

IN THE MATTER OF THE LICENSE OF: )  
 )  
J. LYNNE FREIBERGER, R.PH. )  
 )  
LICENSE NUMBER: 26011641A, )  
 )  
Respondent. )



**COMPLAINT**

This complaint is brought against the Pharmacist license of J. Lynne Freiburger, R.Ph. (“Respondent”) by the State of Indiana, by counsel, Deputy Attorney General, Christa J. Jewsbury, on behalf of the Office of the Attorney General (“Petitioner”) and pursuant to Indiana Code § 25-1-7-7 et seq., Ind. Code § 25-1-5-3, Ind. Code § 25-26-13-4 et. seq., the Administrative Orders and Procedures Act, Ind. Code § 4-21.5-3 et seq. and Ind. Code § 25-1-9-1 et seq. and in support alleges and states:

**FACTS**

1. The Respondent’s address on file with the Indiana Professional Licensing Agency is 2919 Freiburger Road, Floyds Knobs, Indiana 47119, and she is a licensed Pharmacist holding Indiana license number 26011641A.
2. On or about December 1987, Respondent opened The Drug Store, Inc. (“Drug Store”). Respondent is the owner and qualifying pharmacist for the Drug Store.
3. A qualifying pharmacist is defined in Ind. Code § 25-26-13-2 as the pharmacist who will qualify the pharmacy by being responsible to the board for the legal operations of the pharmacy under the permit.

4. On or about December 31, 2001, the Drug Store's Controlled Substances Registration ("CSR") permit expired. Respondent submitted a CSR renewal application and fee to the board in 2001.

5. On or about February 25, 2002, the 2001 CSR renewal application form and application fee was returned to Respondent because it was incomplete. Respondent was asked to complete the form and re-submit the application. Respondent did not re-submit the application.

6. After failing to re-submit the 2001 CSR renewal application, Respondent failed to renew the Drug Store's CSR for a period of approximately five (5) years.

7. On or about September 29, 2006, the Indiana Controlled Substances Advisory Committee ("CSAC") renewed the Drug Store's CSR permit.

8. On or about September 25, 2006, Respondent's attorney, Steven S. Lohmeyer, submitted a response to the Attorney General's Consumer Complaint on behalf of the Respondent. The response admitted that the allegations contained in the consumer complaint are true.

### **COUNT I**

1. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(3) in that she has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question, to wit: Respondent is the owner and qualifying pharmacist for the Drug Store and is therefore "responsible to the board for the legal operations of the pharmacy under the permit." Respondent failed to renew the Drug Store's CSR every two years as legally required by Ind. Code § 35-48-3-3.

2. Respondent's failure to comply with the above referenced standards is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, revocation of license, and a fine up to the amount of \$1000.00 per violation, as detailed at Ind. Code §25-1-9-9.

**WHEREFORE**, Petitioner demands an order against the Respondent, that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to pay all cost incurred in the prosecution of this cause of action; and
3. Provides any other relief the Board deems just and proper.

Respectfully submitted,

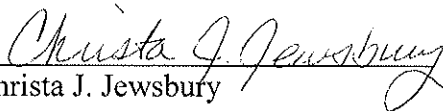
GREGORY F. ZOELLER  
Attorney General of Indiana

By: Christa J. Jewsbury  
Christa J. Jewsbury  
Deputy Attorney General  
Attorney Number: 27180-49

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing "Complaint" has been served upon the Respondent listed below, by United States mail; first class postage prepaid, on this 5<sup>th</sup> day of May, 2009.

J. Lynn Freiberger  
2919 Freiberger Road  
Floyds Knobs, IN 47119

  
Christa J. Jewsbury  
Deputy Attorney General

**Office of the Attorney General**  
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