



MINUTES OF THE JUNE 8-9, 2020
MEETING OF THE STATE OF OHIO BOARD OF PHARMACY

Monday, June 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:

Shawn C. Wilt, RPh, *Presiding*; Joshua M. Cox, RPh; Megan E. Marchal, RPh; Donald R. Miller, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, 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*; Chad Garner, *Director of OARRS*; Terri Ghitman, *OARRS Pharmacist*; 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*; Cameron McNamee, *Director of Policy and Communication*; Justin Sheridan, *Senior Legal Counsel*; Michelle Siba, *Senior Legal Counsel*; Karrie Southard, *Director of Licensing*; and Jenni Wai, *Chief Pharmacist*.

9:03 a.m. Mr. Garner provided the Ohio Automated Rx Reporting System (OARRS) Report.

9:05 a.m. Mr. Griffin provided the Compliance and Enforcement Report.

9:10 a.m. Ms. Dehner provided the Legal Report.

9:19 a.m. Mr. McNamee provided the Legislative Report

9:28 a.m. Mr. Schierholt provided the Executive Director Report.

9:30 a.m. Ms. Southard led a discussion on the results of a Certified Pharmacy Technician Audit conducted by the State of Ohio Board of Pharmacy.

9:40 a.m. Ms. Southard presented the OBOT Non-Physician Ownership Waiver Request of On Demand Counseling—Newton Falls, Ohio (APP-000353038) to the Board for consideration.

R-2020-0536 Ms. Rudell moved to approve the request of On Demand Counseling. The Motion was seconded by Ms. Yarosh and approved by the Board: Aye-7, Nay-0.

9:44 a.m. Ms. Southard presented the NAPLEX Examination Score Validity Extension Request of Emily Pfahler—APP-000334681 to the Board for consideration.

- R-2020-0537** Ms. Marchal moved to approve the request of Emily Pfahler through December 20, 2020 if Ms. Pfahler is unable to test in June of 2020. The Motion was seconded by Ms. Rudell and approved by the Board: Aye-7, Nay-0.
- 9:48 a.m.** Mr. Griffin led a discussion on Board Conducted Audits.
- 10:01 a.m.** Mr. McNamee led a discussion on the proposed implementation of a survey to better assess pharmacist working conditions.
- 10:22 a.m.** The Board took a brief recess.
- 10:31 a.m.** Ms. Dehner, Mr. Mcnamee, Ms. Wai, and Mr. Griffin led a Responsible Person Discussion. The Board members were presented with a synopsis of Ohio Responsible Person regulations as well as a synopsis of other states' Responsible Person regulations. Board staff indicated that based on the discussion, proposed language would be presented at the July Board meeting.
- 11:17 a.m.** Mr. McNamee presented a resolution titled *Reauthorization of Temporary Waiver Approval* to the Board for approval.
- R-2020-0538** Ms. Yarosh moved that the Board approve the resolution. The motion was seconded Ms. Marchal and approved by the Board: Aye-7, Nay-0. The following resolution was adopted by the Board:

Reauthorization of Temporary Waiver Approval

To address operational concerns and safeguard public health during COVID-19, the Board hereby grants the Executive Director, upon approval by the Board's President, the ability to temporarily grant waivers regarding the practice of pharmacy, the distribution of dangerous drugs, and the operation of the Ohio Medical Marijuana Control Program.

If granted by the Executive Director, the Board shall be required to review and approve any waiver issued at a subsequent meeting.

- 11:36 a.m.** Mr. McNamee presented additional COVID-19-related waivers to the Board for approval.
- R-2020-0539** Mr. Cox moved that the Board approve the waivers. The motion was seconded Ms. Rudell and approved by the Board: Aye-7, Nay-0. The following waivers were adopted by the Board:
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Traditional Pharmacy

Resolution Issue Date	Description	Expiration
3/13/2020	Authorized the practice of remote order entry for all licensed/registered pharmacy personnel (pharmacists, pharmacy interns, and technicians). The guidance can be accessed here .	This guidance shall remain in effect until rules for remote order entry by licensed and registered pharmacy personnel go into effect. (Formally this guidance is in effect until rescinded by the Board.)
3/14/2020 – UPDATED 3/30/2020	Authorized the compounding and sale of certain alcohol-based hand sanitizer products by Ohio-licensed pharmacies and outsourcing facilities. This guidance can be accessed here .	This guidance is in effect until rescinded by the Board or the United States Food and Drug Administration.
<u>3/14/2020 -</u> <u>UPDATED</u> <u>4/14/2020</u>	Authorized licensees conducting sterile compounding to reuse certain personal protective equipment (PPE). The waiver was updated to align with recently released PPE conservation guidance issued by the FDA. This guidance can be accessed here .	This guidance is in effect until rescinded by the Board or the United States Food and Drug Administration.
3/16/2020 – UPDATED	Authorized automatic exemptions to rule authorizing the compounding of drugs in shortage	This guidance is in effect until rescinded by the Board.

4/23/2020 & 5/15/2020	(4729-16-10) under certain conditions. This guidance can be accessed here .	
3/16/2020	Authorized the extension of emergency refills. This guidance can be accessed here .	This guidance is in effect until rescinded by the Board. (Formally June 14, 2020)
3/16/2020 – UPDATED 3/26/2020	Authorized pharmacists, pharmacy interns, and pharmacy technicians licensed in other states to work in Ohio pharmacies under certain conditions. This guidance can be accessed here .	This guidance is in effect until rescinded by the Board. (Formally June 14, 2020)
3/16/2020 – UPDATED 3/26/2020	Authorized expedited onboarding of pharmacy technician trainees. This guidance can be accessed here .	This guidance is in effect until rescinded by the Board.
3/16/2020 – UPDATED 3/31/2020 & 5/18/2020	Authorized an extension of the renewal date for registered pharmacy technicians and automatic technician trainee extensions. This guidance can be accessed here .	Extends by 120 days (valid until July 29, 2020). Trainee extensions are valid until July 30, 2020.
3/18/2020	Authorized prescribers working in an opioid treatment program licensed as a terminal distributor of dangerous drugs to temporarily delegate personally furnishing of buprenorphine products to nurses licensed under Chapter 4723. of the Revised Code. This guidance can be accessed here .	This guidance shall remain in effect until rescinded by the Board.
3/18/2020	Authorized home delivery of medications by opioid treatment programs under specific conditions. This guidance can be accessed here .	This guidance, as is authorized by the Drug Enforcement Administration, shall remain in effect until the Secretary of Health and Human Services (HHS) rescinds the declared public health emergency.
3/18/2020	Authorized an extension of basic life-support training certifications for pharmacists and pharmacy interns. This guidance can be accessed here .	This guidance shall remain in effect until July 29, 2020. The pharmacist or intern must obtain recertification no

		<p>later than July 29, 2020. The Board reserves the right to extend this deadline based upon course availability.</p> <p>(Date formally July 16, 2020)</p> <p>NOTE: This date change coincides with an extension offered by the AHA.</p>
3/18/2020 – UPDATED 4/14/2020	Authorized prescribers to delegate personally furnishing non-controlled drugs to nurses licensed in accordance with Chapter 4723. of the Revised Code. This guidance can be accessed here .	This guidance shall remain in effect until rescinded by the Board.
3/18/2020 – UPDATED 3/20/2020	Authorized the temporary expansion of the maximum days' supply permitted under rule 4729-9-23 of the Administrative Code from 31 days to 60 days. This guidance can be accessed here .	This guidance is in effect until rescinded by the Board. (Formally June 14, 2020)
3/20/2020	Authorized licensees to perform sterile compounding for another licensee, referred to as central compounding. This guidance can be accessed here .	This guidance shall remain in effect until rescinded by the Board.
3/20/2020	Authorized registered pharmacy technicians to stock automated drug storage systems and send and receive copies of non-controlled prescriptions, under certain conditions. Additionally, provides clarification on the positive identification requirements for technicians transferring prescriptions. This guidance can be accessed here .	This guidance is in effect until rescinded by the Board.
3/24/2020 – UPDATED 5/6/2020 & 5/22/2020	Authorized an extension of drug distributor customer due diligence requirements pursuant to paragraph (G) of rule 4729:6-3-05 of the Administrative Code. This guidance can be accessed here .	The annual due diligence requirements are hereby extended until November 29, 2020 (Formally June 29, 2020).
3/24/2020	Authorized expedited licensure of drug distributors. This guidance can be accessed here .	This guidance is in effect until August 31, 2020. (Formally June 14, 2020)

3/24/2020	Authorized the sale and shipment of non-reportable dangerous drugs that are in shortage by unlicensed, out-of-state facilities. This guidance can be accessed here .	This guidance is in effect until August 31, 2020. (Formally June 14, 2020)
3/31/2020 – – UPDATED 4/30/2020	Authorized the use of temporary satellite locations for the storage and use of dangerous drugs during COVID-19. This guidance can be accessed here .	This guidance is in effect until rescinded by the Board.
3/31/2020	Authorized a temporary extension of the annual controlled substance inventory requirements pursuant to rule 4729:5-3-07 of the Administrative Code. This guidance can be accessed here .	For any annual controlled substance inventory during the timeframe set forth in the resolution, the Board hereby extends the date to obtain the annual inventory to August 1, 2020.
4/3/2020	Permits the temporary reinstatement of lapsed or expired Ohio pharmacist licenses in Ohio under certain conditions. This guidance can be accessed here .	This guidance is in effect until July 30, 2020 but may be extended by the Board.
4/7/2020	Authorized nurses (LPN, RN, APRN) to stock automated drug storage systems within a terminal distributor of dangerous drugs that has an on-site pharmacy under certain conditions. This guidance can be accessed here .	This guidance is in effect until rescinded by the Board.
4/7/2020 – UPDATED 4/29/2020 & 5/27/2020	Authorized pharmacists, pharmacy interns, and certified pharmacy technicians to conduct FDA-authorized COVID-19 testing under certain conditions. This guidance can be accessed here .	This guidance shall remain in effect until rescinded by the Board.
4/9/2020	Authorized the delegation to an Ohio-licensed APRN who is designated as a certified nurse practitioner (CNP), clinical nurse specialist (CNS), certified nurse midwife (CNM) or physician assistant (PA) the management of a consult agreement authorized under section 4729.39 of the Revised Code. This guidance can be accessed here .	This resolution and guidance shall remain in effect during the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020.
4/14/2020	Authorized the sale and shipment of patient-specific, non-reportable dangerous drugs by non-Ohio licensed border state facilities to patients residing in the state under certain conditions. This guidance can be accessed here .	This guidance is in effect until August 31, 2020. (Formally June 14, 2020)

4/14/2020	Authorized an Ohio pharmacy to request a temporary waiver to permit a pharmacist to supervise up to five pharmacy technician trainees at one time (up from the current limit of three). This guidance can be accessed here .	This guidance is in effect until rescinded by the Board.
4/17/2020 – UPDATED 5/15/2020	Formally adopted FDA's " Temporary Policy for Compounding of Certain Drugs for Hospitalized Patients by Outsourcing Facilities During the COVID-19 Public Health Emergency " for Ohio-licensed outsourcing facilities. This guidance can be accessed here .	This guidance shall remain in effect only for the duration of the public health emergency related to COVID-19 declared by the Department of Health and Human Services (HHS), including any renewals made by the HHS Secretary in accordance with section 319(a)(2) of the Public Health Service Act (42 U.S.C. 247d(a)(2)).
4/17/2020	Authorized the temporary waiver of the 5 percent limit on the occasional wholesale sales of dangerous drugs by a licensed pharmacy set forth in rule 4729:5-3-09 of the Administrative Code. This guidance can be accessed here .	This guidance is in effect until rescinded by the Board.
4/17/2020	Extends recertification of primary and secondary engineering controls in accordance with guidance issued by USP. This guidance can be accessed here .	This guidance is in effect until rescinded by the Board.
4/23/2020	Formally adopted FDA's "Temporary Policy on Repackaging or Combining Propofol Drug Products During the COVID-19 Public Health Emergency" for Ohio-licensed pharmacies, repackagers, and outsourcing facilities. This guidance can be accessed here .	This guidance shall remain in effect only for the duration of the public health emergency related to COVID-19 declared by the Department of Health and Human Services (HHS), including any renewals made by the HHS Secretary in accordance with section 319(a)(2) of the Public Health Service Act (42 U.S.C. 247d(a)(2)).

Medical Marijuana

Resolution Issue Date	Description	Expiration
3/20/2020	<p>In order to expedite the caregiver registration process and reduce exposure to higher risk patients during the COVID-19 outbreak, the State of Ohio Board of Pharmacy issued the following guidance for caregiver registration:</p> <ul style="list-style-type: none"> • A patient can now have up to three caregivers, and caregivers can have up to three patients. • Caregivers may now be added by Board staff using the process outlined below. <p>This guidance can be accessed here.</p>	This guidance is in effect until rescinded by the Board.
3/20/2020 - UPDATED 4/14/2020	<p>In order to address patient access and closures of BMVs around the state, the State of Ohio Board of Pharmacy has adopted the following guidance to permit minors (i.e. those under the age of 18) and adult patients with legal guardians to utilize a birth certificate to register as a medical marijuana patient</p> <p>This guidance can be accessed here.</p>	This guidance is in effect until rescinded by the Board.
4/1/2020	<p>In order to address patient access and closures of BMVs around the state, the State of Ohio Board of Pharmacy has adopted the following guidance to permit patients with expired forms of identification to utilize a birth certificate to register as a medical marijuana patient.</p> <p>This guidance can be accessed here.</p>	This guidance shall remain in effect until rescinded by the Board.
4/7/2020	<p>In order to address patient access and closures of BMVs around the state, the State of Ohio Board of Pharmacy has adopted the following guidance to permit currently registered patients and caregivers who have lost their authorized form of photo identification to utilize alternate forms of identification in order to purchase medical marijuana.</p> <p>This guidance can be accessed here.</p>	This guidance shall remain in effect until rescinded by the Board.

3/20/2020 – UPDATED 4/22/2020	In an effort to further protect patients, caregivers, and dispensary employees during a public health emergency, the Board now permits a patient/caregiver to telephone a medical marijuana dispensary or place an online order for the sale of medical marijuana. This guidance can be accessed here .	This guidance is in effect until rescinded by the Board.
4/3/2020	In order to reduce opportunities for patient and caregiver exposure during the COVID-19 outbreak, the State of Ohio Board of Pharmacy has adopted the following resolution to permit medical marijuana dispensaries to temporarily conduct sales to patients and caregivers outside of the dispensary department. The temporary sales outside of the dispensary department may only be permitted if the dispensary complies with the minimum guidelines outlined below. This guidance can be accessed here .	This resolution and guidance shall remain in effect during the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020 but may also be rescinded by the Board at any time.

11:39 a.m. Mr. McNamee presented a resolution titled *Access to DEA 222 Forms – Power of Attorney* to the Board for approval.

R-2020-0540 Ms. Yarosh moved that the Board approve the resolution. The motion was seconded by Mr. Cox and approved by the Board: Aye-7, Nay-0. The following resolution was adopted by the Board:

Access to DEA 222 Forms – Power of Attorney

The Board hereby authorizes individuals granted power of attorney to sign DEA 222 Forms permission to have unsupervised access to DEA 222 Forms if a terminal distributor of dangerous drugs complies with the requirements of 21 CFR 1305.05.

This resolution shall remain in effect until the Board final files corresponding rule amendments.

11:41 a.m. Mr. McNamee presented a resolution titled *Additional Delay of ARCOS Review Requirement for Drug Distributors* to the Board for approval.

R-2020-0541 Mr. Weaver moved that the Board approve the resolution. The motion was seconded by Ms. Rudell and approved by the Board: Aye-7, Nay-0. The following resolution was adopted by the Board:

**Additional Delay of ARCOS Review Requirement for Drug
Distributors**

Additionally, the Board has been made aware of certain data issues associated with the Drug Enforcement Administration's ARCOS drug distributor lookup tool, as required by paragraph (G)(1)(d)(iii) of rule 4729:6-3-05 of the Administrative Code.

Therefore, the requirement to check the ARCOS tool as part of the customer due diligence requirements has been further delayed to **November 29, 2020**. The Board is working closely with DEA and will provide additional updates to licensees when reported data issues have been resolved.

11:42 a.m. Mr. McNamee presented a resolution titled *Drug Personally Furnished or Dispensed for Administration by a Nurse* to the Board for approval.

R-2020-0542 Mr. Miller moved that the Board approve the resolution. The motion was seconded by Mr. Weaver and approved by the Board: Aye-7, Nay-0. The following resolution was adopted by the Board:

**Drug Personally Furnished or Dispensed for Administration by a
Nurse**

There Board hereby authorizes the following for office-based opioid treatment clinics (OAC 4729:5-18), pain management clinics (OAC 4729:5-11), first aid departments (OAC 4729:5-13), limited facilities (OAC 4729:5-23), and non-limited facilities (OAC 4729:5-23):

A registered nurse licensed under Chapter 4723. of the Revised Code, may have unsupervised access to controlled substances only under the following conditions:

(1) The drugs have been personally furnished by a prescriber or dispensed by a pharmacy for direct administration to a patient.

(2) The drugs must be stored in a securely locked, substantially constructed cabinet or safe with access that is limited to prescribers, pharmacists, and registered nurses. The cabinet or safe must be separate from those required by rule.

(a) The cabinet or safe shall be placed in an area that is not readily accessible to the public.

(b) The cabinet or safe shall remain locked and secured when not in use.

(c) In the case of a combination lock or access code, the combination or access code shall be changed upon termination of employment of an employee having knowledge of the combination or access code.

(d) In the case of a key lock, all keys shall be maintained in a secure place that is inaccessible to anyone other than a prescriber, pharmacist or registered nurse.

(e) During non-business hours, the cabinet or safe shall be maintained in an area secured by a physical barrier with suitable locks, which may include a locked room or secure facility.

(3) The responsible person shall report the theft or significant loss of drugs maintained pursuant to this resolution in accordance with rule 4729:5-3-02 of the Administrative Code.

(4) A record of drug administration shall be maintained that complies with the following:

(a) Records of administration shall contain the name, strength, dosage form, and quantity of the dangerous drugs administered, the name and date of birth of the person to whom or for whose use the dangerous drugs were administered, the date of administration, and either:

(i) For non-controlled substance dangerous drugs: the identification of the health care professional administering the drug.

(ii) For controlled substance dangerous drugs: the positive identification of the health care professional administering the drug.

(b) Records of dangerous drugs administered which become a permanent part of the patient's medical record shall be deemed to meet the requirements of this paragraph. This resolution shall remain in effect until the Board final files corresponding rule amendments.

11:45 a.m. Mr. McNamee presented a resolution titled – *Mailing or Delivery of Non-Controlled Dangerous Drugs Personally Furnished by Prescribers* to the Board for approval.

R-2020-0543 Mr. Cox moved that the Board approve the resolution. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-7, Nay-0. The following resolution was adopted by the Board:

**Mailing or Delivery of Non-Controlled Dangerous Drugs
Personally Furnished by Prescribers**

The Board hereby authorizes a licensed terminal distributor of dangerous drugs (TDDD) to mail or deliver non-controlled drugs to patients that have been personally furnished by a prescriber that is employed or contracted by the terminal distributor. The terminal distributor must comply with all the following:

(1) The non-controlled dangerous drugs must be delivered to the patient by means of an employee of the TDDD, United States Postal Service, or common or contract carrier.

(2) Except as provided for in paragraph (3) of this resolution, non-controlled medications delivered to a patient may not be returned to the TDDDs drug inventory.

(3) Notwithstanding the provisions of OAC 4729:5-3-16, if a dangerous drug is returned by an employee of the TDDD (i.e. has not left the possession of the employee) or is returned in original packaging (i.e. return to sender) by the United States Postal Service or common or contract carrier, it may only be returned to stock/inventory if the medication meets either of the following prior to initially leaving the TDDD:

(a) The drug is personally furnished in a tamper evident container or package prior to leaving the TDDD; or

(b) The drug is personally furnished in the manufacturer's original tamper evident packaging.

(4) Dangerous drugs that are personally furnished and shows any signs of tampering or

adulteration shall not be returned to stock.

(5) The drug is properly labeled in accordance with the applicable personal furnishing rules in division 4729:5 of the Administrative Code.

(6) The terminal distributor shall provide a written offer to counsel with the accompanying medication. The offer must include a telephone number where a prescriber may be contacted regarding the medication's use.

(7) All required records are maintained in accordance with the applicable record keeping rules in division 4729:5 of the Administrative Code.

(8) This resolution shall not apply to opioid treatment programs operating in accordance a Board resolution that authorizes the delivery of patient medications by opioid treatment programs ("Delivery by Opioid Treatment Programs").

This resolution shall remain in effect until rescinded by the Board or the Board final files corresponding rules authorizing the shipment of drugs that have been personally furnished by a prescriber

11:48 a.m. The Board recessed for lunch.

12:20 a.m. Mr. McNamee presented amendments to rule 4729:5-9-03.4 - Automated drug storage systems in an institutional facility, 4729:5-9-01—Definitions, 4729:5-9-03.1—Contingency drugs in an institutional facility and emergency access to an institutional pharmacy, 4729:5-9-02.3—Record keeping at an institutional pharmacy, 4729:5-9-02.7—Medication orders for inpatients and outpatient prescription, 4729:5-3-17—Automated pharmacy systems, 4729:5-9-02.12—Drugs repackaged by an institutional pharmacy, 4729:5-5-17—Drugs repackaged by an outpatient pharmacy, 4729:7-2-01—Pharmacy compounding definitions, 4729:7-3-01—Definitions prescriber compounding, 4729:7-2-03—Drugs compounded in a pharmacy, 4729:7-2-04—Record Keeping, 4729:5-5-21—Outpatient prescription requirements for chloroquine and hydroxychloroquine, Security, control, and storage of dangerous drugs (4729:5-18-04, 4729:5-19-03, 4729:5- 20-03, 4729:5-11-03, 4729:5-13-03, 4729:5-21-03, 4729:5-22-02 & 4729:5-23-02), and Record Keeping (4729:5-18-05 4729:5-11-04, 4729:5-13-04, 4729:5-22-03 & 4729:5-23-03).

R-2020-0544 Ms. Yarosh moved that the Board approve amendments to rules 4729:5-9-03.4 - Automated drug storage systems in an institutional facility, 4729:5-9-01—Definitions, 4729:5-9-03.1—Contingency drugs in an institutional facility and emergency access to an institutional pharmacy, 4729:5-9-02.3—Record keeping at an institutional pharmacy, 4729:5-9-02.7—Medication orders for inpatients and outpatient prescription, 4729:5-3-17—Automated pharmacy systems, 4729:5-

9-02.12—Drugs repackaged by an institutional pharmacy, 4729:5-5-17—Drugs repackaged by an outpatient pharmacy, 4729:7-2-01—Pharmacy compounding definitions, 4729:7-3-01—Definitions prescriber compounding, 4729:7-2-03—Drugs compounded in a pharmacy, 4729:7-2-04—Record Keeping, 4729:5-5-21—Outpatient prescription requirements for chloroquine and hydroxychloroquine, Security, control, and storage of dangerous drugs (4729:5-18-04, 4729:5-19-03, 4729:5-20-03, 4729:5-11-03, 4729:5-13-03, 4729:5-21-03, 4729:5-22-02 & 4729:5-23-02), and Record Keeping (4729:5-18-05 4729:5-11-04, 4729:5-13-04, 4729:5-22-03 & 4729:5-23-03) for filing with CSI and JCARR. The motion was seconded by Mr. Weaver and a roll-call vote was conducted by President Wilt as follows: Cox-yes; Marchal-yes; Miller-yes; Newlon-yes; Rudell-yes; Weaver-yes; Yarosh-yes.

R-2020-0545 Ms. Rudell moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law pursuant to Section 121.22(G)(1), (3) & (5) of the Ohio Revised Code and that the Board return to public session and promptly adjourn at the conclusion of executive session. The motion was seconded by Ms. Marchal and a roll-call vote was conducted by President Wilt as follows: Cox-yes; Marchal-yes; Miller-yes; Newlon-yes; Rudell-yes; Weaver-yes; Yarosh-yes.

2:10 p.m. The Board concluded executive session, returned to public session and recessed for the day.

Tuesday, June 9, 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:

Shawn C. Wilt, RPh, *Presiding*; Joshua M. Cox, RPh; Megan E. Marchal, RPh; Donald R. Miller, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, 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*; 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*; and Jenni Wai, *Chief Pharmacist*.

- 9:04 a.m.** The Board heard an oral address by both parties in the Matter of Myles Gooding– John Izzo on behalf of Myles Gooding, Henry Appel on behalf of the State.
- 9:20 a.m.** Ms. Dehner let a discussion on the Standard Terms and Conditions implemented in Suspension and Reinstatement State of Ohio Board of Pharmacy Orders.
- 9:24 a.m.** Ms. Maerten-Moore began a discussion on amendments to the following Medical Marijuana Rules: 3796:6-2-01—Requests for application to operate medical marijuana dispensaries, 3796:6-2-02—Applications to operate medical marijuana dispensaries, 3796:6-2-04—Medical marijuana dispensary license application evaluation, 3796:6-2-05—Number of dispensary provisional licenses, 3796:6-2-06—Final inspection and certificate of operation for medical marijuana dispensaries, 3796:6-2-07—Licensing of medical marijuana dispensary associated key employees and dispensary key employees, 3796:6-2-08 –Licensing of medical marijuana dispensary support employees, and 3796:6-2-09—Medical marijuana dispensary employees generally.
- 9:56 a.m.** The Board took a brief recess.
- 10:12 a.m.** Ms. Maerten-Moore continued her discussion on amendments to the following Medical Marijuana Rules: 3796:6-2-10—Medical marijuana dispensary certificate of operation renewal, 3796:6-2-1—Request to relocate a dispensary, 3796:6-2-14—Procedure for discontinuing business as a medical marijuana dispensary, 3796:6-3-01—Dispensary operations generally, 3796:6-3-02—Dispensary premises generally, 3796:6-3-03—Hours of operation, 3796:6-3-05—Medical marijuana dispensary designated representative, 3796:6-3-06—Receipt of medical marijuana by a dispensary, 3796:6-3-08—Dispensing of medical marijuana, 3796:6-3-11—Duty to report, 3796:6-3-12—Quality assurance to prevent dispensing errors, 3796:6-3-13—Review of dispensing errors, 3796:6-3-14—Destruction and disposal of medical marijuana, 3796:6-3-15—Dispensary patient and caregiver educational materials, 3796:6-3-16—Monitoring, surveillance, and security requirements, 3796:6-3-17—Record keeping requirements, 3796:6-3-18—Release of records related to patient transactions maintained by dispensaries, 3796:6-3-19—Employee training requirements, 3796:6-3-20—Medical marijuana dispensary internal inventory control System, 3796:6-3-21—Recall procedures, 3796:6-3-22—Prohibitions, 3796:6-3-23—Dispensary access, 3796:6-4-02—Compliance and inspection of medical marijuana dispensaries, 3796:6-4-03—Grounds for discipline, 3796:6-4-05—Suspension of a dispensary employee license without a hearing, 3796:6-4-06—Suspension of a provisional dispensary license or certificate of operation without a hearing, 3796:6-4-07—Failure to properly store medical marijuana, 3796:6-4-09—Interagency cooperation, 3796:6-5-01—Medical marijuana dispensary fee structure, 3796:7-2-02—Caregiver eligibility, 3796:7-2-03—Procedure for caregiver registration, 3796:7-2-07—Duty to report, 3796:7-2-08—Grounds for discipline, 3796:7-2-09—Suspension of a patient or caregiver registration without a hearing, 3796:7-2-10—Confidentiality of patient-identifying information at adjudication hearings, 3796:7-2-10—Confidentiality of patient records at hearing, 3796:7-2-11—Release of registered patient information maintained by the state board of pharmacy, 3796:7-2-

12—Suspension of Access to Patient Information, 3796:8-2-02—Establishment of additional forms or methods of administration, 3796:8-2-05—Assignment of a product identifier, 3796:8-3-01—Product identifier fee, 3796:7-2-10—Confidentiality of patient records at hearing, 3796:7-2-10—Confidentiality of patient-identifying information at adjudication hearings, 3796:7-2-11—Release of registered patient information maintained by the state board of pharmacy, and 3796:7-2-12—Suspension of Access to Patient Information.

R-2020-0546

Ms. Yarosh moved that the Board approve the following rules for filing with CSI: 3796:6-2-01—Requests for application to operate medical marijuana dispensaries, 3796:6-2-02—Applications to operate medical marijuana dispensaries, 3796:6-2-04—Medical marijuana dispensary license application evaluation, 3796:6-2-05—Number of dispensary provisional licenses, 3796:6-2-06—Final inspection and certificate of operation for medical marijuana dispensaries, 3796:6-2-07—Licensing of medical marijuana dispensary associated key employees and dispensary key employees, 3796:6-2-08—Licensing of medical marijuana dispensary support employees, 3796:6-2-09—Medical marijuana dispensary employees generally, 3796:6-2-10—Medical marijuana dispensary certificate of operation renewal, 3796:6-2-1—Request to relocate a dispensary, 3796:6-2-14—Procedure for discontinuing business as a medical marijuana dispensary, 3796:6-3-01—Dispensary operations generally, 3796:6-3-02—Dispensary premises generally, 3796:6-3-03—Hours of operation, 3796:6-3-05—Medical marijuana dispensary designated representative, 3796:6-3-06—Receipt of medical marijuana by a dispensary, 3796:6-3-08—Dispensing of medical marijuana, 3796:6-3-11—Duty to report, 3796:6-3-12—Quality assurance to prevent dispensing errors, 3796:6-3-13—Review of dispensing errors, 3796:6-3-14—Destruction and disposal of medical marijuana, 3796:6-3-15—Dispensary patient and caregiver educational materials, 3796:6-3-16—Monitoring, surveillance, and security requirements, 3796:6-3-17—Record keeping requirements, 3796:6-3-18—Release of records related to patient transactions maintained by dispensaries, 3796:6-3-19—Employee training requirements, 3796:6-3-20—Medical marijuana dispensary internal inventory control System, 3796:6-3-21—Recall procedures, 3796:6-3-22—Prohibitions, 3796:6-3-23—Dispensary access, 3796:6-4-02—Compliance and inspection of medical marijuana dispensaries, 3796:6-4-03—Grounds for discipline, 3796:6-4-05—Suspension of a dispensary employee license without a hearing, 3796:6-4-06—Suspension of a provisional dispensary license or certificate of operation without a hearing, 3796:6-4-07—Failure to properly store medical marijuana, 3796:6-4-09—Interagency cooperation, 3796:6-5-01—Medical marijuana dispensary fee structure, 3796:7-2-02—Caregiver eligibility, 3796:7-2-03—Procedure for caregiver registration, 3796:7-2-07—Duty to report, 3796:7-2-08—Grounds for discipline, 3796:7-2-09—Suspension of a patient or caregiver registration without a hearing, 3796:7-2-10—Confidentiality of patient-identifying information at adjudication hearings, 3796:7-2-10—Confidentiality of patient records at hearing, 3796:7-2-11—Release of registered patient information maintained by the state board of pharmacy, 3796:7-2-12—Suspension of Access to Patient Information, 3796:8-2-02—Establishment of additional forms or methods of administration, 3796:8-2-05—Assignment of a product identifier, 3796:8-3-01—Product identifier fee, 3796:7-2-10—Confidentiality of patient records at hearing, 3796:7-2-10—Confidentiality of

patient-identifying information at adjudication hearings, 3796:7-2-11—Release of registered patient information maintained by the state board of pharmacy, and 3796:7-2-12—Suspension of Access to Patient Information. The motion was seconded by Ms. Rudell and approved by the Board: Aye-7

10:36 a.m. Ms. Maerten-Moore presented a resolution titled *Employee Identification Cards* to the Board for approval.

R-2020-0547 Ms. Rudell moved that the Board approve the resolution. The motion was seconded by Mr. Newlon and approved by the Board: Aye-7, Nay-0. The following resolution was adopted by the Board:

Employee Identification Cards

The State of Ohio Board of Pharmacy (Board) hereby waives the requirements of rules 3796:6-2-09(G) and 3796:6-3-01(J) of the Ohio Administrative Code related to medical marijuana employee identification cards and hereby adopts the following resolution, effective upon the renewal of the dispensary employee's license currently set to expire on December 4, 2020 and for any new employee and any replacement for a current employee on or after the effective date of this resolution:

Employee Identification Separation Requirements (Rule 3796:6-2-09(G) of the Administrative Code)

NOTE: *This replaces the current process established in paragraph (G) of the rule.*

Upon termination of employment or when a dispensary employee otherwise ceases to be employed with a dispensary, the dispensary shall:

(1) Collect the employee identification card for destruction and disposal by the dispensary. The dispensary shall ensure the destruction of the dispensary employee identification card as soon as possible but no more than ten business days from the date of termination or separation.

(2) Submit a notice of separation to the Board within ten business days of the termination or separation of the dispensary employee in a manner determined by the Board.

Dispensary Printing Employee Identification Cards (Rule 3796:6-3-01(J) of the Administrative Code)

Upon the effective date of this resolution, a dispensary may print employee identification cards required by rule 3796:6-3-01(J) of the Ohio Administrative Code. If a dispensary chooses to print employee identification cards, the card design shall be approved by the board prior to issuance.

(1) Each employee identification card shall clearly identify the employee to the public and contain, at a minimum, the following information:

(a) A clear photo of the of the employee's face measuring two inches by two inches, taken not more than ninety days prior to the issuance to the employee;

(b) The date on which the identification card was issued to the employee;

(c) The employee's current name;

(d) The medical marijuana employee license number;

(e) The date on which the license expires; and

(f) The name of the dispensary.

(2) Identification cards shall expire four years from the date of issuance.

(3) A dispensary employee shall be issued a separate identification card for each dispensary employing that individual.

All medical marijuana dispensary employees are still required to wear an identification card that clearly identifies them to the public and contains the required information described above. However, by removing the requirement that the cards be printed by the Board, dispensaries will be able to immediately print cards for employees that have been licensed by the Board, replace lost or damaged cards, and create cards that are consistent with each dispensary's brand while still ensuring each of its employees are properly identified while on-duty.

Upon a written request, the Board will continue to issue identification cards to dispensary employees until January 5, 2021. All dispensary employees must continue to wear the employee identification card issued by the Board until an approved card is printed by the dispensary and the medical marijuana dispensary disposes of the employee identification card issued by the Board pursuant to this resolution. Dispensaries must submit proposed employee identification card renderings through the Compliance portal for consideration and approval.

A dispensary is no longer required to return an employee identification card with the Employee Separation Notification Form to the Board upon a separation of employment. The medical

marijuana dispensary is responsible for the destruction and disposal of an employee identification card.

Failure to comply with the conditions set forth in this resolution will be considered a violation of Chapter 3796. of the Ohio Administrative Code and may result in disciplinary action.

10:38 a.m. Ms. Maerten-Moore presented a resolution titled *Extension of Registration Period for Terminally Ill Patients* to the Board for approval.

R-2020-0548 Mr. Cox moved that the Board approve the resolution. The motion was seconded by Mr. Miller and approved by the Board: Aye-7, Nay-0. The following resolution was adopted by the Board:

Extension of Registration Period for Terminally Ill Patients

Notwithstanding the provisions in rule 3796:7-2-01 of the Administrative Code, the State of Ohio Board of Pharmacy hereby extends the expiration date for all medical marijuana patients who are terminally ill from six months to one year from the date of registration.

The change in registration term for terminally ill medical marijuana patients shall go into effect upon approval of this resolution. This resolution shall remain in effect until proposed amendments to rule 3796:7-2-01 of the Administrative Code incorporating this change are finalized.

10:39 a.m. Ms. Maerten-Moore presented a resolution titled *Other Forms of Identification Approved by the Board of Pharmacy to Demonstrate Ohio Residency* to the Board for approval.

R-2020-0549 Mr. Weaver moved that the Board approve the resolution. The motion was seconded by Mr. Miller and approved by the Board: Aye-7, Nay-0. The following resolution was adopted by the Board:

Other Forms of Identification Approved by the Board of Pharmacy to Demonstrate Ohio Residency

Notwithstanding the provisions in rules 3796:7-2-01(C) & (H), 3796:7-2-03(C), and 3796:7-2-04(C), of the Administrative Code, the State of Ohio Board of Pharmacy hereby authorizes physicians to accept the following forms of identification in lieu of a driver's license or other identification issued by the Ohio Bureau of Motor Vehicles (BMV) to prove Ohio residency:

- **Birth Certificate** – original or certified copy issued by an appropriate governmental agency of any state, territory, or possession of the United States;
- **United States Passport or United States Passport Card** – valid and unexpired with photograph;
- **Consular Report of Birth Abroad** – issued by the U.S. Department of State, Form FS-240, DS-1350, or FS-545;
- **Certificate of Naturalization** – Form N-550 or N-570 issued by the U.S. Department of Homeland Security (DHS);
- **Certificate of Citizenship** – Form N-560 or N-561 issued by DHS;
- **Permanent Resident Card** – valid and unexpired Form I-551 issued by DHS, U.S. Citizenship and Immigration Services (USCIS), or Immigration and Naturalization Services (INS);
- **I-797 Case Type of N-565 (Application for Replacement Naturalization/Citizenship Document)** – with a notice type of receipt, approval, or fee waiver; OR
- **Driver's License or Other Identification** – issued by another state, territory, or possession of the United States.

AND two (2) of the following forms proving Ohio street address

- **W-2 (Wage and Tax Statement)** – cannot be handwritten and must be for current or last previous tax year;
- **1099 Form** - cannot be handwritten and must be for current or last previous tax year;
- **Ohio BMV Postcards or BMV Correspondence** – issued by the Ohio BMV;
- **Child Support Statement or Account Summary** – from Ohio Department of Job and Family Services;
- **Financial Institution Statement** – checking, savings, investment, or online bank statement issued within the last 12 months;
- **Federal or Ohio Income Tax Return Filing** – current or previous tax year, Medical Marijuana Resolutions 1 with proof of filing;
- **Court Order of Probation, Parole, or Mandatory Release**
- **Renter, Homeowner, Life, or Automobile Insurance Policy or Card** – current and valid;
- **School Record or Transcript** – original or certified copy;
- **Letter from a College or University** – the letter must be signed by an official of that college or university;
- **Installment Loan Contract** – from a bank or other financial institution;
- **Credit Card Statement** – from a credit card issuer or retail store and issued within the last 12 months;

- **Mortgage Account Statement** - from a bank or other financial institution and issued within the last 12 months;
- **Ohio Motor Vehicle Title or Registration;**
- **Paycheck Statement or Stub** – issued within the last 12 months;
- **Professional License** – issued by a governmental agency (must list Ohio address);
- **Proof of Home Ownership** – property deed, property tax bill, or auditor tax statement; • **Annual or Multi-Year Ohio Resident Hunting or Fishing License** – valid and unexpired;
- **Ohio Sales Tax Statement or Business License;**
- **Selective Service Registration Acknowledgement Card;**
- **Social Security Administration Document;**
- **Utility Bill**- for example: electric, gas, phone, water, sewer, cable, satellite, heating oil, or propane provider, etc. and issued within the last 12 months (utility bills from two different sources will satisfy the two required proof of address documents);
- **Ohio Concealed Weapons Permit**- a valid Ohio issued permit;
- **Public Assistance Benefits Statement** – issued by a governmental agency within the last 12 months;
- **Transportation Security Administration (TSA) Letter; OR**
- **BMV 2336 “Proof of Ohio Residency -Certified Statement”** – for nursing home patients only, a formal statement of residency issued by a nursing home official.

Once the proposed amendments to rules 3796:7-2-01(C)(2) & (H)(3), 3796:7-2-03(C)(2), and 3796:7-2-04(C)(3) are finalized, the documents identified in this resolution shall constitute “other identification approved by the board of pharmacy.”

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- R-2020-0550** Ms. Marchal moved that the May 4-6 Board Meeting Minutes be approved as written. The motion was seconded by Ms. Rudell and approved by the Board: Aye-7, Nay-0.
- R-2020-0551** Ms. Marchal moved that the May 12, 2020 Conference Call Minutes be approved as written. The motion was seconded by Ms. Rudell and approved by the Board: Aye-7, Nay-0.
- R-2020-0552** Ms. Marchal moved that the May 15, 2020 Conference Call Minutes be approved as written. The motion was seconded by Ms. Rudell and approved by the Board: Aye-7, Nay-0.
- R-2020-0553** Ms. Marchal moved that the May 19, 2020 Conference Call Minutes be approved as written. The motion was seconded by Ms. Rudell and approved by the Board: Aye-7, Nay-0.
- R-2020-0554** Ms. Marchal moved that the May 21, 2020 Emergency Meeting Minutes be approved as written. The motion was seconded by Ms. Rudell and approved by the Board: Aye-7, Nay-0.

- R-2020-0555** Ms. Marchal moved that the May 29, 2020 Conference Call Minutes be approved as written. The motion was seconded by Ms. Rudell and approved by the Board: Aye-7, Nay-0.
- R-2020-0556** Ms. Marchal moved that the June 5, 2020 Conference Call Minutes be approved as written. The motion was seconded by Ms. Rudell and approved by the Board: Aye-7, Nay-0.
- R-2020-0557** Mr. Wilt announced the dismissal of case A-2020-0305, in the Matter of David Firmin, and the withdrawal of David Firmin's application, APP-000328657.
- R-2020-0558** Mr. Wilt 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-2018-0094**

**Partners in Wellness
Pending License App. 000192762
c/o Leonid Macheret
12087 Sheraton Lane
Cincinnati, OH 45246**

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 Partners in Wellness, for the purpose of resolving all issues between the parties relating to the Board investigation of issues involving the application for a Terminal Distributor of Dangerous Drugs (TDDD) license and issues involving the compounding of drugs. Together, the Board and Partners in Wellness 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. On or about September 17, 2018, Partners in Wellness filed an application for licensure as a Terminal Distributor of Dangerous Drugs under pending license application 000192762.

FACTS

1. On or about September 5, 2018, the Board initiated an investigation of Partners in Wellness as a result of a complaint alleging they were attempting to purchase dangerous drugs without a TDDD. Partners in Wellness subsequently filed a TDDD application, pending application number 000192762.
2. On or about March 29, 2019 the Board sent a Notice of Opportunity for Hearing to Partners in Wellness, 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 April 2, 2019, Partners in Wellness timely requested an administrative hearing, which was subsequently scheduled for July 8, 2019. The matter was continued for potential settlement and a new hearing date had not been set.

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. Partners in Wellness neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated March 29, 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. Partners in Wellness agree to pay the Board a monetary penalty in the amount of \$3,000.00. This fine will be attached to their license record and must be paid no later than 90 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 the cart.
4. Partners in Wellness' terminal license number 02-0949800 is placed on probation for a period of two (2) years from the effective date of this Agreement.
5. Partners in Wellness agrees their Responsible Person with complete 12 hours of ACPE-approved CEU (1.2 CEUs) within six months of the effective date of this Agreement. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov within 30 days of completion.

6. Partners in Wellness agrees they will not conduct any sterile compounding.
7. Partners in Wellness 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.
8. Partners in Wellness 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 Partners in Wellness 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 Partners in Wellness by the Board and will NOT discharge Partners in Wellness from any obligation under the terms of this Agreement.
9. Partners in Wellness agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
10. Partners in Wellness understands that it has the right to be represented by counsel for review and execution of this agreement.
11. 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 Partners in Wellness will operate.
12. Partners in Wellness waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, specifically withdraws its request for a hearing in this matter, and waives any right to an appeal.
13. 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.
14. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
15. 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.

16. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0559

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

**IN THE MATTER OF:
Case No. A-2020-0194**

Laura Brown
Registration No. 09-111008
49252 Maple Lane
East Liverpool, OH 43920

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 Laura Brown for the purpose of resolving all issues between the parties relating to the Board investigation of performing duties of a pharmacy technician trainee at Trinity West Main Campus Pharmacy without valid registration with the Board. Together, the Board and Laura Brown 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. Laura Brown is a pharmacy technician trainee in the state of Ohio under registration number 09-111008.

FACTS

1. Laura Brown worked as a pharmacy technician at Trinity West Main Campus Pharmacy without Board-issued registration from approximately August 5 to October 29, 2019.

2. On or about May 4, 2020 the Board sent a Notice of Opportunity for Hearing to Laura Brown 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. Laura Brown neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated May 4, 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. Laura Brown agrees to pay to the Board the amount of amount of \$25.00. This fine will be attached to your registration record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Laura Brown agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
5. Laura Brown understands that she has the right to be represented by counsel for review and execution of this agreement.
6. Laura Brown 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. Laura Brown waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
8. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

9. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
10. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
11. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0560

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

**IN THE MATTER OF:
Case No. A-2019-0427
I-2019-0740-B**

**Linda Goblirsch
Registration No. 09-107778
120 Bergin Street
Rossford, Ohio 43460**

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 Linda Goblirsch for the purpose of resolving all issues between the parties relating to the Board investigation of performing duties of a pharmacy technician at LaGrange Pharmacy without valid registration with the Board. Together, the Board and Linda Goblirsch 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. Linda Goblirsch is a pharmacy technician trainee in the state of Ohio under registration number 09-107778.

FACTS

1. On or about March 15, 2019, the Board initiated an investigation of Linda Goblirsch, pharmacy technician trainee registration number 09-108121, related to Linda Goblirsch's working as a pharmacy technician at LaGrange Pharmacy without obtaining Board issued registration.
2. On or about April 8, 2020 the Board sent a Notice of Opportunity for Hearing to Linda Goblirsch 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. Linda Goblirsch neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated April 8, 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. Linda Goblirsch agrees to pay to the Board the amount of amount of \$25.00. This fine will be attached to your registration record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.license.ohio.gov and process the items in your cart.
4. Linda Goblirsch agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
5. Linda Goblirsch understands that she has the right to be represented by counsel for review and execution of this agreement.
6. Linda Goblirsch 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. Linda Goblirsch waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
8. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
9. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
10. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
11. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0561

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

**IN THE MATTER OF:
Case No. A-2019-0311
I-2019-0471-B**

**Andrea Forrester
Registration No.09-313061
552 Hickory Street
Pemberville, OH 43450**

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 Andrea Forrester for the purpose of resolving all issues between the parties relating to the Board investigation of performing duties of a pharmacy technician at Anson Pharmacy without valid registration with the Board. Together, the Board and Andrea Forrester 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. Andrea Forrester is a certified pharmacy technician in the state of Ohio under registration number 09-913061.

FACTS

1. On or about February 26, 2019, the Board initiated an investigation of Andrea Forrester, certified pharmacy technician registration number 09-313061, related to Andrea Forrester's working as a pharmacy technician at Anson Pharmacy without obtaining Board issued registration.
2. On or about April 22, 2020 the Board sent a Notice of Opportunity for Hearing to Andrea Forrester 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. Andrea Forrester neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated April 22, 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. Andrea Forrester agrees to pay to the Board the amount of amount of \$50.00. 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. Andrea Forrester agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 5. Andrea Forrester understands that she has the right to be represented by counsel for review and execution of this agreement.
 6. Andrea Forrester 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. Andrea Forrester 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-2020-0562

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

IN THE MATTER OF:**Brian K. Alfredo****Case No. A-2019-0234****SURRENDERED License No. 06-014585**4141 East 29th Street

Apartment 32

Tucson, Arizona 85711

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Brian Alfredo, for the purpose of resolving all issues between the parties relating to the criminal conduct that was self-disclosed to the Board. Together, the Board and Brian Alfredo 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 4729.11 of the Ohio Revised Code to practice pharmacy as an intern in the state of Ohio.
2. Brian Alfredo is an Ohio-licensed pharmacy intern under suspended license number 06-014585.

FACTS

1. The Board initiated an investigation of Brian Alfredo, pharmacist intern license number 06-014585, related to Brian Alfredo’s criminal conduct that occurred while Brian Alfredo was licensed to practice pharmacy as a pharmacy intern.
2. On or about July 15, 2019, the Board sent a Notice of Opportunity for Hearing to Brian Alfredo, 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 August 6, 2019, Brian Alfredo, by and through counsel Brandon Smith, timely requested a hearing in this matter.
4. On or about December 10, 2019, this administrative matter was heard before the Board, during which, Brian Alfredo was represented by counsel, Brandon Smith. On or about December 17, 2019, the Board issued an Order placing Brian Alfredo’s license to practice pharmacy as an intern on probation for a period of five years, with the remainder of the probationary period to transfer to Brian Alfredo’s pharmacist license, once issued. During the probationary period, Brian Alfredo was to enter into and adhere to the terms of a contract with an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment

provider or a treatment provider acceptable to the Board, for a period of not less than five years.

5. On or about March 31, 2020, Brian Alfredo notified the Board he was moving out of Ohio, terminating his contract with the Pharmacist Rehabilitation Organization, and would be unable to adhere to the terms of the Board's Order. He requested to inactivate his pharmacy intern license.

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

TERMS

NOW WHEREFORE, in consideration of the mutual promises wherein 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. **IN LIEU OF ADDITIONAL ADMINISTRATIVE ACTION, BRIAN ALFREDO VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY HIS LICENSE AND REGISTRATION TO PRACTICE PHARMACY AS A PHARMCY INTERN, LICENSE NO. 06-014585, WITH DISCIPLINE PENDING.**
3. **Brian Alfredo agrees to immediately return his license and wall certificate to the Board, if the Board is not already in possession of both.**
4. **Brian Alfredo may reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code. In his application with the Board, Brian Alfredo must demonstrate:**
 - a. **Brian Alfredo has obtained and maintained sobriety for no less than the previous two years.**
 - b. **Brian Alfredo has been involved in a contract with a treatment provider or treatment monitor, for a minimum of two years prior to his reapplication with the Board, that meets all the requirements of his December 17, 2019 Board Order.**
 - c. **Brian Alfredo must demonstrate his treatment contract with the treatment provider or treatment monitor will last a minimum of five years, consistent with the Board's December 17, 2019 Order.**

5. **Prior to granting any license or registration, Brian Alfredo must appear in person before the Board or its Probation Committee to demonstrate how he has substantially complied with the terms of the Board's December 17, 2019 Order for at least two years prior to his application.**
6. Brian Alfredo agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Brian Alfredo understands that he has the right to be represented by counsel for review and execution of this agreement.
8. Brian Alfredo 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. Brian Alfredo waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0563

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

**IN THE MATTER OF:
Case No. A-2019-0312
I-2019-0471-A**

Lap Pan Chu, RPh

License No. 03-127308

8940 Sycamore Trl.
Sylvania, OH 43560

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

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Lap Pan Chu is a licensed pharmacist in the state of Ohio under license number 03-127308.
3. Lap Pan Chu is listed as the owner of Anson Pharmacy, located at 25684 Dixie Hwy., Perrysburg, OH, 43551 and 209 Bierley Ave., Pemberville, OH, 43450. Lap Pan Chu is also listed as the Responsible Person for each of the locations from on or about December 1 through December 6, 2018, and April 30 through December 4, 2018, respectively. The license for Anson Pharmacy located at 25684 Dixie Hwy., Perrysburg, OH became inactive effective December 17, 2019, after its submission of a written notice of discontinuation of business to the Board.

FACTS

1. On or about February 26, 2019, the Board initiated an investigation of Lap Pan Chu, pharmacist license number 03-127308, and Anson Pharmacy, related to an Anson Pharmacy employee performing pharmacy technician duties without obtaining appropriate registration with the Board.
2. On or about April 22, 2020 the Board sent a Notice of Opportunity for Hearing to Lap Pan Chu, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Lap Pan Chu neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated April 22, 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. Lap Pan Chu agrees to pay to the Board the amount of amount of \$1,000.00. 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. Lap Pan Chu must obtain, within six months from the effective date of this Agreement, 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.
5. Lap Pan Chu agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Lap Pan Chu understands that he has the right to be represented by counsel for review and execution of this agreement.
7. Lap Pan Chu agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Lap Pan Chu waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 12. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2020-0564

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

**IN THE MATTER OF:
Case No. A-2019-0431
I-2019-0740-D**

**Nicolas Barakat, RPh
License No. 03-219784
3559 Springdale Drive
Lambertville, MI 48144**

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 Nicolas Barakat, for the purpose of resolving all issues between the parties relating to the Board investigation of two employees performing pharmacy technician duties without obtaining appropriate registration with the Board. Together, the Board and Nicolas Barakat are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Nicolas Barakat is a licensed pharmacist in the state of Ohio under license number 03-219784.
3. Nicolas Barakat is listed as a co-owner and the Responsible Person of LaGrange Pharmacy, located at 3103 Lagrange Street, Toledo, Ohio.

FACTS

1. On or about March 15, 2019, the Board initiated an investigation of Nicolas Barakat, pharmacist license number 03-219784, and LaGrange Pharmacy, related to a LaGrange Pharmacy employees performing pharmacy technician duties without obtaining appropriate registration with the Board.
2. On or about April 7, 2020 the Board sent a Notice of Opportunity for Hearing to Nicolas Barakat, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Nicolas Barakat neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated April 7, 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. Nicolas Barakat agrees to pay to the Board the amount of amount of \$500.00. 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 and process the items in your cart.
4. Nicolas Barakat agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
5. Nicolas Barakat understands that he has the right to be represented by counsel for review and execution of this agreement.
6. Nicolas Barakat agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the Board on renewal applications or applications for a new license.

7. Nicolas Barakat 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-2020-0565

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

**IN THE MATTER OF:
CASE NO. A-2020-0020**

Danielle Tscherne
License No. MME.05300091
461 Goodyear Street
Oregon, OH 43616

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 Danielle Tscherne, for the purpose of resolving all issues between the parties relating to the Board investigation of the unauthorized possession of medical marijuana by Danielle Tscherne. Together, the Board and Danielle Tscherne are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 3796.14(B) of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, suspend without a hearing, revoke, or refuse to renew a license it issued under this Chapter, refuse to issue a license, or impose on a license holder a civil penalty in an amount to be determined by the board.

2. Pursuant to rule 3796:6-4-04 of the Administrative Code, the Board may revoke, suspend, restrict, limit, or refuse to grant or renew a license, reprimand or place the license holder on probation, or impose a monetary penalty, not to exceed fifty thousand dollars for each finding, or if the board finds evidence of any of the conduct set forth in rule 3796:6-4-03 of the Administrative Code:
3. Danielle Tscherne is a licensed medical marijuana support employee under license number MMME.05300091.

FACTS

1. On or about December 30, 2019, the Board initiated an investigation of Danielle Tscherne, medical marijuana dispensary support employee license number MME.05200091, related to the following event: Between the dates of October 1, 2019 and October 31, 2019, while employed as a licensed medical marijuana support employee at Rise Toledo, located at 3157 West Sylvania Avenue, Toledo, OH 43613 ("Rise Toledo"), Danielle Tscherne obtained a "Edb Oral Admin-10-8.4-10-Caramel" edible medical marijuana product from a fellow Rise Toledo employee at a location away from her place of employment and consumed the medical marijuana product at her residence.
1. On or about January 2, 2020, the Board issued a Summary Suspension/Notice of Opportunity for Hearing to Danielle Tscherne, 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. Danielle Tscherne neither admits nor denies the allegations stated in the Summary Suspension/Notice of Opportunity for Hearing letter dated January 21, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's medical marijuana control program laws as set forth in the Notice, and hereby adjudicates the same.

3. The parties agree that Danielle Tscherne's medical marijuana dispensary support employee license, MME.05300091, will be suspended for a period of one-year from the date of the Summary Suspension/Notice of Opportunity for Hearing.
4. Danielle Tscherne agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
5. Danielle Tscherne understands that she has the right to be represented by counsel for review and execution of this agreement.
6. Danielle Tscherne 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. Danielle Tscherne waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
8. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
9. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
10. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
11. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0566

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

**IN THE MATTER OF:
Case No. A-2020-0122
I-2019-1615-C
Nicholas Tinsley
Registration No. 09-105217
475 E. 185th St.
Euclid, OH 44119**

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 Nicholas Tinsley for the purpose of resolving all issues between the parties relating to the Board investigation of performing duties of a pharmacy technician trainee at Rite Aid while his registration with the Board was expired. Together, the Board and Nicholas Tinsley 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. Nicholas Tinsley is a pharmacy technician trainee in the state of Ohio under registration number 09-105217.

FACTS

1. The Board initiated an investigation of Nicolas Tinsley, pharmacy technician trainee registration number 09-105217, related to his performing pharmacy technician trainee duties at Rite Aid #4071 without maintaining appropriate registration with the Board.
2. On or about May 8, 2020 the Board sent a Notice of Opportunity for Hearing to Nicholas Tinsley which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Nicholas Tinsley neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated May 8, 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. The Board hereby imposes a written reprimand on Nicholas Tinsley's registration number 09-105217.
4. Nicholas Tinsley agrees to pay to the Board the amount of amount of \$100.00. 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.
5. Nicholas Tinsley agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Nicholas Tinsley understands that he has the right to be represented by counsel for review and execution of this agreement.
7. Nicholas Tinsley agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Nicholas Tinsley waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
12. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0567

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

**IN THE MATTER OF:
Case No. A-2020-0120
I-2019-0615-B**

**Michael Rose, RPh
License No. 03-335022
475 E. 185th St.
Euclid, OH 44119**

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

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Michael Rose is a licensed pharmacist in the state of Ohio under license number 03-335022, who is listed as the Responsible Person of Rite Aid #4071, 475 E. 185th St., Euclid, OH 44119.

FACTS

1. The Board initiated an investigation of Michael Rose, pharmacist license number 03-335022 and Rite Aid #4071, related to a Rite Aid #4071 employee performing pharmacy technician trainee duties after his registration with the Board had expired.
2. On or about May 11, 2020, the Board sent a Notice of Opportunity for Hearing to Michael Rose, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Michael Rose neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated May 11, 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. The Board hereby imposes a written reprimand on Michael Rose's license number 03-335022.
4. Michael Rose agrees to pay to the Board the amount of amount of \$100.00. 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.
5. Michael Rose agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Michael Rose understands that he has the right to be represented by counsel for review and execution of this agreement.
7. Michael Rose agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Michael Rose waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

12. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2020-0568

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

**IN THE MATTER OF:
Case No. A-2020-0229
I-2019-1597-C**

**Latasha Woodard
Registration No. 09-314112
4855 Live Oak
Dayton, Ohio 45417**

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 Latasha Woodard for the purpose of resolving all issues between the parties relating to the Board investigation of working at Ziks Family Pharmacy, located at 4140 Salem Avenue, without a valid registration as a pharmacy technician. Together, the Board and Latasha Woodard 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. Latasha Woodard is a certified pharmacy technician in the state of Ohio under registration number 09-314112.

FACTS

1. The Board initiated an investigation of Latasha Woodard, certified pharmacy technician registration number 09-314112, related to Latasha Woodard's working as a pharmacy technician at Ziks Family Pharmacy without maintaining a valid registration as a pharmacy technician.

2. On or about May 27, 2020 the Board sent a Notice of Opportunity for Hearing to Latasha Woodard 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. Latasha Woodard neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated May 27, 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. Latasha Woodard agrees to pay to the OSBP the amount of amount of \$25.00. This fine will be attached to your registration record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Latasha Woodard agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
5. Latasha Woodard understands that she has the right to be represented by counsel for review and execution of this agreement.
6. Latasha Woodard 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. Latasha Woodard 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-2020-0569

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

**IN THE MATTER OF:
CASE NO. 2018-M766**

**CannAscend Ohio Columbus, LLC
Account No./Application No. 247-766
312 Walnut Street, Suite 2120
Cincinnati, OH 45202**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

THIS SETTLEMENT AGREEMENT (this "Agreement") is made and executed by and among CannAscend Ohio Columbus, LLC ("CannAscend") and the State of Ohio Board of Pharmacy ("Board") (individually each a "Party," and collectively the "Parties").

WITNESSETH:**RECITALS**

WHEREAS, CannAscend submitted Application ID 766 to obtain a medical marijuana provisional dispensary license located at 2946-2954 East Main Street, Columbus, OH (the "Location") in District Southeast-3.

WHEREAS, 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 upon the ranking of scores in each district. Pursuant to Section 3796.10(C) of the Revised Code, the Board was required to issue not less than fifteen per cent of retail dispensary licenses to entities that are owned and controlled by United States citizens who are residents of this State and are members of one of the following economically disadvantaged groups: Blacks or American Americans, American Indians, Hispanics or Latinos, and Asians.

WHEREAS, the Board issued five provisional dispensary licenses in District Southeast-3, one of which the Board issued to Harvest of Ohio, LLC in accordance with R.C. 3796.10(C).

WHEREAS, on or about June 29, 2018, the Board issued CannAscend a *Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License* regarding Application ID 766.

WHEREAS, on or about November 4, 2019, the Madison County Court of Common Pleas found R.C. 3796.10(C) unconstitutional on its face pursuant to 42 U.S.C. § 1983 and Article 1, Section 2 of the Ohio Constitution. The Court held removal of R.C. 3796.10(C) to be severable

from the remainder of the statute and ordered the entirety of R.C. 3796.10(C) to be severed and stricken from R.C. 3796.10.

WHEREAS, on or about January 8, 2020, the Board issued CannAscend an *Order of the State Board of Pharmacy Denying Respondent's Application for Medical Marijuana Dispensary License* (the "Order").

WHEREAS, on or about January 21, 2020, CannAscend timely filed a Notice of Appeal in the Franklin County Court of Common Pleas appealing the Order in *CannAscend Ohio Columbus, LLC v. State of Ohio Board of Pharmacy*, Case No. 20 CV 000644.

WHEREAS, the foregoing Recitals comprise the matter in controversy (the "Matter in Controversy").

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises and undertakings herein set forth, and intending to be legally bound hereby, the Parties hereto agree as follows:

1. **Preambles**. The foregoing Recitals are incorporated herein by reference.
2. **Specific Actions**.
 - a. **The Board**.
 - i. The Board agrees to award a provisional dispensary license, pursuant to Ohio Adm.Code 3796:6-2-05, to CannAscend at the Location in District Southeast-3 within two (2) business days from the Effective Date (as defined below) of this Agreement.
 - b. **CannAscend**.

- i. CannAscend agrees to file for a motion to dismiss with prejudice in *CannAscend Ohio Columbus, LLC v. State of Ohio Board of Pharmacy*, Franklin County Court of Common Pleas Case No. 20 CV 000644 within two (2) business days from the date the Board awards CannAscend a provisional dispensary license pursuant to Section 2(a)(i) of this Agreement.
- ii. CannAscend agrees not to seek attorneys' fees against the Board, the Board's agents, and the Board's employees under any provision including, but not limited to, R.C. 119.092, R.C. 119.12(M), R.C. 2335.39, or Civ.R. 11.

3. Specific Releases.

- a. **CannAscend.** In consideration of the covenants, releases, and agreements made by the Board pursuant to this Agreement, CannAscend agrees not to institute or reinstitute any actions against the Board, in any jurisdictions, in any forum, tribunal, court, or administrative proceeding, for any form of relief against the Board relating to, or arising from, or concerning the Matter in Controversy, including but not limited to, any action against the Board related to medical marijuana license limits in District Southeast-3. This release does not affect CannAscend's right to enforce the terms of this Agreement.

4. **General Release.** In consideration of the covenants and agreements contained herein, the Parties, for themselves and each of their respective administrators, trustees, accountants, parents, subsidiaries, divisions, affiliates, predecessors, successors, present or former officers, directors, employees, shareholders, owners, attorneys and assigns, hereby fully and forever release, withdraw, remise, quit-claim and fully and forever discharge the other Party, and each of their respective heirs, executors, administrators, trustees, accountants, parents, subsidiaries, divisions,

affiliates, predecessors, successors, present or former officers, directors, employees, shareholders, owners, attorneys, and assigns, from any and all claims, demands, damages, accounts, debts, liens, suits, actions, and rights or causes of action of every kind and description, whether known or unknown, suspected or unsuspected, which it now has, or has had, or hereafter can, shall, or may have arising out of or related to the Matter in Controversy. This release does not affect the Parties' rights to enforce the terms of this Agreement.

5. **Public Record.** All Parties to this Agreement understand that this document is a public record under R.C. §149.43, and its terms will therefore become part of the minutes of a meeting of the Board.
6. **Costs and Expenses of Administrative and Court Proceedings.** Each Party shall be responsible for the costs and expenses it incurred in connection with the Matter in Controversy, including but not limited to, *CannAscend Ohio Columbus, LLC v. State of Ohio Board of Pharmacy*, Franklin County Court of Common Pleas Case No. 20 CV 000644.
7. **Entire Agreement.** This Agreement supersedes any and all agreements by, between and among the Parties, and represents their entire agreement pertaining to the Matter in Controversy. There is no agreement or understanding relating to the Matter in Controversy, whether express, implied, written or oral, not expressly set forth herein.
8. **Binding Effect.** This Agreement is binding upon and shall inure to the benefit of the Parties hereto and their agents, employees, successors and assigns.
9. **No Third-Party Benefit.** Except as otherwise specifically provided herein, this Agreement is intended for the exclusive benefit of the Parties hereto and their agents, employees, successors

and assigns, and nothing contained in this Agreement shall be construed as creating any right or benefit in or to any third party.

10. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio.

11. Interpretation. This Agreement shall be interpreted as though mutually drafted by the Parties hereto and their respective counsel.

12. Headings. The headings preceding the paragraphs herein are intended to be for convenience only and shall have no operative force or effect.

13. Authority. The Parties hereto represent and warrant to each other that each Party possesses the full requisite authority to enter into this Agreement and that the person signing this Agreement on behalf of each Party is fully and duly authorized to do so.

Execution in Counterparts; Facsimile and Electronic Signatures. The Parties acknowledge and agree that this Agreement may be executed (1) in one or more counterparts, which together shall constitute a single, integrated agreement, and (2) by facsimile or electronic mail signatures which shall have the same force and effect as original signatures.

R-2020-0570

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

**IN THE MATTER OF:
Case No. A-2020-0121
I-2019-1615-A**

**Rite Aid #4071
License No. 02-192440
c/o Michael Rose, RPh
475 E. 185th St.**

Euclid, OH 44119

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 Rite Aid #4071 for the purpose of resolving all issues between the parties relating to the Board investigation of one employee performing pharmacy technician trainee duties after his registration with the Board had expired. Together, the Board and Rite Aid #4071 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. Rite Aid #4071, located at 475 E. 185th St., Euclid, OH 44119, has an active TDDD license with the Board under license number 02192440, which lists Michael Rose, RPh as the Responsible Person.

FACTS

1. The Board initiated an investigation of Rite Aid #4071, TDDD license number 02-192440, related to an employee performing pharmacy technician trainee duties after his registration with the Board had expired.
2. On or about May 11, 2020, the Board sent a Notice of Opportunity for Hearing to Rite Aid #4071, 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. Rite Aid #4071 neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated May 11, 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. The Board hereby imposes a written reprimand on Rite Aid #4071's license number 02-192440.
4. Rite Aid #4071 agrees to pay to the Board a monetary penalty the amount of \$100.00. 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.
5. Rite Aid #4071 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. Rite Aid #4071 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 Rite Aid #4071 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 Rite Aid #4071 by the Board and will NOT discharge Rite Aid #4071 from any obligation under the terms of this Agreement.
7. Rite Aid #4071 agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

8. Rite Aid #4071 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 Rite Aid #4071 will operate.
 10. Rite Aid #4071 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.
 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-2020-0571

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

R-2020-0572

After votes were taken in public session, the Board adopted the following order in the matter of **Heather Davis, Mansfield, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY
CONFIRMING AND APPROVING IN PART & MODIFYING IN PART
REPORT & RECOMMENDATION OF HEARING EXAMINER

(Case Number A-2019-0256)

In The Matter Of Heather Davis:

Heather Davis, Pharmacy Technician Trainee.

21 Glenwood Blvd., Mansfield, Ohio 44906

(Denied Application No. APP-000200349)

INTRODUCTION

A Proposal to Deny/Notice of Opportunity for Hearing (Notice) was issued by the Board on August 12, 2019. The Matter of Heather Davis came for hearing before Hearing Examiner on February 14, 2020 at which time Heather Davis was not present. The State of Ohio was represented by Henry Appel, Assistant Attorney General. The Hearing Examiner's Report and Recommendation was served upon the Respondent on or about March 30, 2020 and, without having received any written objections, the matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy (Board): Shawn C. Wilt, Presiding; Josh M. Cox, RPh; Fred M. Weaver, RPh; D. Rich Miller, RPh; Richard J. Newlon, Public Member; RPh; Jennifer M. Rudell, RPh; and Kilee S. Yarosh, RPh.

Megan E. Marchal, RPh; Absent.

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 Exhibits numbered (1) through (15), the hearing transcript, and Hearing Examiner Sullivan's Report and Recommendation.

DECISION OF THE BOARD

After thorough review of the entire administrative record, the Board hereby adopts Hearing Examiner Sullivan's Findings of Fact (1) through (5), including those that specifically relate to the Board's Notice letter dated August 12, 2019. The Board further modifies the Findings of Fact to include Hearing Examiner Sullivan's Investigation into Ms. Davis' Criminal Background paragraphs (8)(a) through (8)(i), including those that specifically relate to the Notice letter.

The Board adopts Conclusions of Law (1), (2), (3), (4), (5), and (6) as set forth by Hearing Examiner Sullivan.

The Board further modifies the Report and Recommendation to include the Board's violations of law as set forth in the Notice of Hearing dated August 12, 2019 paragraphs:

(2)(c) Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter...Chapter 2925... of the Revised Code, or any rule adopted by the board under those provisions, in violation of 4729.96(A)(2)(d), as effective April 6, 2017.

(2)(d) Committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code, in violation of 4729.96(A)(2)(e), as effective April 6, 2017.

(2)(e) Engaged in any conduct for which the board may imposed discipline as set forth in rules adopted under section 4729.94 of the Revised Code, in violation of 4729.96(A)(2)(g), as effective April 6, 2017.

(3)(a) Has engaged in any of the conduct specified in division (A)(2) of section 4729.96 of the Revised Code, in violation of OAC Rule 4729:3-4-01(B)(1), as effective November 20, 2017.

(3)(b) Violated any state or federal law or rule regardless of the jurisdiction in which the acts were committed, in violation of OAC Rule 4729:3-4-01(B)(2), as effective November 20, 2017.

(3)(c) Committed acts that constitute gross immorality, in violation of OAC Rule 4729:3-4-01(B)(5), as effective November 20, 2017.

(3)(d) Committed acts of moral turpitude, in violation of OAC Rule 4729:3-4-01(B)(6), as effective November 20, 2017.

(3)(f) Has engaged in unprofessional conduct, in violation of OAC Rule 4729:3-4-01(B)(8), as effective November 20, 2017.

All violations of law are supported based on the evidence in the record. Specifically, Ms. Davis' criminal record, including eight misdemeanor charges and/or convictions, most of which were not disclosed on her pharmacy technician trainee application, and a conviction for aiding and abetting theft, a felony of the fifth degree and aiding and abetting safecracking, a felony of the fourth degree. (Tr. At 10-14; St. Ex. 6-15).

Pursuant to Section 4729.96 of the Ohio Revised Code and Rule 4729:3-4-01 of the Ohio Administrative Code, and after consideration of the record as a whole, the Board hereby adopts the recommendation of the Hearing Examiner to deny Heather Davis' application to become a pharmacy technician trainee, APP-000200349.

Ms. Rudell moved to confirm and approve the Report and Recommendation of Hearing Examiner Sullivan with the modifications outlined above. Ms. Yarosh seconded the motion. Motion passed (Aye - 6/Nay - 0).

SO ORDERED.

R-2020-0573 After votes were taken in public session, the Board adopted the following order in the matter of **Samantha Snyder, Piketon, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY
CONFIRMING AND APPROVING IN PART & MODIFYING IN PART
REPORT & RECOMMENDATION OF HEARING EXAMINER
(Case Number A-2019-0910)

In The Matter Of Samantha Snyder:

Samantha Snyder, Registered Pharmacy Technician.
109 E. 2nd Street, Piketon, Ohio 45661
(Suspended Registration No. 09-211904)

INTRODUCTION

A Summary Suspension/Notice of Opportunity for Hearing (Notice) was issued by the Board on August 20, 2019. The Matter of Samantha Snyder came for hearing before Hearing Examiner Shantae Decarlow on January 9, 2020 at which time Samantha Snyder was represented by counsel, Levi Tkach. The State of Ohio was represented by Henry Appel, Assistant Attorney General. The Hearing Examiner's Report and Recommendation was served upon the Respondent on or about March 1, 2020 and, without having received any written objections, the matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy (Board): Shawn C. Wilt, *Presiding*; Josh M. Cox, RPh; Fred M. Weaver, RPh; D. Rich Miller, RPh; Richard J. Newlon, *Public Member*; RPh; Jennifer M. Rudell, RPh; and Kilee S. Yarosh, RPh.

Megan E. Marchal, RPh; Absent.

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 Exhibits numbered (1) through (9), Respondent's Exhibits (A) through (E), the hearing transcript, and Hearing Examiner Decarlow's Report and Recommendation.

DECISION OF THE BOARD

After thorough review of the entire administrative record, the Board hereby adopts Hearing Examiner Decarlow's Findings of Facts (1) and (2)(a)-(d), including those that specifically relate to the Board's Notice letter dated August 20, 2019.

The Board adopts Conclusions of Law (1), (2), (3), (4), (5)(a), (5)(b), (5)(d)(a)-(5)(d)(d), (6)(a)-(d), and (7)(a)-(c), as set forth by Hearing Examiner Decarlow.

The Board further modifies the Report and Recommendation to strike the Board's violation of law as set forth in the Notice dated August 20, 2019 paragraph (3) and Report and Recommendation Conclusion of Law (5)(c): Not of good moral character and habits, in violation of ORC 4729.90(B)(1)(c) and OAC Rule 4729:3-1-01(G).

All violations of law are supported based on the evidence in the record. Specifically, Ms. Snyder's admission that she is addicted to opioids, she stole drugs the morning of the interview with the Board agent, and she stole oxycodone-acetaminophen from will-call bags and stock bottles, taking two to three tablets at a time. She admitted she stole from the pharmacy for approximately two to four weeks. (R&R Conclusions of Law 5(a)-5(d) and 6(a)-(d); State's Ex. 5).

The Board adopts the Hearing Examiner's Recommendation with modification. Pursuant to Section 4729.96 of the Ohio Revised Code and Rule 4729:3-4-01 of the Ohio Administrative Code, and after consideration of the record as a whole, the Board hereby adopts, with modification, the recommendation of the Hearing Examiner to remove the summary suspension and suspend indefinitely the pharmacy technician registration number 09-211904, held by Samantha Snyder, and such suspension is effective as of the mailing of this Order.

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

Further, after three years from the effective date of this Order, the Board will consider any petition filed by Samantha Snyder 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:

1. Samantha Snyder must maintain a current address with the Board throughout the duration of the suspension.
2. Samantha Snyder must enter into and adhere to the terms of a 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. Samantha Snyder 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 Samantha Snyder to potential sanctions up to and including revocation of license. The treatment monitor 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 Glucuronide (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 Samantha Snyder 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.
 - f. 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.
 - g. 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.
 - h. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.

3. Samantha Snyder 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 or a Board approved treatment monitor, the Board shall treat these results as a violation of the Board's Order and request Samantha Snyder reappear before the Board for possible additional sanctions, including and up to revocation of license.
4. Samantha Snyder shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of suspension. The Board shall treat any such refusal as a violation of the Board's Order and request Samantha Snyder reappear before the Board for possible additional sanctions, including and up to revocation of license.
5. Samantha Snyder 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 Samantha Snyder to possible additional sanctions, including and up to revocation of license.
6. Samantha Snyder must demonstrate satisfactory proof to the Board that he 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.
7. Samantha Snyder 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.
8. Any reinstatement shall not occur until such time as any criminal intervention in lieu of conviction has been successfully completed.
9. Violation of any term of suspension, including but not limited to any violation of the contract signed with the ODMHAS or other approved treatment provider may result in additional action before the Board up to and including revocation of Samantha Snyder's pharmacy intern license.
10. Any violation of Chapters 2925., 3715., 3719., 4729., of the Ohio Revised Code, any administrative code violation or a violation of any other state or federal law will be considered a violation of this Order resulting in a hearing before the Board and may also result in criminal and/or administrative charges.

11. If Samantha Snyder's employment is related to the practice of pharmacy, Samantha Snyder must notify employer of the terms of Samantha Snyder's suspension and this Board's Order.
12. Failure to complete the terms set forth in this Board's Order, or to petition for reinstatement within five years of the date of this Order, will result in the Board issuing a notice of opportunity for hearing to consider additional disciplinary action, including and up to revocation of Samantha Snyder's pharmacy technician registration.

Ms. Rudell moved to confirm and approve the Report and Recommendation of Hearing Examiner Decarlow with the modifications outlined above. Ms. Yarosh seconded the motion. Motion passed (Aye - 6/Nay - 0).

SO ORDERED.

R-2020-0574

After votes were taken in public session, the Board adopted the following order in the matter of **Christopher Patton, Pataskala, Ohio.**

ORDER OF THE STATE OF OHIO BOARD OF PHARMACY
CONFIRMING AND APPROVING
REPORT & RECOMMENDATION OF HEARING EXAMINER
(Case Number A-2019-0383)

In The Matter Of Applicant:
Christopher Patton (Respondent)
303 Haystack Avenue
Pataskala, OH 43062

INTRODUCTION

In the Matter of Applicant: Christopher Patton came for hearing before Hearing Examiner Robert C. Angell on March 16, 2020, and for consideration by the State of Ohio Board of Pharmacy (Board) on June 9, 2020 before the following members of the State of Ohio Board of Pharmacy (Board): Shawn C. Wilt, RPh, *Presiding*; Joshua M. Cox, RPh; Rich D. Miller, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; and Kilee S. Yarosh, RPh.

Megan E. Marchal, RPh; Absent.

Respondent appeared *pro se*. 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) Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary Employee License, Case No. A-2019-0383
- 2) Proof of Service, Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary Employee License, Case No. A-2019-0383
- 3) Request for Hearing
- 4) Acknowledgment of Hearing Request
- 5) Proof of Service, Acknowledgment of Hearing Request
- 6) Hearing Examiner Appointment Letter
- 7) Notice of Hearing Date
- 8) Proof of Service, Notice of Hearing Date
- 9) Amended Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary Employee License, Case No. A-2019-0383
- 10) Proof of Service, Amended Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary Employee License, Case No. A-2019-0383
- 11) Hearing Transcript
- 12) The following State of Ohio Exhibits admitted by the Hearing Examiner:
 - a. Exhibit 1a: Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary Employee License, Case No. A-2019-0383
 - b. Exhibit 1b: Amended Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary Employee License, Case No. A-2019-0383
 - c. Exhibit 2: Request for Hearing, Dated January 27, 2020
 - d. Exhibit 3: Acknowledgment of Hearing Request

- e. Exhibit 4: Hearing Examiner's Entry and Order
 - f. Exhibit 5: New License Application
 - g. Exhibit 6: Court Documentation, Case No. 89 CR 2773
 - h. Exhibit 7: Court Documentation, Case No. 91 CR 7687
 - i. Exhibit 8: Typed-written statement, Christopher Patton, Dated July 8, 2019
- 13) The following Respondent Exhibits admitted by the Hearing Examiner:
- a. Exhibit A: Copy of e-mail from Wendy Johnson, Dated July 16, 2019
 - b. Exhibit B: Copy of e-mail from Robert Bridges, Dated July 14, 2019
- 14) Report and Recommendation, Dated March 20, 2020
- 15) Report and Recommendation Cover Letter
- 16) Report and Recommendation Proof of Service

DECISION OF THE BOARD

After thorough review of all documents related to the case, the Board hereby adopts in its entirety Hearing Examiner Angell's Report and Recommendation, as it relates to the Amended Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary Employee License, including the Findings of Fact and Conclusions of Law.

The Board confirms and approves the Report and Recommendation of Hearing Examiner Robert C. Angell, which includes a denial of the medical marijuana dispensary employee license to Christopher Patton.

Ms. Yarosh moved to confirm and approve the Report and Recommendation of Hearing Examiner Angell; Ms. Rudell seconded the motion. Motion passed (Aye-6/Nay-0) (Joshua M. Cox, RPh-Aye; Donald R. Miller, RPh-Aye; Richard J. Newlon, Public Member-Aye; Jennifer M. Rudell, RPh-Aye; Fred M. Weaver, RPh-Aye, and Kilee S. Yarosh, RPh-Aye).

SO ORDERED.

R-2020-0575 After votes were taken in public session, the Board adopted the following order in the matter of **Jason Goebel, Cleveland Heights, Ohio.**

ORDER OF THE STATE OF OHIO BOARD OF PHARMACY
CONFIRMING AND APPROVING
REPORT & RECOMMENDATION OF HEARING EXAMINER
(Case Number A-2019-0468)

In The Matter Of Applicant:
Jason Goeble (Respondent)
3044 Washington Boulevard
Cleveland Heights, 44118

INTRODUCTION

In the Matter of Applicant: Jason Goeble came for hearing before Hearing Examiner Ronda Shamansky on April 9, 2020, and for consideration by the State of Ohio Board of Pharmacy (Board) on June 9, 2020 before the following members of the State of Ohio Board of Pharmacy (Board): Shawn C. Wilt, RPh, *Presiding*; Joshua M. Cox, RPh; Rich D. Miller, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; and Kilee S. Yarosh, RPh.

Megan E. Marchal, RPh; Absent.

Respondent appeared *pro se*. 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) Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Caregiver Registration, Case No. A-2019-0468
- 2) Proof of Service, Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Caregiver Registration, Case No. A-2019-0468
- 3) Request for Hearing

- 4) Acknowledgment of Hearing Request
- 5) Proof of Service, Acknowledgment of Hearing Request
- 6) Hearing Examiner Appointment Letter
- 7) Notice of Hearing Date
- 8) Unclaimed Return of Service, Notice of Hearing Date
- 9) Journal Entry With Notice of Rescheduled Hearing
- 10) Unclaimed Return of Service, Journal Entry With Notice of Rescheduled Hearing
- 11) Certificate of Mailing
- 12) Hearing Transcript
- 13) The following State of Ohio Exhibits admitted by the Hearing Examiner:
 - a. Exhibit 1: Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Caregiver Registration, Case No. A-2019-0468; Proof of Service
 - b. Exhibit 2: Request for Hearing, Dated February 7, 2020 – **Admitted Under Seal**
 - c. Exhibit 3: Acknowledgment of Hearing Request
 - d. Exhibit 4: Registrant History, Jason Goeble
 - e. Exhibit 5: Certified Court Records, *The State of Florida v. Jason Goeble*, Case No. 2012-CF-001899-A-03
 - f. Exhibit 6: Cuyahoga County Offender Details
 - g. Exhibit 7: Ohio Attorney General Offender Details
- 14) Report and Recommendation, Dated April 17, 2020
- 15) Report and Recommendation Cover Letter, Dated April 17, 2020
- 16) Report and Recommendation Proof of Service

DECISION OF THE BOARD

After thorough review of all documents related to the case, the Board hereby adopts in its entirety Hearing Examiner Shamansky's Report and Recommendation, as it relates to the Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Caregiver Registration, including the Findings of Fact and Conclusions of Law.

The Board confirms and approves the Report and Recommendation of Hearing Examiner Ronda Shamansky, which includes a denial of a medical marijuana caregiver registration to Jason Goeble.

Mr. Miller moved to confirm and approve the Report and Recommendation of Hearing Examiner Angell; Mr. Newlon seconded the motion. Motion passed (Aye-6/Nay-0) (Joshua M. Cox, RPh-Aye; Donald R. Miller, RPh-Aye; Richard J. Newlon, Public Member-Aye; Jennifer M. Rudell, RPh-Aye; Fred M. Weaver, RPh-Aye, and Kilee S. Yarosh, RPh-Aye).

SO ORDERED.

R-2020-0576

After votes were taken in public session, the Board adopted the following order in the matter of **Myles Gooding, Painesville, Ohio.**

ORDER OF THE STATE OF OHIO BOARD OF PHARMACY
CONFIRMING IN PART AND APPROVING IN PART
REPORT & RECOMMENDATION OF HEARING EXAMINER
(Case Number A-2019-0533-MME)

IN THE MATTER OF:
Myles Gooding (Respondent)
(License No. MME.05300490)
12190 Summerwood Drive
Painesville, OH 44077

INTRODUCTION

In the Matter of: Myles Gooding came for hearing before Hearing Examiner Robert C. Angell on April 21, 2020, and for consideration by the State of Ohio Board of Pharmacy (Board) on June 9, 2020 before the following members of the State of Ohio Board of Pharmacy (Board): Shawn C. Wilt, RPh, *Presiding*; Joshua M. Cox, RPh; Rich D. Miller, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; and Kilee S. Yarosh, RPh.

Megan E. Marchal, RPh; Absent.

Respondent was represented by attorney John Izzo. 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) Summary Suspension/Notice of Opportunity for Hearing for Case No. A-2019-0533-MME and Identifier Key
- 2) Proof of Service, Summary Suspension/Notice of Opportunity for Hearing for Case No. A-2019-0533-MME
- 3) Request for Hearing
- 4) Acknowledgement of Hearing Request
- 5) Proof of Service, Acknowledgment of Hearing Request
- 6) Hearing Examiner Appointment Letter
- 7) Notice of Hearing Date
- 8) Proof of Service, Notice of Hearing Date
- 9) Notice of Rescheduled Hearing
- 10) Proof of Service, Notice of Rescheduled Hearing
- 11) Respondent Attorney Notice of Appearance
- 12) Hearing Examiner Reappointment
- 13) Notice of Rescheduled Hearing
- 14) Hearing Transcript
- 15) The following State of Ohio Exhibits admitted by the Hearing Examiner:

- a. Exhibit 1a: Summary Suspension/Notice of Opportunity for Hearing, Dated January 6, 2020
 - b. Exhibit 1b: Identifier Key – **Admitted Under Seal**
 - c. Exhibit 2: Request for Hearing, Dated January 8, 2020
 - d. Exhibit 3: Acknowledgment of Hearing Request, Dated January 9, 2020
 - e. Exhibit 4: Hearing Examiner’s Entry and Order, Dated April 9, 2020
 - f. Exhibit 5: Written Statement of Myles Gooding, Dated December 12, 2019 – **Admitted Under Seal**
 - g. Exhibit 6: Bloom Medicinals Receipt – **Admitted Under Seal**
- 16) The following Respondent Exhibit admitted by the Hearing Examiner:
- a. Exhibit A: Letter from Michael Primc, M.D., Dated April 24, 2020
- 17) Report and Recommendation, Dated May 7, 2020
- 18) Report and Recommendation Cover Letter, Dated May 7, 2020
- 19) Respondent Objections to Report and Recommendation of the Hearing Examiner and Request to Appear Before the Board, Dated May 26, 2020
- 20) Request to Address Board Granted, Dated June 3, 2020
- 21) Oral Address of the Parties on June 8, 2020

DECISION OF THE BOARD

After thorough review of the administrative record, the Board hereby confirms and approves in its entirety Hearing Examiner Angell’s Findings of Fact as detailed in the Report and Recommendation.

Additionally, after a thorough review of the administrative record, the Board hereby confirms and approves in its entirety Hearing Examiner Angell Conclusions of Law A, B, C, D, E, and F as detailed in the Report and Recommendation. Additionally, the Board finds that the following violations of law as alleged in Paragraphs 1, 2, and 3a, respectively, in the Summary Suspension/Notice of Opportunity for Hearing were supported by a preponderance of the evidence:

- Such conduct, as set forth in the Findings of Fact Section, constitutes a violation of Section 2923.03(A)/2925.03 of the Revised Code, complicity to commit trafficking in marihuana (a.k.a. marijuana);
- Such conduct, as set forth in the Findings of Fact Section, constitutes a violation of Section 2025.11(A) of the Revised Code, possession of marihuana (a.k.a. marijuana);
- Such conduct, as set forth in the Findings of Fact Section, constitutes a violation of Ohio Administrative Code Rule 3796:6-4-03(A)(1), Myles Gooding violated any state or federal law, regardless of the jurisdiction in which acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired registration.

After a thorough review of the administrative record, including the aggravating and mitigating factors identified by the Hearing Examiner, as well as the arguments presented by counsel during the Oral Address to the Board on June 9, 2020, the Board rejects Hearing Examiner Robert C. Angell's recommendation to revoke the medical marijuana employee license of Myles Gooding, license no. MME.05300490.

The Board suspends Myles Gooding's medical marijuana dispensary support employee license no. MME.05300490 for a period of 18-months from the date of the Summary Suspension/Notice of Opportunity for Hearing, with six months stayed on the condition that no further violations of any state or federal law or rule occur during any period of probation imposed by the Board; a period of probation for 24-months effective from the date the employee license is reinstated by the Board, and to meet with the Probation Committee upon request; and a fine in the amount of \$500, to be paid in full prior to the reinstatement of Myles Gooding's medical marijuana dispensary support employee license.

Mr. Cox moved to confirm and approve the Report and Recommendation of Hearing Examiner Robert C. Angell, subject to the modifications set forth herein; Ms. Yarosh seconded the motion. Motion passed (Aye-6/Nay-0) (Joshua M. Cox, RPh-Aye; Donald R. Miller, RPh-Aye; Richard J. Newlon, Public Member-Aye; Jennifer M. Rudell, RPh-Aye; Fred M. Weaver, RPh-Aye, and Kilee S. Yarosh, RPh-Aye).

SO ORDERED.

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

were not viable for approval and had not requested a hearing in the timeframe set forth in chapter 119 of the Ohio Revised Code (ORC).

R-2020-0577 Mr. Weaver moved to adopt the following Orders pertaining to the above referenced Goldman Medical Marijuana Applicants. The Motion was seconded by Ms. Yarosh and approved by the Board: Aye-6, Nay-0.

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

Case No. 2018-M1085

In the Matter of Applicant:

PURA OHIO, LLC

C/O TODD APPELBAUM

190 STANBERY AVE

COLUMBUS OH 43209

Account No./Application No.: 527-1085

Application District: NORTHEAST-2

Application Dispensary Address: 5875 SMITH RD, 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 (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 8, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M721

In the Matter of Applicant:
TREAT & KURE DISPENSARY 4, LLC
C/O 1600 CNB CORP
1375 EAST 9TH STREET, 29TH FLOOR
CLEVELAND OH 44114
Account No./Application No.: 29-721
Application District: NORTHEAST-2
Application Dispensary Address: 4020 PAYNE AVENUE CLEVELAND, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M1130

In the Matter of Applicant:
THE HOLISTIC CENTER OF OHIO, INC.
C/O DAVID M. KRUEGER
17570 INDIAN HILLS DR.
CHAGRIN FALLS OH 44023
Account No./Application No.: 39-1130
Application District: NORTHEAST-2
Application Dispensary Address: 4110 MAYFIELD RD., SOUTH EUCLID, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 8, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M353

In the Matter of Applicant:
THE HARVEST FOUNDATION OF OHIO
C/O LARRY K LEMONS
35910 BRUSHWOOD DR
SOLON OH 44139

Account No./Application No.: 62-353

Application District: NORTHEAST-2

Application Dispensary Address: 2420 HAMILTON AVE, CLEVELAND, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 8, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M398

In the Matter of Applicant:
THE HARVEST FOUNDATION OF OHIO
C/O LARRY K LEMONS
35910 BRUSHWOOD DR
SOLON OH 44139

Account No./Application No.: 62-398

Application District: NORTHEAST-2

Application Dispensary Address: 1500 BROOKPARK ROAD, CLEVELAND, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 8, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M429

In the Matter of Applicant:

THE HARVEST FOUNDATION OF OHIO

C/O LARRY K LEMONS

35910 BRUSHWOOD DR

OLON OH 44139

Account No./Application No.: 62-429

Application District: NORTHEAST-4

Application Dispensary Address: 1221 15TH STREET SW CANTON, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M433

In the Matter of Applicant:
THE HARVEST FOUNDATION OF OHIO
C/O LARRY K LEMONS
35910 BRUSHWOOD DR
SOLON OH 44139
Account No./Application No.: 62-433
Application District: NORTHEAST-5
Application Dispensary Address: 30011 EUCLID AVE WICKLIFFE, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on July 13, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M864

In the Matter of Applicant:

VERDANT CREATIONS, LLC

PURLIFE

C/O OLR BIZ AGENCY, INC

35 N 4TH ST, SUITE 100

COLUMBUS OH 43215

Account No./Application No.: 115-864

Application District: SOUTHEAST-3

Application Dispensary Address: NE CORNER OF HAMILTON RD & WARNER RD (PARCEL # 010-
263114-00) COLUMBUS, OH

INTRODUCTION

*A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M320

In the Matter of Applicant:
STELLA'S TWO SISTERS, INC.
C/O NANCY STELLA
7111 WINDING WAY
CINCINNATI OH 45236

Account No./Application No.: 153-320

Application District: NORTHEAST-1

Application Dispensary Address: 1990 COOPER FOSTER PARK ROAD STE B1 LORAIN, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M878

In the Matter of Applicant:
THERAPEUTIC HEALING CARE, LLC
C/O TRAC - THE REGISTERED AGENT COMPANY
3958-D BROWN PARK DRIVE
HILLIARD OH 43026
Account No./Application No.: 157-878
Application District: SOUTHEAST-3
Application Dispensary Address: 3258 EAST MAIN STREET, COLUMBUS, OH

INTRODUCTION

*A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 8, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M444

In the Matter of Applicant:
THE FOREST COLUMBUS, LLC
THE FOREST OHIO, LLC
C/O Erik Vaughan
77 MILFORD DRIVE
HUDSON, OH 44236

Account No./Application No.: 159-444

Application District: SOUTHEAST-3

Application Dispensary Address: 2950 NORTH HIGH ST, COLUMBUS, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 8, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M479

In the Matter of Applicant:
THE FOREST CLEVELAND, LLC
THE FOREST OHIO, LLC
C/O Erik Vaughan
77 MILFORD DRIVE
HUDSON, OH 44236
Account No./Application No.: 161-479
Application District: NORTHEAST-2

Application Dispensary Address: 1267 WEST NINTH STREET CLEVELAND, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M401

In the Matter of Applicant:

SILPHIUM REMEDIES, LLC

SILPHIUM GROW, LLC (CULTIVATION APPLICATION), SILPHIUM EXTRACTS, LLC (PROCESSING
APPLICATION), SILPHIUM OF OHIO, LLC (REAL ESTATE PURCHASES)

C/O LUCINDA D. IHMELS

2194 E. ENTERPRISE PARKWAY

TWINSBURG OH 44087

Account No./Application No.: 172-401

Application District: NORTHEAST-3

Application Dispensary Address: PERMANENT PARCEL #6408651, ALD ID TW00017A3001000, E.
AURORA RD., DESC LOT 1 TR 1 N
S OF AURORA RD. 133FF 2.0879A, DISTRICT 64 TWINSBURG CITY - TWINSBURG CSD
TWINSBURG, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M415

In the Matter of Applicant:
SILPHIUM REMEDIES, LLC
SILPHIUM GROW, LLC (CULTIVATION APPLICATION), SILPHIUM EXTRACTS, LLC (PROCESSING
APPLICATION), SILPHIUM OF OHIO, LLC (REAL ESTATE PURCHASES)
C/O LUCINDA D. IHMELS
2194 E. ENTERPRISE PARKWAY
TWINSBURG OH 44087
Account No./Application No.: 172-415
Application District: SOUTHWEST-1
Application Dispensary Address: 4894 RIDGE ROAD CINCINNATI, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M438

In the Matter of Applicant:
THE FOREST FREMONT, LLC
THE FOREST OHIO, LLC
C/O 1932 SERVICE CORP.
1301 E. 9TH STREET, SUITE 3500
CLEVELAND OH 44114
Account No./Application No.: 192-438
Application District: NORTHWEST-7
Application Dispensary Address: 2100 WEST STATE STREET FREMONT, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M134

In the Matter of Applicant:

WGB, LLC

C/O CORPORATION SERVICE COMPANY

50 WEST BROAD STREET, SUITE 1330

COLUMBUS OH 43215

Account No./Application No.: 228-134

Application District: SOUTHEAST-3

Application Dispensary Address: 7520 HIGH CROSS BOULEVARD COLUMBUS, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M1056

In the Matter of Applicant:
WGB, LLC
C/O CORPORATION SERVICE COMPANY
50 WEST BROAD STREET, SUITE 1330
COLUMBUS OH 43215
Account No./Application No.: 228-1056
Application District: NORTHEAST-2
Application Dispensary Address: 6665 PEARL ROAD PARMA HEIGHTS, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M1079

In the Matter of Applicant:

WGB, LLC

C/O CORPORATION SERVICE COMPANY

50 WEST BROAD STREET, SUITE 1330

COLUMBUS OH 43215

Account No./Application No.: 228-1079

Application District: SOUTHWEST-1

Application Dispensary Address: 4503-05 WEST 8TH STREET CINCINNATI, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M1097

In the Matter of Applicant:

WGB, LLC

C/O CORPORATION SERVICE COMPANY

50 WEST BROAD STREET, SUITE 1330

COLUMBUS OH 43215

Account No./Application No.: 228-1097

Application District: NORTHWEST-3

Application Dispensary Address: 1691 LANCE POINTE DRIVE MAUMEE, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M706

In the Matter of Applicant:

TREAT & KURE DISPENSARY 3, LLC

C/O 1600 CNB CORP

1375 EAST 9TH STREET, 29TH FLOOR

CLEVELAND OH 44114

Account No./Application No.: 235-706

Application District: NORTHEAST-5

Application Dispensary Address: 30133 EUCLID AVENUE, UNITS C & D WICKLIFFE, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members

of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M1000

In the Matter of Applicant:
TREAT & KURE DISPENSARY 3, LLC
C/O 1600 CNB CORP
1375 EAST 9TH STREET, 29TH FLOOR
CLEVELAND OH 44114
Account No./Application No.: 235-1000
Application District: NORTHWEST-3

Application Dispensary Address: 5302 AIRPORT HIGHWAY ROAD TOLEDO, OH

INTRODUCTION

A *Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License* (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M448

In the Matter of Applicant:
THE FOREST BROOKPARK, LLC
THE FOREST OHIO, LLC
C/O Erik Vaughan
77 MILFORD DRIVE
HUDSON, OH 44236

Account No./Application No.: 258-448

Application District: NORTHEAST-2

Application Dispensary Address: 17021 BROOKPARK RD. 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 (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M607

In the Matter of Applicant:

STEM ENTERPRISES OF OHIO, LLC

STEM DISPENSARIES

C/O JASON WILLIAMS

971 D ROBINWOOD

COLUMBUS OH 43213

Account No./Application No.: 308-607

Application District: SOUTHWEST-8

Application Dispensary Address: 283 EAST LEFFEL LANE SPRINGFIELD, OH

INTRODUCTION

*A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M612

In the Matter of Applicant:

STEM ENTERPRISES OF OHIO, LLC

STEM DISPENSARIES

C/O JASON WILLIAMS

971 D ROBINWOOD

COLUMBUS OH 43213

Account No./Application No.: 308-612

Application District: SOUTHWEST-4

Application Dispensary Address: 2800 SALEM AVE. DAYTON, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M590

In the Matter of Applicant:

STEM ENTERPRISES OF OHIO, LLC

STEM DISPENSARIES

C/O JASON WILLIAMS

971 D ROBINWOOD

COLUMBUS OH 43213

Account No./Application No.: 308-590

Application District: SOUTHEAST-3

Application Dispensary Address: 2882 EAST MAIN STREET, COLUMBUS, OH

INTRODUCTION

*A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 8, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M599

In the Matter of Applicant:
TREAT & KURE DISPENSARY 2, LLC
C/O 1600 CNB CORP
1375 EAST 9TH STREET, 29TH FLOOR
CLEVELAND OH 44114
Account No./Application No.: 364-599
Application District: NORTHEAST-4
Application Dispensary Address: 3220-3232 CLEVELAND AVENUE CANTON, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh;

Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M567

In the Matter of Applicant:
SONA HEALTH OHIO SERVICES, LLC
SONA HEALTH OHIO SERVICES, LLC
C/O JAMES GILLECE
627 PATRIOT LANE
PHOENIXVILLE, PA 19460
Account No./Application No.: 381-567
Application District: SOUTHEAST-2

Application Dispensary Address: 25160 US-23 CIRCLEVILLE, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M596

In the Matter of Applicant:
SONA HEALTH OHIO SERVICES, LLC
SONA HEALTH OHIO SERVICES, LLC
C/O JAMES GILLECE
627 PATRIOT LANE
PHOENIXVILLE, PA 19460
Account No./Application No.: 381-596
Application District: SOUTHEAST-6
Application Dispensary Address: 711 WEST UNION STREET ATHENS, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M602

In the Matter of Applicant:

SONA HEALTH OHIO SERVICES, LLC

SONA HEALTH OHIO SERVICES, LLC

C/O JAMES GILLECE

627 PATRIOT LANE

PHOENIXVILLE, PA 19460

Account No./Application No.: 381-602

Application District: SOUTHEAST-5

Application Dispensary Address: 12906 STATE ROUTE 664 SOUTH LOGAN, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M608

In the Matter of Applicant:
SONA HEALTH OHIO SERVICES, LLC
SONA HEALTH OHIO SERVICES, LLC
C/O JAMES GILLECE
627 PATRIOT LANE
PHOENIXVILLE, PA 19460
Account No./Application No.: 381-608
Application District: SOUTHEAST-5
Application Dispensary Address: 1432 COLLINS ROAD NW LANCASTER, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M585

In the Matter of Applicant:
SONA HEALTH OHIO SERVICES, LLC
SONA HEALTH OHIO SERVICES, LLC
C/O JAMES GILLECE
627 PATRIOT LANE
PHOENIXVILLE, PA 19460
Account No./Application No.: 381-585
Application District: SOUTHEAST-3
Application Dispensary Address: 1669 WEST 5TH STREET, COLUMBUS, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 8, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, *Presiding*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M738

In the Matter of Applicant:
YOUNG VALLEY INC
C/O CT CORPORATION SYSTEM
4400 EASTON COMMONS WAY, SUITE 125
COLUMBUS OH 43219
Account No./Application No.: 416-738
Application District: NORTHEAST-6
Application Dispensary Address: 876 E. MIDLOTHIAN BLVD YOUNGSTOWN, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

SO ORDERED.

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

Case No. 2018-M1047

In the Matter of Applicant:
SHEERPOWER CLINIC, INC.
C/O SSE, INC.

26600 DETROIT RD., SUITE 300
WESTLAKE OH 44145

Account No./Application No.: 521-1047

Application District: NORTHWEST-3

Application Dispensary Address: 1681 LANCE POINTE DRIVE, SUITE 1 MAUMEE, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 15, 2018. Respondent did not request a hearing on the matter. The matter subsequently came for consideration by the Board on June 9, 2020, before the following members of the State of Ohio Board of Pharmacy: Shawn C. Wilt, RPh, Presiding; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; 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 Reed

FINDINGS OF FACT

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

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

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

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

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

CONCLUSIONS OF LAW

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

DECISION OF THE BOARD

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

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

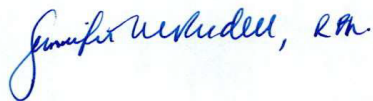
SO ORDERED.

R-2020-0578

Mr. Newlon moved to Adjourn the March State of Ohio Board of Pharmacy Meeting. The motion was seconded by Mr. Cox and approved by the Board: Aye-6, Nay-0.

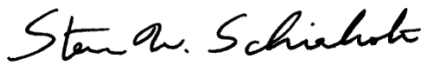
12:41 p.m.

The Board Meeting Adjourned.



Jennifer M. Rudell, RPh, President

Date: 07.08.2020



Steven W. Schierholt, Executive Director

Date: 07.08.2020