 N. Lima Road Poland, Ohio 44514

**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 Ron Scrim, R.Ph. (Scrim), for the purpose of resolving all issues between the parties relating to the Board investigation of his practice as a pharmacist and his filing of an application for a Terminal Distributor of Dangerous Drugs as the owner and the Responsible Person. Together, the Board and Ron Scrim, R.Ph., are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy in the state of Ohio.
2. Ron Scrim is an Ohio-licensed pharmacist under license number 03-337715.

FACTS

1. On or about December 2, 2019, the Board initiated an investigation of Ron Scrim's practice of pharmacy.
2. On or about April 17, 2020, the Board sent a Notice of Opportunity for Hearing to Ron Scrim, 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 5, 2020, Ron Scrim, through counsel, timely requested an administrative hearing, which was subsequently scheduled for August 4, 2020.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Ron Scrim neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated April 17, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Ron Scrim agrees to pay a fine of \$500.00 to the State of Ohio Board of Pharmacy. The fine shall be paid no later than thirty (30) days from the effective date of this Settlement Agreement. You must login to www.elicense.ohio.gov and process the items in your cart to pay this fine.

4. Ron Scrim must obtain, within six months from the effective date of this Agreement, six (6) hours of approved continuing education, not to count towards renewal. Ron Scrim will also attend one of the Board's "RP Round Table." Copies of completed continuing education courses must be e- mailed to legal@pharmacy.ohio.gov within 30 days of completion.
5. Ron Scrim agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Ron Scrim understands that the Board will not consider any request for deviation from the terms and conditions of this Agreement until a minimum of one year has passed from the effective date of this Agreement.
7. Ron Scrim understands that he has the right to be represented by counsel for review and execution of this agreement.
8. Ron Scrim 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. Ron Scrim waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and specifically withdraws his request for a hearing in this matter waives any right to an appeal.
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-2021-0032

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

**IN THE MATTER OF:
CASE NO. A-2019-0249**

**Pharmcore dba Hallandale
PENDING License No. APP-000194992
c/o David Rabbani, R.Ph.**

2666 SW 36th Street
Fort Lauderdale, FL 33312

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 Pharmcore dba Hallandale (Pharmcore dba Hallandale), for the purpose of resolving all issues between the parties relating to the Board investigation of issues involving the failure to submit renewal information for a Terminal Distributor of Dangerous Drugs (TDDD) license. Together, the Board and Pharmcore dba Hallandale 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. Pharmcore dba Hallandale is a licensed Terminal Distributor of Dangerous Drugs under pending license number APP-000194992.

FACTS

1. On or about September 26, 2018, the Board initiated an investigation of Pharmcore dba Hallandale's, Terminal Distributor of Dangerous Drugs license number 02-2138650, related to Pharmcore dba Hallandale's disclosure of past legal issues regarding their responsible person and subsequently illegal sales into the State of Ohio.
2. On or about September 23, 2019 the Board sent a Proposal to Deny/Notice of Opportunity for Hearing to Pharmcore dba Hallandale, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.
3. On or about October 18, 2019, Pharmcore dba Hallandale timely requested an administrative hearing, which was subsequently scheduled for December 9, 2019. The matter was continued and scheduled for July 7, 2020.

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

TERMS

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

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

2. Pharmcore dba Hallandale neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated September 23, 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. Pharmcore dba Hallandale agrees to pay to the Board a monetary penalty the amount of \$5,000. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Pharmcore dba Hallandale's Terminal Distributor of Dangerous Drugs license will be issued upon receipt of a corrected application, application fee, and payment of the fine.
5. Pharmcore dba Hallandale agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
6. Pharmcore dba Hallandale 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 Pharmcore dba Hallandale 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 Pharmcore dba Hallandale by the Board and will NOT discharge Pharmcore dba Hallandale from any obligation under the terms of this Agreement.
7. Pharmcore dba Hallandale agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Pharmcore dba Hallandale understands that it has the right to be represented by counsel for review and execution of this agreement.
9. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Pharmcore dba Hallandale will operate.
10. Pharmcore dba Hallandale waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.

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

R-2021-0033

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

**IN THE MATTER OF:
Case No. A-2020-0251**

**Fie Dean
Registration No. 09-307750
75 N. Wright Street
Fairborn, Ohio 45324**

**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 Fie Dean for the purpose of resolving all issues between the parties relating to the Board investigation of working while under the influence of alcohol. Together, the Board and Fie Dean are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.96 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Sections 4729.90 and 4729.92 of the Ohio Revised Code to perform the duties of a certified pharmacy technician in the state of Ohio.
2. Fie Dean is a certified pharmacy technician in the state of Ohio under registration number 09-307750.

FACTS

1. On or about March 23, 2020, the Board initiated an investigation of Fie Dean, certified pharmacy technician registration number 09-307750. The

investigation was related to Fie Dean working while under the influence of alcohol as a certified pharmacy technician.

2. On or about April 1, 2020 the Board sent a Summary Suspension/Notice of Opportunity for Hearing to Fie Dean 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. Fie Dean neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated April 1, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Fie Dean agrees to a twelve (12) month suspension of her registration retroactive to the date of the Summary Suspension, April 1, 2020.
4. After twelve (12) months from the Summary Suspension Order, issued on April 1, 2020, the Board will consider any petition filed by Fie Dean for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the pharmacy technician registration if the following conditions have been met.
5. Fie Dean must enter into and adhere to the terms of a **new** contract, signed within thirty days after the effective date of this Order, with a Board approved treatment monitor for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. Fie Dean should also submit to the Board documentation demonstrating compliance with an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment provider, if applicable. Failure to adhere to the terms of the treatment contract will be considered a violation of the Board's Order and subject Fie Dean 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 [Petitioner] 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.
6. 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.
7. Fie Dean 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 Fie Dean reappear before the Board for possible additional sanctions, including and up to revocation of license.
8. Fie Dean 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 Fie Dean reappear before the Board for possible additional sanctions, including and up to revocation of license.
9. Fie Dean 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 Fie Dean to possible additional sanctions, including and up to revocation of license.
10. Fie Dean 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.

11. Fie Dean must provide, in the reinstatement petition, documentation of the following:
 - a. Compliance with the contract required above (e.g. proof of giving the sample within twelve hours of notification and copies of all drug and alcohol screen reports, meeting attendance records, treatment program reports, etc.); and
 - b. Compliance with the terms of this Order.
 12. Fie Dean agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 13. Fie Dean understands that she has the right to be represented by counsel for review and execution of this agreement.
 14. Fie Dean 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.
 15. Fie Dean waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 16. 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.
 17. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 18. 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.
 19. This Agreement shall become effective upon the date of the Board President's signature below.
-

12:39 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 had not requested a hearing in the timeframe set forth in chapter 119 of the Ohio Revised Code (ORC).

R-2020-0034

Ms. Yarosh moved to adopt the following Orders pertaining to the below referenced Goldman Medical Marijuana Applicants. The Motion was seconded by Mr. Wilt and approved by the Board: Aye-7, Nay-0.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING
RESPONDENT'S APPLICATION FOR MEDICAL MARIJUANA
DISPENSARY LICENSE
Case No. 2018-M1002**

In the Matter of Applicant:
GREAT RIVER BOTANICALS, LLC

C/O ROGER HOSPELHORN

7753 COX LANE, SUITE 59
WEST CHESTER, OH 45069
Account No./Application No.: 229-1002
Application District: NORTHEAST-6

Application Dispensary Address: 5943 YOUNGSTOWN WARREN ROAD NILES,
OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

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

- The Affidavit of Erin C. 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 C. Reed.

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

Ms. Yarosh moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Wilt seconded the motion. Motion passed (Aye-7/Nay-0) (Shawn C. Wilt, RPh-Aye; Trina L. Buettner, RPh-Aye; Fred M. Weaver, RPh-Aye; Joshua M. Cox, RPh-Aye; Kilee S. Yarosh, RPh-Aye; D. Rich Miller III, RPh-Aye; and Richard J. Newlon, *Public Member-Aye*).

SO ORDERED.

R-2020-0035

Mr. Wilt moved to adopt the following Orders pertaining to the below referenced Goldman Medical Marijuana Applicants. The Motion was seconded by Ms. Yarosh and approved by the Board: Aye-7, Nay-0.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING
RESPONDENT'S APPLICATION FOR MEDICAL MARIJUANA
DISPENSARY LICENSE
Case No. 2018-M737**

In the Matter of Applicant:
CANNAMED THERAPEUTICS LLC
TERRASANA LABS
C/O STATUENT, INC.
450 W WILSON BRIDGE ROAD, SUITE 340
WORTHINGTON OH 43085
Account No./Application No.: 2-737
Application District: SOUTHEAST-3
Application Dispensary Address: 2982 HAYDEN ROAD, COLUMBUS, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

- Exhibit A – Respondent's Hearing Notice
- Exhibit B—Proof of Service
- Exhibit C—Respondent Score Sheet
- Exhibit D—Full List of Application Scores By District
- Exhibit E—500 Foot Review Map
- The Affidavit of Nicole Dehner
- The Affidavit of Erin C. 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 C. 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.

In accordance with R.C. 3796.10(B)(4), R.C. 3796.30, and Ohio Adm.Code 3796:6-2-04(D)(4), Respondent was required to demonstrate its proposed address ("Respondent Parcel") would not be located within five hundred feet of a school, church, public library, public playground, or public park; or a community addiction services provider under section 5119.01 of the Revised Code ("Restricted Parcel"). Ohio Adm.Code 3796:6-2-04(E)(3). A map showing the Respondent Parcel located within 500 feet of a Restricted Parcel is contained in State's Exhibit E.

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 the address is located five hundred feet or less from a school, church, public library, public playground, or a public park as outlined in R.C. 3796.10(B)(4); R.C. 3796.30; Ohio Adm.Code 3796:6-2-04(D)(4); or a community addiction services provider under section 5119.01 of the Revised Code. Ohio Adm.Code 3796:6-2-04(E)(3). See State's Exhibit E.

DECISION OF THE BOARD

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

Mr. Wilt moved for the findings of fact, conclusions of law, and decision of the Board. Ms. Yarosh seconded the motion. Motion passed (Aye-7/Nay-0) (Shawn C. Wilt, RPh-Aye; Trina L. Buettner, RPh-Aye; Fred M. Weaver, RPh-Aye; Joshua M. Cox, RPh-Aye; Kilee S. Yarosh, RPh-Aye; D. Rich Miller III, RPh-Aye; and Richard J. Newlon, *Public Member-Aye*).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING
RESPONDENT'S APPLICATION FOR MEDICAL MARIJUANA
DISPENSARY LICENSE**
Case No. 2018-M711

In the Matter of Applicant:
GTI OHIO, LLC
C/O C T CORPORATION SYSTEM
4400 EASTON CMNS WAY STE 125
COLUMBUS OH 43219
Account No./Application No.: 205-711
Application District: NORTHEAST-2
Application Dispensary Address: 5115 WILSON MILLS ROAD #1, 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 GTI Ohio, LLC (Respondent) by the State of Ohio Board of Pharmacy (Board) on the date set forth in State's Exhibit A. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on July 8, 2020, before the following members of the State of Ohio Board of Pharmacy: Jennifer M. Rudell, RPh, *Presiding*; Shawn C. Wilt, RPh; Trina L. Buettner, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

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

- Exhibit A – Respondent's Hearing Notice
- Exhibit B—Proof of Service
- Exhibit C—Respondent Score Sheet
- Exhibit D—Full List of Application Scores By District
- Exhibit E—500 Foot Review Map
- The Affidavit of Nicole Dehner
- The Affidavit of Erin C. 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 C. Reed.

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.

In accordance with R.C. 3796.10(B)(4), R.C. 3796.30, and Ohio Adm.Code 3796:6-2-04(D)(4), Respondent was required to demonstrate its proposed address ("Respondent Parcel") would not be located within five hundred feet of a school, church, public library, public playground, or public park; or a community addiction services provider under section 5119.01 of the Revised Code ("Restricted Parcel"). Ohio Adm.Code 3796:6-2-04(E)(3). A map showing the Respondent Parcel located within 500 feet of a Restricted Parcel is contained in State's Exhibit E.

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 the address is located five hundred feet or less from a school, church, public library, public playground, or a public park as outlined in R.C. 3796.10(B)(4); R.C. 3796.30; Ohio Adm.Code 3796:6-2-04(D)(4); or a community addiction services provider under section 5119.01 of the Revised Code. Ohio Adm.Code 3796:6-2-04(E)(3). See State's Exhibit E.

DECISION OF THE BOARD

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

Mr. Wilt moved for the findings of fact, conclusions of law, and decision of the Board. Ms. Yarosh seconded the motion. Motion passed (Aye-7/Nay-0) (Shawn C. Wilt, RPh-Aye; Trina L. Buettner, RPh-Aye; Fred M. Weaver, RPh-Aye; Joshua M. Cox, RPh-Aye; Kilee S. Yarosh, RPh-Aye; D. Rich Miller III, RPh-Aye; and Richard J. Newlon, *Public Member*-Aye).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING
RESPONDENT'S APPLICATION FOR MEDICAL MARIJUANA
DISPENSARY LICENSE
Case No. 2018-M713**

In the Matter of Applicant:
GTI OHIO, LLC
C/O C T CORPORATION SYSTEM
4400 EASTON CMNS WAY STE 125
COLUMBUS OH 43219
Account No./Application No.: 205-713
Application District: SOUTHEAST-3

Application Dispensary Address: FRANKLIN COUNTY PARCEL NUMBER 010-201155, COLUMBUS, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

- Exhibit A – Respondent's Hearing Notice
- Exhibit B—Proof of Service
- Exhibit C—Respondent Score Sheet
- Exhibit D—Full List of Application Scores By District
- Exhibit E—500 Foot Review Map
- The Affidavit of Nicole Dehner
- The Affidavit of Erin C. 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 C. 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.

In accordance with R.C. 3796.10(B)(4), R.C. 3796.30, and Ohio Adm.Code 3796:6-2-04(D)(4), Respondent was required to demonstrate its proposed address ("Respondent Parcel") would not be located within five hundred feet of a school, church, public library, public playground, or public park; or a community addiction services provider under section 5119.01 of the Revised Code ("Restricted Parcel"). Ohio Adm.Code 3796:6-2-04(E)(3). A map showing the Respondent Parcel located within 500 feet of a Restricted Parcel is contained in State's Exhibit E.

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 the address is located five hundred feet or less from a school, church, public library, public playground, or a public park as outlined in R.C. 3796.10(B)(4); R.C. 3796.30; Ohio Adm.Code 3796:6-2-04(D)(4); or a community addiction services provider under section 5119.01 of the Revised Code. Ohio Adm.Code 3796:6-2-04(E)(3). See State's Exhibit E.

DECISION OF THE BOARD

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

Mr. Wilt moved for the findings of fact, conclusions of law, and decision of the Board. Ms. Yarosh seconded the motion. Motion passed (Aye-7/Nay-0) (Shawn C. Wilt, RPh-Aye; Trina L. Buettner, RPh-Aye; Fred M. Weaver, RPh-Aye; Joshua M. Cox, RPh-Aye; Kilee S. Yarosh, RPh-Aye; D. Rich Miller III, RPh-Aye; and Richard J. Newlon, *Public Member-Aye*).

SO ORDERED.

R-2020-0036

Mr. Miller moved to adopt the following Orders pertaining to the below referenced Goldman Medical Marijuana Applicants. The Motion was seconded by Mr. Newlon and approved by the Board: Aye-7, Nay-0.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING
RESPONDENT'S APPLICATION FOR MEDICAL MARIJUANA
DISPENSARY LICENSE**
Case No. 2018-M777

In the Matter of Applicant:
127 OH, LLC
BLOOM MEDICINALS, LLC
C/O CORPORATION SERVICE COMPANY
50 WEST BROAD STREET, SUITE 1330
COLUMBUS OH 43215
Account No./Application No.: 431-777
Application District: SOUTHEAST-6
Application Dispensary Address: 603 WEST UNION ST. ATHENS, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to 127 OH, LLC (Respondent) by the State of Ohio Board of Pharmacy (Board) on the date set forth in State's Exhibit A. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on July 8, 2020, before the following members of the State of Ohio Board of Pharmacy: Jennifer M. Rudell, RPh, *Presiding*; Shawn C. Wilt, RPh; Trina L. Buettner, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

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

- Exhibit A-Respondent's Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License
- Exhibit B-Proof of Service
- Exhibit C-Respondent Score Sheet
- Exhibit D-Full List of Application Scores By District
- Exhibit E-Respondent Award Letters

- The Affidavit of Nicole Dehner
- The Affidavit of Erin C. 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 C. 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.

The MMCP Dispensary Application Instructions advised applicants, "[t]here is no limit to the number of applications that may be submitted by any Applicant. By submitting more than five applications, an Applicant acknowledges that the Board, at its discretion, may award the Applicant's provisional dispensary licenses in any of the dispensary districts in which it applied should the Applicant submit more than five Viable Applications."

Pursuant to Ohio Adm.Code 3796:6-2-06(F), "no owner, as defined under rule 3796:6-2-03, shall be issued more than five dispensary certificates of operation at any time, unless authorized by the [Board] after an analysis supporting the licensing of greater than sixty dispensaries pursuant to Ohio Adm.Code 3796:6-2-05." Respondent was awarded the maximum five (5) provisional dispensary licenses at locations identified in other applications. See Exhibit E (Respondent Award Letters).

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 was awarded the maximum five (5) provisional dispensary licenses at locations identified in other applications. See Exhibit E (Respondent Award Letters); see also Ohio Adm.Code 3796:6-2-06(F).

DECISION OF THE BOARD

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

Mr. Miller moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye-7/Nay-0) (Shawn C. Wilt, RPh-Aye; Trina L. Buettner, RPh-Aye; Fred M. Weaver, RPh-Aye; Joshua M. Cox, RPh-Aye; Kilee S. Yarosh, RPh-Aye; D. Rich Miller III, RPh-Aye; and Richard J. Newlon, *Public Member-Aye*).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING
RESPONDENT'S APPLICATION FOR MEDICAL MARIJUANA
DISPENSARY LICENSE**
Case No. 2018-M891

In the Matter of Applicant:
127 OH, LLC
BLOOM MEDICINALS, LLC
C/O CORPORATION SERVICE COMPANY
50 WEST BROAD STREET, SUITE 1330
COLUMBUS OH 43215
Account No./Application No.: 431-891
Application District: NORTHEAST-2
Application Dispensary Address: 25720 LAKELAND BLVD. EUCLID, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to 127 OH, LLC (Respondent) by the State of Ohio Board of Pharmacy (Board) on the date set forth in State's Exhibit A. Respondent did not request a hearing on the matter.

The matter subsequently came for consideration by the Board on July 8, 2020, before the following members of the State of Ohio Board of Pharmacy: Jennifer M. Rudell, RPh, *Presiding*; Shawn C. Wilt, RPh; Trina L. Buettner, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

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

- Exhibit A-Respondent's Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License
- Exhibit B-Proof of Service
- Exhibit C-Respondent Score Sheet
- Exhibit D-Full List of Application Scores By District
- Exhibit E-Respondent Award Letters
- The Affidavit of Nicole Dehner
- The Affidavit of Erin C. 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 C. 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.

The MMCP Dispensary Application Instructions advised applicants, "[t]here is no limit to the number of applications that may be submitted by any Applicant. By submitting more than five applications, an Applicant acknowledges that the Board, at its discretion, may award the Applicant's provisional dispensary licenses in any of the dispensary districts in which it applied should the Applicant submit more than five Viable Applications."

Pursuant to Ohio Adm.Code 3796:6-2-06(F), "no owner, as defined under rule 3796:6-2-03, shall be issued more than five dispensary certificates of operation at any time, unless authorized by the [Board] after an analysis supporting the licensing of greater than sixty dispensaries pursuant to Ohio Adm.Code 3796:6-2-05." Respondent was awarded the maximum five (5) provisional dispensary licenses at locations identified in other applications. See Exhibit E (Respondent Award Letters).

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 was awarded the maximum five (5) provisional dispensary licenses at locations identified in other applications. See Exhibit E (Respondent Award Letters); see also Ohio Adm.Code 3796:6-2-06(F).

DECISION OF THE BOARD

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

Mr. Miller moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye-7/Nay-0) (Shawn C. Wilt, RPh-Aye; Trina L. Buettner, RPh-Aye; Fred M. Weaver, RPh-Aye; Joshua M. Cox, RPh-Aye; Kilee S. Yarosh, RPh-Aye; D. Rich Miller III, RPh-Aye; and Richard J. Newlon, *Public Member*-Aye).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING
RESPONDENT'S APPLICATION FOR MEDICAL MARIJUANA
DISPENSARY LICENSE**
Case No. 2018-M492

In the Matter of Applicant:
GTI OHIO, LLC
C/O C T CORPORATION SYSTEM
4400 EASTON CMNS WAY STE 125
COLUMBUS OH 43219
Account No./Application No.: 205-492
Application District: SOUTHEAST-3
Application Dispensary Address: FRANKLIN COUNTY PARCEL NUMBER 520-
290160-00 COLUMBUS, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

- Exhibit A-Respondent's Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License
- Exhibit B-Proof of Service
- Exhibit C-Respondent Score Sheet
- Exhibit D-Full List of Application Scores By District
- Exhibit E-Respondent Award Letters
- The Affidavit of Nicole Dehner
- The Affidavit of Erin C. 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 C. 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.

The MMCP Dispensary Application Instructions advised applicants, "[t]here is no limit to the number of applications that may be submitted by any Applicant. By submitting more than five applications, an Applicant acknowledges that the Board, at its discretion, may award the Applicant's provisional dispensary licenses in any of the dispensary districts in which it applied should the Applicant submit more than five Viable Applications."

Pursuant to Ohio Adm.Code 3796:6-2-06(F), "no owner, as defined under rule 3796:6-2-03, shall be issued more than five dispensary certificates of operation at any time, unless authorized by the [Board] after an analysis supporting the licensing of greater than sixty dispensaries pursuant to Ohio Adm.Code 3796:6-2-05." Respondent was awarded the maximum five (5) provisional dispensary licenses at locations identified in other applications. See Exhibit E (Respondent Award Letters).

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 was awarded the maximum five (5) provisional dispensary licenses at locations identified in other applications. See Exhibit E (Respondent Award Letters); see *also* Ohio Adm.Code 3796:6-2-06(F).

DECISION OF THE BOARD

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

Mr. Miller moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye-7/Nay-0) (Shawn C. Wilt, RPh-Aye; Trina L. Buettner, RPh-Aye; Fred M. Weaver, RPh-Aye; Joshua M. Cox, RPh-Aye; Kilee S. Yarosh, RPh-Aye; D. Rich Miller III, RPh-Aye; and Richard J. Newlon, *Public Member*-Aye).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING
RESPONDENT'S APPLICATION FOR MEDICAL MARIJUANA
DISPENSARY LICENSE**
Case No. 2018-M712

In the Matter of Applicant:
GTI OHIO, LLC
C/O C T CORPORATION SYSTEM
4400 EASTON CMNS WAY STE 125
COLUMBUS OH 43219
Account No./Application No.: 205-712
Application District: SOUTHEAST-3
Application Dispensary Address: FRANKLIN COUNTY PARCEL NUMBERS 010-010816 & 010-009949 COLUMBUS, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to GTI Ohio, LLC (Respondent) by the State of Ohio Board of Pharmacy (Board) on the date set forth in State's Exhibit A. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on July 8, 2020, before the following members of the State of Ohio Board of Pharmacy: Jennifer M. Rudell, RPh, *Presiding*; Shawn C. Wilt, RPh; Trina L. Buettner, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the

Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

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

- Exhibit A-Respondent's Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License
- Exhibit B-Proof of Service
- Exhibit C-Respondent Score Sheet
- Exhibit D-Full List of Application Scores By District
- Exhibit E-Respondent Award Letters
- The Affidavit of Nicole Dehner
- The Affidavit of Erin C. 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 C. 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.

The MMCP Dispensary Application Instructions advised applicants, “[t]here is no limit to the number of applications that may be submitted by any Applicant. By submitting more than five applications, an Applicant acknowledges that the Board, at its discretion, may award the Applicant’s provisional dispensary licenses in any of the dispensary districts in which it applied should the Applicant submit more than five Viable Applications.”

Pursuant to Ohio Adm.Code 3796:6-2-06(F), “no owner, as defined under rule 3796:6-2-03, shall be issued more than five dispensary certificates of operation at any time, unless authorized by the [Board] after an analysis supporting the licensing of greater than sixty dispensaries pursuant to Ohio Adm.Code 3796:6-2-05.” Respondent was awarded the maximum five (5) provisional dispensary licenses at locations identified in other applications. See Exhibit E (Respondent Award Letters).

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 was awarded the maximum five (5) provisional dispensary licenses at locations identified in other applications. See Exhibit E (Respondent Award Letters); see also Ohio Adm.Code 3796:6-2-06(F).

DECISION OF THE BOARD

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

Mr. Miller moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Newlon seconded the motion. Motion passed (Aye-7/Nay-0) (Shawn C. Wilt, RPh-Aye; Trina L. Buettner, RPh-Aye; Fred M. Weaver, RPh-Aye; Joshua M. Cox, RPh-Aye; Kilee S. Yarosh, RPh-Aye; D. Rich Miller III, RPh-Aye; and Richard J. Newlon, *Public Member-Aye*).

SO ORDERED.

R-2020-0037

Mr. Cox moved to adopt the following Orders pertaining to the below referenced Goldman Medical Marijuana Applicants. The Motion was seconded by Mr. Miller and approved by the Board: Aye-7, Nay-0.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING
RESPONDENT'S APPLICATION FOR MEDICAL MARIJUANA
DISPENSARY LICENSE**
Case No. 2018-M494

In the Matter of Applicant:
GTI OHIO, LLC
C/O C T CORPORATION SYSTEM
4400 EASTON CMNS WAY STE 125
COLUMBUS OH 43219
Account No./Application No.: 205-494
Application District: NORTHEAST-2
Application Dispensary Address: 300 PROSPECT AVENUE EAST CLEVELAND,
OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

- Exhibit A - Respondent's Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License
- Exhibit B-Proof of Service
- Exhibit C-Respondent Score Sheet
- Exhibit D-Full List of Application Scores by District
- Exhibit E-Respondent Award Letters
- The Affidavit of Nicole Dehner
- The Affidavit of Erin C. 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 C. 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.

Under Ohio Adm.Code 3796:6-2-06(F), "no owner, as defined under rule 3796:6-2-03, shall be issued more than five dispensary certificates of operation at any time, unless authorized by the [Board] after an analysis supporting the licensing of greater than sixty dispensaries pursuant to Ohio Adm.Code 3796:6-2-05."

The MMCP Dispensary Application Instructions advised applicants, "[a] single owner may be awarded no more than five provisional licenses. No more than sixty-six percent of available licenses in a dispensary district will be awarded to a single Applicant."

Additionally, the MMCP Dispensary Application Instructions advised applicants, "[t]here is no limit to the number of applications that may be submitted by any Applicant. By submitting more than five applications, an Applicant acknowledges that the Board, at its discretion, may award the Applicant's provisional dispensary licenses in any of the dispensary districts in which it applied should the Applicant submit more than five Viable Applications."

Respondent applied to receive a medical marijuana provisional dispensary license to operate in the county and dispensary district identified in the application. Respondent's score was high enough to qualify Respondent to receive a provisional dispensary license for the county and dispensary district identified in the application.

However, Respondent submitted more than five (5) Viable Applications. In accordance with Ohio Adm.Code 3796:6-2-06 and the MMCP Dispensary Application Instructions, Respondent was awarded the maximum five (5) provisional dispensary licenses at locations identified in other applications. See Exhibit E (Award Letters) attached hereto and incorporated by reference.

Additionally, Respondent's score was high enough to qualify Respondent to receive a provisional dispensary license for the county and district in which the Respondent applied; however, Respondent received three (3) provisional dispensary license awards in the dispensary district included in the application. Respondent was awarded the maximum number of provisional licenses it may receive in one dispensary district.

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 was awarded the maximum five (5) provisional dispensary licenses at locations identified in other applications and Respondent was awarded the maximum number of provisional licenses it may receive in one dispensary district. See Exhibit E (Respondent Award Letters); see *also* Ohio Adm.Code 3796:6-2-06(F).

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. Miller seconded the motion. Motion passed (Aye-7/Nay-0) (Shawn C. Wilt, RPh-Aye; Trina L. Buettner, RPh-Aye; Fred M. Weaver, RPh-Aye; Joshua M. Cox, RPh-Aye; Kilee S. Yarosh, RPh-Aye; D. Rich Miller III, RPh-Aye; and Richard J. Newlon, *Public Member-Aye*).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING
RESPONDENT'S APPLICATION FOR MEDICAL MARIJUANA
DISPENSARY LICENSE**
Case No. 2018-M976

In the Matter of Applicant:
GTI OHIO, LLC
C/O C T CORPORATION SYSTEM
4400 EASTON CMNS WAY STE 125
COLUMBUS OH 43219
Account No./Application No.: 205-976
Application District: NORTHEAST-2
Application Dispensary Address: 2775 SOUTH MORELAND BOULEVARD
CLEVELAND, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

- Exhibit A - Respondent's Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License
- Exhibit B-Proof of Service
- Exhibit C-Respondent Score Sheet
- Exhibit D-Full List of Application Scores by District
- Exhibit E-Respondent Award Letters
- The Affidavit of Nicole Dehner
- The Affidavit of Erin C. 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 C. 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.

Under Ohio Adm.Code 3796:6-2-06(F), "no owner, as defined under rule 3796:6-2-03, shall be issued more than five dispensary certificates of operation at any time, unless authorized by the [Board] after an analysis supporting the licensing of greater than sixty dispensaries pursuant to Ohio Adm.Code 3796:6-2-05."

The MMCP Dispensary Application Instructions advised applicants, "[a] single owner may be awarded no more than five provisional licenses. No more than sixty-six percent of available licenses in a dispensary district will be awarded to a single Applicant."

Additionally, the MMCP Dispensary Application Instructions advised applicants, "[t]here is no limit to the number of applications that may be submitted by any Applicant. By submitting more than five applications, an Applicant acknowledges that the Board, at its discretion, may award the Applicant's provisional dispensary licenses in any of the dispensary districts in which it applied should the Applicant submit more than five Viable Applications."

Respondent applied to receive a medical marijuana provisional dispensary license to operate in the county and dispensary district identified in the application. Respondent's score was high enough to qualify Respondent to receive a provisional dispensary license for the county and dispensary district identified in the application.

However, Respondent submitted more than five (5) Viable Applications. In accordance with Ohio Adm.Code 3796:6-2-06 and the MMCP Dispensary Application Instructions, Respondent was awarded the maximum five (5) provisional dispensary licenses at locations identified in other applications. See Exhibit E (Award Letters) attached hereto and incorporated by reference.

Additionally, Respondent's score was high enough to qualify Respondent to receive a provisional dispensary license for the county and district in which the Respondent applied; however, Respondent received three (3) provisional dispensary license awards in the dispensary district included in the application. Respondent was awarded the maximum number of provisional licenses it may receive in one dispensary district.

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 was awarded the maximum five (5) provisional dispensary licenses at locations identified in other applications and Respondent was awarded the maximum number of provisional licenses it may receive in one dispensary district. See Exhibit E (Respondent Award Letters); see *also* Ohio Adm.Code 3796:6-2-06(F).

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. Miller seconded the motion. Motion passed (Aye-7/Nay-0) (Shawn C. Wilt, RPh-Aye; Trina L. Buettner, RPh-Aye; Fred M. Weaver, RPh-Aye; Joshua M. Cox, RPh-Aye; Kilee S. Yarosh, RPh-Aye; D. Rich Miller III, RPh-Aye; and Richard J. Newlon, *Public Member-Aye*).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING
RESPONDENT'S APPLICATION FOR MEDICAL MARIJUANA
DISPENSARY LICENSE**
Case No. 2018-M979

In the Matter of Applicant:
GTI OHIO, LLC
C/O C T CORPORATION SYSTEM
4400 EASTON CMNS WAY STE 125
COLUMBUS OH 43219
Account No./Application No.: 205-979
Application District: NORTHEAST-2
Application Dispensary Address: 14710 SNOW ROAD BROOK PARK, OH

INTRODUCTION

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

BOARD REVIEW OF THE RECORD

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

- Exhibit A - Respondent's Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License
- Exhibit B-Proof of Service
- Exhibit C-Respondent Score Sheet
- Exhibit D-Full List of Application Scores by District
- Exhibit E-Respondent Award Letters
- The Affidavit of Nicole Dehner
- The Affidavit of Erin C. 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 C. 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.

Under Ohio Adm.Code 3796:6-2-06(F), "no owner, as defined under rule 3796:6-2-03, shall be issued more than five dispensary certificates of operation at any time, unless authorized by the [Board] after an analysis supporting the licensing of greater than sixty dispensaries pursuant to Ohio Adm.Code 3796:6-2-05."

The MMCP Dispensary Application Instructions advised applicants, "[a] single owner may be awarded no more than five provisional licenses. No more than sixty-six percent of available licenses in a dispensary district will be awarded to a single Applicant."

Additionally, the MMCP Dispensary Application Instructions advised applicants, "[t]here is no limit to the number of applications that may be submitted by any Applicant. By submitting more than five applications, an Applicant acknowledges that the Board, at its discretion, may award the Applicant's provisional dispensary licenses in any of the dispensary districts in which it applied should the Applicant submit more than five Viable Applications."

Respondent applied to receive a medical marijuana provisional dispensary license to operate in the county and dispensary district identified in the

application. Respondent's score was high enough to qualify Respondent to receive a provisional dispensary license for the county and dispensary district identified in the application.

However, Respondent submitted more than five (5) Viable Applications. In accordance with Ohio Adm.Code 3796:6-2-06 and the MMCP Dispensary Application Instructions, Respondent was awarded the maximum five (5) provisional dispensary licenses at locations identified in other applications. See Exhibit E (Award Letters) attached hereto and incorporated by reference.

Additionally, Respondent's score was high enough to qualify Respondent to receive a provisional dispensary license for the county and district in which the Respondent applied; however, Respondent received three (3) provisional dispensary license awards in the dispensary district included in the application. Respondent was awarded the maximum number of provisional licenses it may receive in one dispensary district.

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 was awarded the maximum five (5) provisional dispensary licenses at locations identified in other applications and Respondent was awarded the maximum number of provisional licenses it may receive in one dispensary district. See Exhibit E (Respondent Award Letters); see *also* Ohio Adm.Code 3796:6-2-06(F).

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. Miller seconded the motion. Motion passed (Aye-7/Nay-0) (Shawn C. Wilt, RPh-Aye; Trina L. Buettner, RPh-Aye; Fred M. Weaver, RPh-Aye; Joshua M. Cox, RPh-Aye; Kilee S. Yarosh, RPh-Aye; D. Rich Miller III, RPh-Aye; and Richard J. Newlon, *Public Member-Aye*).

SO ORDERED.

R-2020-0038

Mr. Wilt moved to adopt the following Orders pertaining to the below referenced Goldman Medical Marijuana Applicants. The Motion was seconded by Mr. Cox and approved by the Board: Aye-7, Nay-0.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING
RESPONDENT'S APPLICATION FOR MEDICAL MARIJUANA
DISPENSARY LICENSE**
Case No. 2018-M901

In the Matter of Applicant:
HARVEST OF OHIO, LLC

HARVEST OF OHIO

C/O REGISTERED AGENT SOLUTIONS, INC.

4568 MAYFIELD RD. SUITE 204

CLEVELAND OH 44121

Account No./Application No.: 350-901

Application District: SOUTHEAST-3

Application Dispensary Address: 2982 HAYDEN 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 Harvest of Ohio, LLC (Respondent) by the State of Ohio Board of Pharmacy (Board) on the date set forth in State's Exhibit A. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on July 8, 2020, before the following members of the State of Ohio Board of Pharmacy: Jennifer M. Rudell, RPh, Presiding; Shawn C. Wilt, RPh; Trina L. Buettner, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, Public Member. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).*

BOARD REVIEW OF THE RECORD

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

- Exhibit A - Respondent's Hearing Notice
- Exhibit B-Proof of Service

- Exhibit C-Respondent Score Sheet
- Exhibit D-Full List of Application Scores By District
- Exhibit E-500 Foot Review Map
- Exhibit F-Full List of Provisional Dispensary Licensees
- The Affidavit of Nicole Dehner
- The Affidavit of Erin C. 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 C. 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.

Respondent's score was not high enough to qualify Respondent to receive a provisional dispensary license for the address in the district in which Respondent applied. *Compare* State's Exhibit C (Respondent Score Sheet) *with* State's Exhibit D (Full List of Application Scores by District) *and* State's Exhibit F (Full List of Provisional Dispensary Licensees).

Additionally, in accordance with R.C. 3796.10(B)(4), R.C. 3796.30, and Ohio Adm.Code 3796:6-2-04(D)(4), Respondent was required to demonstrate its proposed address ("Respondent Parcel") would not be located within five hundred feet of a school, church, public library, public playground, or public park; or a community addiction services provider under section 5119.01 of the Revised Code ("Restricted Parcel"). Ohio Adm.Code 3796:6-2-04(E)(3). A map

showing the Respondent Parcel located within 500 feet of a Restricted Parcel is contained in State's Exhibit E.

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.

Additionally, Respondent is denied a medical marijuana dispensary license at the address listed in State's Exhibit A because the address is located five hundred feet or less from a school, church, public library, public playground, or a public park as outlined in R.C. 3796.10(B)(4); R.C. 3796.30; Ohio Adm.Code 3796:6-2-04(D)(4); or a community addiction services provider under section 5119.01 of the Revised Code. Ohio Adm.Code 3796:6-2-04(E)(3). See State's Exhibit E.

DECISION OF THE BOARD

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

Mr. Wilt moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0) (Shawn C. Wilt, RPh-Aye; Trina L. Buettner, RPh-Aye; Fred M. Weaver, RPh-Aye; Joshua M. Cox, RPh-Aye; Kilee S. Yarosh, RPh-Aye; D. Rich Miller III, RPh-Aye; and Richard J. Newlon, *Public Member-Aye*).

SO ORDERED.

R-2020-0039

Mr. Weaver moved to adopt the following Orders pertaining to the below referenced Goldman Medical Marijuana Applicants. The Motion was seconded by Ms. Yarosh and approved by the Board: Aye-7, Nay-0.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING
RESPONDENT'S APPLICATION FOR MEDICAL MARIJUANA
DISPENSARY LICENSE
Case No. 2018-M969**

In the Matter of Applicant:
KDJOH, LLC

C/O CORPORATION SERVICE COMPANY

50 WEST BROAD STREET, SUITE 1330

COLUMBUS OH 43215
Account No./Application No.: 83-969
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 KDJOH, LLC (Respondent) by the State of Ohio Board of Pharmacy (Board) on the date set forth in State's Exhibit A. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on July 8, 2020, before the following members of the State of Ohio Board of Pharmacy: Jennifer M. Rudell, RPh, *Presiding*; Shawn C. Wilt, RPh; Trina L. Buettner, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Kilee S. Yarosh, RPh; D. Rich Miller III, RPh; and Richard J. Newlon, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

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

- Exhibit A-Respondent's Hearing Notice
- Exhibit B-Proof of Service
- Exhibit C-Respondent Score Sheet
- Exhibit D-Full List of Application Scores by District
- Exhibit E-Full List of Provisional Dispensary Licensees
- The Affidavit of Nicole Dehner
- The Affidavit of Erin C. 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 C. 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.

Respondent's score was not high enough to qualify Respondent to receive a provisional dispensary license for the address in the district in which Respondent applied. *Compare* State's Exhibit C (Respondent Score Sheet) *with* State's Exhibit D (Full List of Application Scores by District) *and* State's Exhibit E (Full List of Provisional Dispensary Licensees). Additionally, multiple applicants applied for a provisional dispensary license at the same address as Respondent. The State Board of Pharmacy awarded a provisional dispensary license to a different applicant because that applicant had the highest score at that address. See Exhibit E (Full List of Provisional Dispensary Licensees).

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, and because multiple applicants applied for a provisional dispensary license at the same address as Respondent and the Board awarded a provisional dispensary license to a different applicant because that applicant had the highest score at that address.

DECISION OF THE BOARD

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

Mr. Weaver moved for the findings of fact, conclusions of law, and decision of the Board. Ms. Yarosh seconded the motion. Motion passed (Aye-7/Nay-0) (Shawn C. Wilt, RPh-Aye; Trina L. Buettner, RPh-Aye; Fred M. Weaver, RPh-Aye; Joshua M. Cox, RPh-Aye; Kilee S. Yarosh, RPh-Aye; D. Rich Miller III, RPh-Aye; and Richard J. Newlon, *Public Member-Aye*).

SO ORDERED.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING
RESPONDENT'S APPLICATION FOR MEDICAL MARIJUANA
DISPENSARY LICENSE**
Case No. 2018-M1007

In the Matter of Applicant:
TREAT & KURE DISPENSARY 5, LLC

C/O 1600 CNB CORP

1375 EAST 9TH STREET, 29TH FLOOR

CLEVELAND OH 44114

Account No./Application No.: 439-1007
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 Treat & Kure Dispensary 5, LLC (Respondent) by the State of Ohio Board of Pharmacy (Board) on the date set forth in State's Exhibit A. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on July 8, 2020, before the following members of the State of Ohio

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

BOARD REVIEW OF THE RECORD

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

- Exhibit A - Respondent's Hearing Notice
- Exhibit B-Proof of Service
- Exhibit C-Respondent Score Sheet
- Exhibit D-Full List of Application Scores by District
- Exhibit E-Full List of Provisional Dispensary Licensees
- The Affidavit of Nicole Dehner
- The Affidavit of Erin C. 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 C. 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.

Respondent's score was not high enough to qualify Respondent to receive a provisional dispensary license for the address in the district in which Respondent applied. *Compare* State's Exhibit C (Respondent Score Sheet) *with* State's Exhibit D (Full List of Application Scores by District) *and* State's Exhibit E (Full List of Provisional Dispensary Licensees). Additionally, multiple applicants applied for a provisional dispensary license at the same address as Respondent. The State Board of Pharmacy awarded a provisional dispensary license to a different applicant because that applicant had the highest score at that address. See Exhibit E (Full List of Provisional Dispensary Licensees).

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, and because multiple applicants applied for a provisional dispensary license at the same address as Respondent and the Board awarded a provisional dispensary license to a different applicant because that applicant had the highest score at that address.

DECISION OF THE BOARD

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

Mr. Weaver moved for the findings of fact, conclusions of law, and decision of the Board. Ms. Yarosh seconded the motion. Motion passed (Aye-7/Nay-0) (Shawn C. Wilt, RPh-Aye; Trina L. Buettner, RPh-Aye; Fred M. Weaver, RPh-Aye; Joshua M. Cox, RPh-Aye; Kilee S. Yarosh, RPh-Aye; D. Rich Miller III, RPh-Aye; and Richard J. Newlon, *Public Member-Aye*).

SO ORDERED.

R-2020-0040

Mr. Newlon moved to adopt the following Order of Adam Kastor (A-2019-0533-MME). The Motion was seconded by Ms. Yarosh and approved by the Board: Aye-7, Nay-0.

ORDER OF THE STATE OF OHIO BOARD OF PHARMACY
CONFIRMING AND APPROVING
REPORT & RECOMMENDATION OF HEARING EXAMINER

(Case Number A-2019-0533-MME)

In The Matter Of Applicant:
Adam Kastor (Respondent)
6801 Oriole Lane
North Richland Hills, TX 76182-5204

INTRODUCTION

In the Matter of: Adam Kastor came for hearing before Hearing Examiner David G. Hasselback on May 14, 2020, and for consideration by the State of Ohio Board of Pharmacy (Board) on July 8, 2020 before the following members of the State of Ohio Board of Pharmacy (Board): Jennifer M. Rudell, RPh, *Presiding*; Shawn C. Wilt, RPh; Joshua M. Cox, RPh; Rich D. Miller, RPh; Richard J. Newlon, *Public Member*; Fred M. Weaver, RPh; Trina Buettner, RPh; and Kilee S. Yarosh, RPh.

Respondent was represented by attorneys Donald J. Malarcik and Noah Munyer. The State of Ohio was represented by Henry G. Appel, Assistant Attorney General.

BOARD REVIEW OF THE RECORD

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

- 1) In the Matter of: Adam Kastor, Summary Suspension/Notice of Opportunity for Hearing, Case No. A-2019-0533-MME
- 2) Proof of Service, Summary Suspension/Notice of Opportunity for Hearing, Case No. A-2019-0533-MME
- 3) Request for Hearing and Notice of Appearance
- 4) Acknowledgment of Hearing Request
- 5) Hearing Examiner Appointment Letter
- 6) Hearing Examiner's First Scheduling Order
- 7) Hearing Examiner's Second Scheduling Order
- 8) Email communications dated March 18, 2020
- 9) Hearing Examiner's Third Scheduling Order
- 10) Hearing Examiner's Fourth Scheduling Order
- 11) Hearing Examiner's Fourth Scheduling Order Return of Service

12)Hearing Transcript

13)The following State of Ohio Exhibits admitted by the Hearing Examiner:

- a. Exhibit 1a: In the Matter of: Adam Kastor, Summary Suspension/Notice of Opportunity for Hearing, Case No. A-2019-0533-MME
- b. Exhibit 1b: Identifier Key – **Admitted Under Seal**
- c. Exhibit 2: Request for Hearing and Notice of Appearance
- d. Exhibit 3: Hearing Examiner's Fourth Scheduling Order
- e. Exhibit 4: Bloom Medicinals transaction receipts, Dated 10/24/2019 – **Admitted Under Seal**
- f. Exhibit 5: Bloom Medicinals transaction receipts, Dated 11/27/2019 – **Admitted Under Seal**
- g. Exhibit 6: Report and Recommendation of the Hearing Examiner, In the Matter Of: Myles Gooding, Case No. A-2019-0533-MME

14)Report and Recommendation, Dated June 19, 2020

15)Report and Recommendation Cover Letter, Dated June 19, 2020

DECISION OF THE BOARD

After thorough review of all documents related to the case, the Board hereby adopts in its entirety Hearing Examiner Hasselback's Report and Recommendation, as it relates to the Summary Suspension/Notice of Opportunity for Hearing, including the Findings of Fact and Conclusions of Law, with the exception of modifying "3796:8-4-03" to "3796:6-4-03" and "4729.96" to "3796.14" in Paragraph (1) of the Report and Recommendation to correctly reflect the correct regulation and statute, respectively.

The Board confirms and approves the Recommendation of Hearing Examiner David G. Hasselback to revoke the medical marijuana dispensary key employee license of Adam Kastor, license number MME.052000027.

Mr. Newlon moved to confirm and approve the Report and Recommendation of Hearing Examiner Angell; Ms. Yarosh seconded the motion. Motion passed (Aye-7/Nay-0) (Joshua M. Cox, RPh-Aye; Donald R. Miller, RPh-Aye; Richard J. Newlon, Public Member-Aye; Trina Buettner, RPh-Aye; Fred M. Weaver, RPh-Aye; Shawn C. Wilt, RPh-Aye; and Kilee S. Yarosh, RPh-Aye).

SO ORDERED.

12:48 p.m. Pursuant to Section 3796.14 of the Ohio Revised Code, the State of Ohio Board of Pharmacy was joined by Thomas A. Pyles, Chief of Investigations, for the purpose of whether to consider a summary suspension related to a Medical Marijuana Patient.

R-2021-0034 After hearing Mr. Pyles discuss the significant facts regarding the activities Medical Marijuana Patient A.S., Mr. Weaver moved that the Board summarily suspend the Medical Marijuana Patient Registration belonging to A.S. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-7, Nay-0.

R-2021-0035 Mr. Cox moved to Adjourn the July State of Ohio Board of Pharmacy Meeting. The motion was seconded by Mr. Weaver and approved by the Board: Aye-7, Nay-0.

12:53 p.m. The Board Meeting Adjourned.

Jennifer M. Rudell, RPh, President

Date: _____

Steven W. Schierholt, Executive Director

Date: _____