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IN THE MATTER OF \* \* \* \* \* BEFORE THE  
\* \* \* \* \* MARYLAND BOARD OF PHARMACY  
\* \* \* \* \*

FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND ORDER

Pursuant to the provisions of Article 43, Section 266A of the Annotated Code of Maryland; the Commissioners of the Maryland Board of Pharmacy (the "Board") determined to charge Harvey G. Silberg with being unlicensed to practice pharmacy in the State of Maryland. The Board, with violation of Article 43, Section 266A (i) and (ii):

- (1) Convicted of:
  - (i) A crime involving professional misconduct respecting the pharmacy or drug laws,
  - (ii) A crime involving the State Uniform Narcotic Drug Act or the Federal Narcotic Laws.

Appropriate written notice of the charges was given to Respondent and a hearing was duly convened before the Board on June 14, 1977, at which time the Respondent was present with his attorneys, Max E. Blumenthal, Esquire and James A. Rothschild, Esquire. A quorum of the Board was present. The case against the Respondent was presented to the Board by Stephen J. Sfekas, Assistant Attorney General. Mr. Sfekas introduced as State's Exhibit 1, a certified copy of the docket entries in State v. Silberg, Case No. 55723, Circuit Court for Baltimore County; and as State's Exhibit 2, a certified copy of the docket entries in State v. Silberg, Case No. 55724, Circuit Court for Baltimore County; and as State's Exhibit 3, a certified copy of the docket entries in State v. Silberg, Case No. 55725, Circuit Court for Baltimore County. Mr. Sfekas then rested the case on behalf of the Board.

Messrs. Rothschild and Blumenthal then proceeded to present the case on behalf of the Respondent. Testimony

was heard from the Respondent and the following documentary evidence was produced:

Respondent's Exhibit 1 - Copy of a letter dated March 8, 1977, from Neal I. Aronson, M.D.

Respondent's Exhibit 2 - Copy of a letter dated March 7, 1977, from Leonard Kotz, M.D.

Respondent's Exhibit 3 - Copy of a letter dated May 31, 1977, from Leonard M. Rothstein, M.D.

Respondent's Exhibit 4 - Memorandum submitted to the Board on behalf of the Respondent.

After closing argument, the hearing was concluded.

#### FINDINGS OF FACT

From the testimony and exhibits the Board found that the Respondent had been charged with violation of Article 27, Section 286(a), (Case No. 55723); Article 27, Section 286(b) and (c), (Case No. 55724); and Article 27, Section 286 (a) (Case No. 55725); and had pled guilty to one count of each of the aforementioned violations and had been sentenced to concurrent sentences of eighteen (18) months with the sentences suspended and the Respondent placed on PROBATION for a term of three (3) years.

#### CONCLUSIONS OF LAW

From the foregoing findings of fact, the Board made the following conclusion of law:

Respondent has been convicted of a crime involving professional misconduct respecting the pharmacy or drug laws and a crime involving the State Uniform Narcotic Drug Act, and the Board adjudicates him GUILTY of those charges.

#### ORDER

Upon the foregoing findings of fact and conclusions

of law, it is this 16 day of November, 1977, by the unanimous vote of the members of the Maryland Board of Pharmacy hearing this case,

ORDERED, that the license to practice pharmacy in the State of Maryland heretofore issued to Respondent by the Board is hereby SUSPENDED for a period of one (1) year; and be it further

ORDERED, that the aforesaid suspensions shall be immediately STAYED and the Respondent placed on PROBATION upon the following conditions of probation:

1. That Respondent report to the Board on the third Wednesday of every other month, at a place and at a time specified by the Board. It is Respondent's obligation to learn from the Board where and at what time he should meet with the Board, since he will not be specifically so advised.

2. That Respondent report to the Board his place of employment and immediately report to the Board any change in employment.

3. That Respondent advise his employers of this proceeding and the current status of his license, and be it further

ORDERED, that if the Respondent violates any of the conditions of probation, the aforesaid stay shall be withdrawn and his license to practice pharmacy shall be suspended for a period of one (1) year, beginning from the date the Board notifies him of any such violation of a condition of his probation.

Finally, the Board must stress that its leniency in this matter has been prompted by its perception of remorse on the part of the Respondent, its belief that Respondent can

once again become a productive member of society and its  
firm belief that the conduct which lead to Respondent's  
criminal conviction will not be repeated.

*Robert E. Snyder*

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Robert E. Snyder,  
Secretary of the Maryland State  
Board of Pharmacy