



# OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor  
Columbus, Ohio 43266-0320  
Telephone: 614/466-4143

03-2-10238

## THE STATE BOARD OF PHARMACY (Docket No. D-880310-145)

In The Matter Of:

GARY LEE WOLF, R.Ph.  
Route 3  
Pomeroy, Ohio 45769

### INTRODUCTION

THE MATTER OF GARY LEE WOLF CAME TO HEARING ON JUNE 28, 1988 AND JUNE 30, 1988 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: NORMAN LEIBOW, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; ROBERT VALENTINE, R.Ph.; AND JEROME WIESENHAHN, R.Ph.

GARY LEE WOLF WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY CHRISTOPHER COSTANTINI, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

#### (A) Testimony

State's Witnesses:

- (1) William L. Padgett, Ohio Board of Pharmacy
- (2) Don Snyder, Meigs County Sheriff's Department
- (3) Christopher K. Reed, Ohio Board of Pharmacy
- (4) Gary Wolf, R.Ph.
- (5) Barbara Boling

Respondent's Witnesses:

(None)

#### (B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Application for annual license as a Terminal Distributor of Dangerous Drugs for licensure years 1984, 1985, 1986, 1987 showing Gary Wolf as responsible pharmacist.
- (2) Exhibit 2 - Application for annual license renewal as a pharmacist for 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987.

- (3) Exhibit 3 - Accountability Statement showing 12,841 shortage of Percodan.
- (4) Exhibit 4 - Accountability Statement showing 4,971 shortage of Percocet.
- (5) Exhibit 5 - Accountability Statement showing 1,562 shortage of Tylox.
- (6) Exhibit 6 - Accountability Statement showing 131 shortage of Demerol 50mg.
- (7) Exhibit 7 - Accountability Statement showing 129 shortage of Seconal 100mg.
- (8) Exhibit 8 - Accountability Statement showing 77 shortage of Codeine Sulfate 60mg.
- (9) Exhibit 9 - Accountability Statement showing 76 shortage of Tuinal 200mg.
- (10) Exhibit 10- Statement of Barbara Boling dated August 23, 1987.
- (11) Exhibit 11A- Journal Entry/Meigs County Court in the matter of Gary Wolf.
- (12) Exhibit 11B- Barbara Boling photograph.
- (13) Exhibit 11C- Barbara Boling photograph.
- (14) Exhibit 12- Application for registration as distributor of dangerous drugs showing Gary Wolf as President of Village Pharmacy.
- (15) Exhibit 13- Board's Order dated 06/29/87 in the matter of Gary Wolf.
- (16) Exhibit 14- Subpoena issued to Barbara Boling and return from Sheriff's Department.
- (17) Exhibit 15- Statement of Gene Fink.

Respondent's Exhibits:

- (1) Exhibit 4 - Letters from Barbara Boling.
- (2) Exhibit 5 - Statement from Barbara Boling.
- (3) Exhibit 6 - Computer printout from Village Pharmacy.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that the records of the Board reflect the fact that Gary Lee Wolf has been the responsible pharmacist required by Ohio Revised Code Section 4729.55 for Terminal Distributor of Dangerous Drugs License No. 02-167100 since October 7, 1983, and that Gary Lee Wolf has actively engaged in the practice of pharmacy at this location since at least August 11, 1977. The records of the Board also reflect the fact that Gary Lee Wolf is the president of Wolf-Newland Pharmacies, Inc., an Ohio corporation doing business as Village Pharmacy, 271 N. 2nd Avenue, Middleport, Ohio since April 18, 1980.
- (2) From the evidence presented, the State Board of Pharmacy finds that Gary Lee Wolf did, between the dates of May 1, 1985 and September 17, 1987, while practicing pharmacy at Village Pharmacy, 271 N. 2nd Avenue, Middleport, Ohio 45760, Terminal Distributor of Dangerous Drugs License No. 02-167100, knowingly sell without a prescription approximately 12,841 tablets of Percodan, approximately 4,971 tablets of Percocet, and approximately 1,562 tablets

of Tylox. Each of these drug products are prescription drugs and Schedule II controlled substances in amounts equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Ohio Revised Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (3) From the evidence presented, the State Board of Pharmacy finds that Gary Lee Wolf did, between the dates of May 1, 1985 and September 17, 1987, while practicing pharmacy at Village Pharmacy, 271 N. 2nd Avenue, Middleport, Ohio 45760, Terminal Distributor of Dangerous Drugs License No. 02-167100, knowingly sell without a prescription approximately 131 tablets of Demerol-50mg, approximately 129 capsules of Seconal-100mg, approximately 77 tablets of Codeine Sulfate-60mg, and approximately 76 capsules of Tuinal-200mg. Each of these drug products are prescription drugs and Schedule II controlled substances in amounts equal to or exceeding the bulk amount but in amounts less than three times that amount as defined in Section 2925.01 of the Ohio Revised Code. Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.
- (4) From the evidence presented, the State Board of Pharmacy finds that Gary Lee Wolf did distribute an unknown quantity of Valium, a Schedule IV controlled substance and prescription drug, to another person when he knew or had reason to believe that such substance was intended for re-sale, to wit: Barbara Boling received Valium for re-sale without having a prescription issued by a practitioner as required by Chapters 3715. and 3719. of the Ohio Revised Code. Such conduct is prohibited by Division (A)(2) of Section 2925.03 of the Ohio Revised Code.
- (5) From the evidence presented, the State Board of Pharmacy finds that Gary Lee Wolf did aid and abet Barbara Boling in knowingly obtaining and using controlled substances without a prescription issued by a practitioner as required by Chapters 3715. and 3719. of the Ohio Revised Code, to wit: Percodan, Percocet, Tylox, and Phenobarbital. Such conduct is prohibited by Section 2925.11(A) of the Ohio Revised Code.
- (6) From the evidence presented, the State Board of Pharmacy finds that Gary Lee Wolf, on or about October 9, 1987, was found guilty of disorderly conduct in violation of Section 2917.11 of the Ohio Revised Code, a misdemeanor of the fourth degree, by the Meigs County Court. This misdemeanor conviction was related to, or committed in, the practice of pharmacy; in violation of Division (A)(4) of Section 4729.16 of the Ohio Revised Code.
- (7) From the evidence presented, the State Board of Pharmacy finds that Gary Lee Wolf, as the president of the corporation owning and operating Village Pharmacy, 271 N. 2nd Avenue, Middleport, Ohio 45760, did not keep a record of all controlled substances received and dispensed; in violation of the provisions of Section 3719.07 of the Ohio Revised Code.

- (8) From the evidence presented, the State Board of Pharmacy finds that, on or about June 29, 1987, the Board found Gary Lee Wolf guilty of unprofessional conduct in the practice of pharmacy, and willfully violating and aiding and abetting the violation of the provisions of Chapters 2925., 3715., 3719., and 4729. of the Ohio Revised Code. Pursuant to that finding, the Ohio Board of Pharmacy ordered that a monetary penalty of five hundred dollars (\$500.00) be imposed which was suspended provided in part that Gary Lee Wolf: (1) not violate the drug laws of the State of Ohio, any other state, or the federal government; and, (2) abide by the rules of the State Board of Pharmacy. The allegations as set forth in the above paragraphs, enumerated two (2) through seven (7), constitutes violations of the Board's Order dated June 29, 1987.

#### CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (8) of the Findings Of Fact constitutes gross immorality.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (5) and (7) of the Findings Of Fact constitutes dishonesty and unprofessional conduct in the practice of pharmacy.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph (6) of the Findings Of Fact constitutes having been convicted of a misdemeanor related to, or committed in, the practice of pharmacy.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (7) of the Findings Of Fact constitutes willful violations of the provisions of Chapters 2925., 3715., 3719., and 4729. of the Ohio Revised Code.

#### ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-2-10238, held by Gary Lee Wolf:

- (A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Gary Lee Wolf.
- (B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Gary Lee Wolf.

GARY LEE WOLF, R.Ph.  
Page Five  
Order of the Board

(C) On the basis of paragraph (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Gary Lee Wolf.

(D) On the basis of paragraph (4) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Gary Lee Wolf.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, ..., shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

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

MOTION CARRIED.

SO ORDERED.

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

Section 119.12 of the Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL  
Return Receipt

ORDER ISSUED: August 22, 1988

FZW/sb

By Franklin Z. Wickham  
Franklin Z. Wickham, Executive Director

cc: Christopher Costantini, Assistant Attorney General



---

65 S. FRONT STREET, ROOM 504 \* COLUMBUS, OHIO 43266-0320 \* 614/466-4143

---

BEFORE THE STATE BOARD OF PHARMACY  
(Docket No. D-870327-115)

In The Matter Of:

GARY LEE WOLF, R.Ph.  
Rt. 3  
Pomeroy, Ohio 45769

INTRODUCTION

THE MATTER OF GARY LEE WOLF CAME TO HEARING ON APRIL 29, 1987 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: GERALD CLOUSE, R.Ph. (presiding); NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; ROBERT VALENTINE, R.Ph.; JEROME WIESENHAHN, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

GARY LEE WOLF WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY YVETTE MCGEE, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Exhibits

- (1) Exhibit #A - Notice of Opportunity dated March 27, 1987 in the matter of Gary Wolf, R.Ph.
- (2) Exhibit #B - Notice of Opportunity dated March 27, 1987 in the matter of Village Pharmacy.
- (3) Exhibit #C - Request for hearing letter received April 8, 1987.
- (4) Exhibit #D - Hearing schedule letter dated April 16, 1987.
- (5) Exhibit #1 - Renewal application for Village Pharmacy showing Gary Wolf as responsible pharmacist dated 10/26/84.
- (6) Exhibit #2 - RX#175312 in the name of Caroline Russell and work sheet for the drug Darvon C.
- (7) Exhibit #2-A - Computer printout for patient Carolyn Ball.
- (8) Exhibit #3 - RX#175313 in the name of Caroline Russell and work sheet for the drug Valium 10 mg.
- (9) Exhibit #3A - Computer printout for patient Carolyn Ball.
- (10) Exhibit #4 - RX#174368 in the name of Carolyn Russell and work sheet for the drug Zantac 150 mg.
- (11) Exhibit #4A - Computer printout for patient Carolyn Ball.
- (12) Exhibit #5 - RX#168083 in the name of Carolyn Ball and work sheet for the drug Cafergot. (2 pages)
- (13) Exhibit #5A - Computer printout for patient Carolyn Ball.

- (14) Exhibit #6 - Computer printout for patient Carolyn Ball.
- (15) Exhibit #7 - Prescriptions in the name of Carolyn Ball - RX#184962; RX#182548; RX#183142; RX#180910; RX#180332; and prescriptions in the name of Carolyn Russell - RX#181883; RX#179547.
- (16) Exhibit #8 - Computer printout for patient Carolyn Ball.
- (17) Exhibit #9 - Copy of dangerous drug distributor inspection report dated February 10, 1986.

Respondent's Exhibits

(None)

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that the records of the Board indicate that Gary Lee Wolf is the responsible pharmacist required by Section 4729.55 of the Revised Code for, and president of Wolf-Newland Pharmacies, Inc., an Ohio corporation doing business as, Village Pharmacy, 271 N. 2nd Avenue, Middleport, Ohio 45760, Terminal Distributor of Dangerous Drugs License No. 02-167100.
- (2) From the evidence presented, the State Board of Pharmacy finds that Gary Lee Wolf or pharmacists under his control or supervision did, on one or more occasions between September 26, 1985 and October 31, 1985 at Village Pharmacy, 271 N. 2nd Avenue, Middleport, Ohio 45760, without a prescription, dispense approximately 120 tablets of Valium-10mg and approximately 150 capsules of Darvon Compound 65, both of which are Schedule IV controlled substances and prescription drugs, in an amount less than the minimum bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct was not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(1) of the Revised Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that Gary Lee Wolf or pharmacists under his control or supervision did, on one or more occasions between September 26, 1985 and December 10, 1985 at Village Pharmacy, 271 N. 2nd Avenue, Middleport, Ohio 45760, without a prescription, dispense approximately 180 tablets of Zantac-150mg. Such conduct is prohibited by Section 3715.52 of the Revised Code.
- (4) From the evidence presented, the State Board of Pharmacy finds that Gary Lee Wolf or pharmacists under his control or supervision did, on one or more occasions between April 29, 1985 and January 3, 1986 at Village Pharmacy, 271 N. 2nd Avenue, Middleport, Ohio 45760, without a prescription, dispense approximately 216 tablets of Cafegot. Such conduct is prohibited by Section 3715.52 of the Revised Code.

- (5) From the evidence presented, the State Board of Pharmacy finds that Gary Lee Wolf or pharmacists under his control or supervision did, between the dates of April 19, 1985 and February 6, 1986 at Village Pharmacy, 271 N. 2nd Avenue, Middleport, Ohio 45760, sell by dispensing controlled substances and drugs of abuse for the same patient when they knew, or had reasonable cause to believe, that such drugs were not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice, and that the use of such drugs would cause the person to become drug dependent, in that approximately 2,715 doses of Valium were dispensed to one patient, Carolyn Russell also known as Carolyn Ball, over a period of approximately 296 days, as follows:

| <u>Date</u> | <u>Rx No.</u> | <u>Drug</u> | <u>Quantity<br/>Dispensed</u> | <u>Prescriber</u> |
|-------------|---------------|-------------|-------------------------------|-------------------|
| 04/19/85    | 167505        | Valium-10mg | 60                            | Daniels           |
| 04/23/85    | 167505        | Valium-10mg | 30                            | Daniels           |
| 05/07/85    | 167505        | Valium-10mg | 60                            | Daniels           |
| 05/14/85    | 167505        | Valium-10mg | 30                            | Daniels           |
| 05/23/85    | 167505        | Valium-10mg | 30                            | Daniels           |
| 05/28/85    | 167505        | Valium-10mg | 30                            | Daniels           |
| 06/01/85    | 170281        | Valium-10mg | 60                            | Daniels           |
| 06/08/85    | 167505        | Valium-10mg | 60                            | Daniels           |
| 06/13/85    | 167505        | Valium-10mg | 60                            | Daniels           |
| 06/17/85    | 170281        | Valium-10mg | 30                            | Daniels           |
| 06/20/85    | 170281        | Valium-10mg | 30                            | Daniels           |
| 07/02/85    | 170281        | Valium-10mg | 30                            | Daniels           |
| 07/05/85    | 170281        | Valium-10mg | 30                            | Daniels           |
| 07/13/85    | 170281        | Valium-10mg | 60                            | Daniels           |
| 07/19/85    | 170281        | Valium-10mg | 30                            | Daniels           |
| 07/24/85    | 170281        | Valium-10mg | 30                            | Daniels           |
| 07/27/85    | 170281        | Valium-10mg | 30                            | Daniels           |
| 07/31/85    | 170281        | Valium-10mg | 30                            | Daniels           |
| 08/09/85    | 170281        | Valium-10mg | 30                            | Daniels           |
| 08/16/85    | 170281        | Valium-10mg | 30                            | Daniels           |
| 08/17/85    | 174930        | Valium-10mg | 30                            | Daniels           |
| 08/23/85    | 175310        | Valium-2mg  | 60                            | Bundy             |
| 08/23/85    | 175313        | Valium-10mg | 60                            | Daniels           |
| 08/28/85    | 175313        | Valium-10mg | 30                            | Daniels           |
| 08/30/85    | 175313        | Valium-10mg | 30                            | Daniels           |
| 09/06/85    | 175313        | Valium-10mg | 30                            | Daniels           |
| 09/07/85    | 175313        | Valium-10mg | 60                            | Daniels           |
| 09/12/85    | 175313        | Valium-10mg | 60                            | Daniels           |
| 09/13/85    | 175313        | Valium-10mg | 30                            | Daniels           |
| 09/19/85    | 175313        | Valium-10mg | 60                            | Daniels           |
| 09/26/85    | 175313        | Valium-10mg | 60                            | Daniels           |
| 10/02/85    | 175313        | Valium-10mg | 30                            | Daniels           |
| 10/09/85    | 175313        | Valium-10mg | 30                            | Daniels           |
| 10/16/85    | 175313        | Valium-10mg | 30                            | Daniels           |
| 10/24/85    | 175313        | Valium-10mg | 30                            | Daniels           |
| 10/26/85    | 179546        | Valium-10mg | 90                            | Daniels           |

| <u>Date</u> | <u>Rx No.</u> | <u>Drug</u> | <u>Quantity<br/>Dispensed</u> | <u>Prescriber</u> |
|-------------|---------------|-------------|-------------------------------|-------------------|
| 11/01/85    | 179546        | Valium-10mg | 90                            | Daniels           |
| 11/08/85    | 179546        | Valium-10mg | 90                            | Daniels           |
| 11/16/85    | 179546        | Valium-10mg | 90                            | Daniels           |
| 11/23/85    | 179546        | Valium-10mg | 90                            | Daniels           |
| 11/29/85    | 179546        | Valium-10mg | 90                            | Daniels           |
| 12/04/85    | 182208        | Valium-10mg | 90                            | Daniels           |
| 12/07/85    | 182208        | Valium-10mg | 90                            | Daniels           |
| 12/16/85    | 183143        | Valium-10mg | 90                            | Daniels           |
| 12/28/85    | 183143        | Valium-10mg | 90                            | Daniels           |
| 01/03/86    | 183143        | Valium-10mg | 90                            | Daniels           |
| 01/16/86    | 183143        | Valium-10mg | 90                            | Daniels           |
| 01/22/86    | 183143        | Valium-10mg | 90                            | Daniels           |
| 02/03/86    | 186492        | Valium-10mg | 90                            | Daniels           |
| 02/08/86    | 186492        | Valium-10mg | 45                            | Daniels           |

Such conduct was not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(2) of the Revised Code.

- (6) From the evidence presented, the State Board of Pharmacy finds that Gary Lee Wolf or pharmacists under his control or supervision did, between the dates of October 26, 1985 and January 13, 1986 at Village Pharmacy, 271 N. 2nd Avenue, Middleport, Ohio 45760, sell by dispensing controlled substances and drugs of abuse for the same patient when they knew, or had reasonable cause to believe, that such drugs were not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice, and that the use of such drugs would cause the person to become drug dependent, in that approximately 600 tablets of Percodan were dispensed to the same patient, Carolyn Russell also known as Carolyn Ball, within a period of approximately 80 days, as follows:

| <u>Date</u> | <u>Rx No.</u> | <u>Drug</u> | <u>Quantity<br/>Dispensed</u> | <u>Prescriber</u> |
|-------------|---------------|-------------|-------------------------------|-------------------|
| 10/26/85    | 179547        | Percodan    | 90                            | Daniels           |
| 11/07/85    | 180332        | Percodan    | 90                            | Daniels           |
| 11/15/85    | 180910        | Percodan    | 90                            | Daniels           |
| 11/29/85    | 181883        | Percodan    | 90                            | Daniels           |
| 12/09/85    | 182548        | Percodan    | 90                            | Daniels           |
| 12/16/85    | 183142        | Percodan    | 90                            | Daniels           |
| 01/13/86    | 184962        | Percodan    | 90                            | Daniels           |

Such conduct was not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(2) of the Revised Code.

(7) From the evidence presented, the State Board of Pharmacy finds that Gary Lee Wolf or pharmacists under his control or supervision did, between the dates of May 24, 1985 and January 22, 1986 at Village Pharmacy, 271 N. 2nd Avenue, Middleport, Ohio 45760, sell by dispensing controlled substances and drugs of abuse for the same patient when they knew, or had reasonable cause to believe, that such drugs were not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice, and that the use of such drugs would cause the person to become drug dependent, in that approximately 1,640 capsules of Darvon Compound 65 were dispensed to one patient, Carolyn Russell also known as Carolyn Ball, over a period of approximately 244 days, as follows:

| <u>Date</u> | <u>Rx No.</u> | <u>Drug</u>    | <u>Quantity<br/>Dispensed</u> | <u>Prescriber</u> |
|-------------|---------------|----------------|-------------------------------|-------------------|
| 05/24/85    | 169817        | Darvon Cmpd 65 | 30                            | Daniels           |
| 05/28/85    | 169817        | Darvon Cmpd 65 | 15                            | Daniels           |
| 05/29/85    | 169817        | Darvon Cmpd 65 | 15                            | Daniels           |
| 06/01/85    | 170282        | Darvon Cmpd 65 | 60                            | Daniels           |
| 06/08/85    | 170282        | Darvon Cmpd 65 | 30                            | Daniels           |
| 06/10/85    | 170282        | Darvon Cmpd 65 | 30                            | Daniels           |
| 06/13/85    | 170282        | Darvon Cmpd 65 | 30                            | Daniels           |
| 06/17/85    | 170282        | Darvon Cmpd 65 | 30                            | Daniels           |
| 06/20/85    | 170282        | Darvon Cmpd 65 | 30                            | Daniels           |
| 06/22/85    | 171627        | Darvon Cmpd 65 | 120                           | Daniels           |
| 07/05/85    | 171627        | Darvon Cmpd 65 | 120                           | Daniels           |
| 07/24/85    | 171627        | Darvon Cmpd 65 | 60                            | Daniels           |
| 07/27/85    | 171627        | Darvon Cmpd 65 | 30                            | Daniels           |
| 07/31/85    | 171627        | Darvon Cmpd 65 | 30                            | Daniels           |
| 08/08/85    | 170282        | Darvon Cmpd 65 | 30                            | Daniels           |
| 08/09/85    | 171627        | Darvon Cmpd 65 | 30                            | Daniels           |
| 08/13/85    | 170282        | Darvon Cmpd 65 | 20                            | Daniels           |
| 08/16/85    | 171627        | Darvon Cmpd 65 | 30                            | Daniels           |
| 08/17/85    | 171627        | Darvon Cmpd 65 | 30                            | Daniels           |
| 08/23/85    | 175312        | Darvon Cmpd 65 | 120                           | Daniels           |
| 09/12/85    | 175312        | Darvon Cmpd 65 | 120                           | Daniels           |
| 09/19/85    | 175312        | Darvon Cmpd 65 | 30                            | Daniels           |
| 10/02/85    | 175312        | Darvon Cmpd 65 | 30                            | Daniels           |
| 10/04/85    | 175312        | Darvon Cmpd 65 | 120                           | Daniels           |
| 10/09/85    | 171627        | Darvon Cmpd 65 | 30                            | Daniels           |
| 10/16/85    | 175312        | Darvon Cmpd 65 | 30                            | Daniels           |
| 10/24/85    | 175312        | Darvon Cmpd 65 | 30                            | Daniels           |
| 10/26/85    | 175312        | Darvon Cmpd 65 | 30                            | Daniels           |
| 11/08/85    | 175312        | Darvon Cmpd 65 | 30                            | Daniels           |
| 11/16/85    | 175312        | Darvon Cmpd 65 | 20                            | Daniels           |
| 11/23/85    | 175312        | Darvon Cmpd 65 | 40                            | Daniels           |
| 11/29/85    | 175312        | Darvon Cmpd 65 | 60                            | Daniels           |

| <u>Date</u> | <u>Rx No.</u> | <u>Drug</u>    | <u>Quantity<br/>Dispensed</u> | <u>Prescriber</u> |
|-------------|---------------|----------------|-------------------------------|-------------------|
| 12/04/85    | 175312        | Darvon Cmpd 65 | 30                            | Daniels           |
| 12/18/85    | 175312        | Darvon Cmpd 65 | 30                            | Daniels           |
| 12/28/85    | 175312        | Darvon Cmpd 65 | 30                            | Daniels           |
| 01/03/86    | 175312        | Darvon Cmpd 65 | 30                            | Daniels           |
| 01/08/86    | 175312        | Darvon Cmpd 65 | 30                            | Daniels           |
| 01/16/86    | 175312        | Darvon Cmpd 65 | 30                            | Daniels           |
| 01/22/86    | 175312        | Darvon Cmpd 65 | 30                            | Daniels           |

Such conduct was not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(2) of the Revised Code.

#### CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (7) of the Findings Of Fact constitutes unprofessional conduct in the practice of pharmacy.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (7) of the Findings Of Fact constitutes willfully violating and aiding and abetting the violation of the provisions of Chapters 2925., 3715., 3719., and 4729. of the Revised Code.

#### ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-2-10238, held by Gary Lee Wolf:

(A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of five hundred dollars (\$500.00), due and owing within thirty (30) days of the issuance of this Order. The check or money order should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 65 S. Front Street, Room 504, Columbus, Ohio 43266-0320, with the enclosed form.

(B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of five hundred dollars (\$500.00).

(C) The Board will suspend the monetary penalty in paragraph (B) above provided that Gary Lee Wolf:

- (1) takes and successfully completes a Jurisprudence examination offered by the Board;
- (2) does not violate the drug laws of the state of Ohio, any other state, or the federal government; and
- (3) abides by the rules of the State Board of Pharmacy.

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

MOTION CARRIED.

SO ORDERED.

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

Section 119.12 of the Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL  
Return Receipt

ORDER ISSUED: JUNE 29, 1987

FZW/sb

By

Franklin Z. Wickham  
Franklin Z. Wickham, Executive Director

cc: Yvette McGee, Assistant Attorney General