BEFORE THE INDIANA STATE
BOARD OF PHARMACY
CAUSE NUMBER: 2001 IBP 008

STATE OF INDIANA,

Petitioner,

v.

FREEBORN M. ESIGBONE, R.Ph.,
a/k/a MAC FREEBORN ESIGBONE, R.Ph.,
License Number: 26016811,

Respondent.

FILED
OCT 10 2001
HEALTH PROFESSIONS BUREAU

COMPLAINT

The State of Indiana ("Petitioner"), by counsel, Deputy Attorney General, Kimberly J. Brown on behalf of the Office of the Attorney General ("Petitioner"), and pursuant to Indiana Code § 25-1-7-7 et. seq., Indiana Code §25-1-3, Indiana Code §25-26-13-4 et. seq. the Administrative Orders and Procedures Act § 4-21.5-3 et. seq. and Indiana Code §25-1-9 et. seq. files its Complaint against the pharmacy license of Freeborn M. Esigbone, R.Ph. ("Respondent"), and in support alleges and states:

COUNT I

1. Respondent resides at 8666 Garonne Terrace #D, Indianapolis, Indiana 46250, and he is a licensed pharmacist holding Indiana license number 26016811.

2. Respondent has been a licensed pharmacist in the State of Indiana since November of 1989.

3. On or about December 24, 1997, Respondent was charged in Marion County Superior Court under cause number 49F17-9712-CM-187567 with one class A misdemeanor count of Battery.

4. On or about March 19, 1998, Respondent was convicted pursuant to a guilty plea to one count of Battery and was sentenced to 365 days in jail with 364 days suspended. Respondent was placed on probation for 365 days and ordered to anger control counseling. Respondent was also ordered to pay fines and costs in the amount of $225.00.

5. On or about June 15, 1998, Respondent signed his application for renewal of his pharmacy license in Indiana and caused that application to be filed with the Health Professions Bureau.

6. Respondent answered "no" to the question: "Since you last renewed, have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?"

7. The Respondent's conduct described above constitutes a violation of Indiana Code §25-1-9-4(a)(2) in that Respondent has been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently; Indiana Code § 25-1-9-4(a)(1)(A) in that Respondent has engaged in fraud or material deception in order to obtain a license.

COUNT II

8. On or about January 22, 1999, Respondent was charged in Marion County Superior Court under cause number 49F17-9901-CM-011447 with one class A misdemeanor count of Battery; one class D felony count of Criminal Recklessness; and one class D felony count of Battery.

9. On or about September 23, 1999, Respondent was found guilty of Criminal Recklessness under cause number 49F17-9901-CM-011447. Respondent was sentenced to 730 days in jail with 530 days suspended. Respondent was placed on probation for 530 days and

ordered to submit to substance abuse evaluation and treatment, batterers program and to pay restitution in the amount of $1095.86.

10. On or about June 18, 2000, Respondent signed his application for renewal of his pharmacy license in Indiana and caused that application to be filed with the Health Professions Bureau.

11. Respondent answered "yes" to the question: "Since you last renewed, have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?" On or about June 29, 2000, Respondent submitted a letter to the Health Professions Bureau in which he described one arrest for domestic violence. However, Respondent said nothing with regard to his other arrests, convictions or his criminal history.

12. The Respondent's conduct described above constitutes a violation of Indiana Code §25-1-9-4(a)(2) in that Respondent has been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently; Indiana Code § 25-1-9-4(a)(1)(A) in that Respondent has engaged in fraud or material deception in order to obtain a license.

COUNT III

13. On or about May 20, 1999, Respondent was charged in Marion County Superior Court under cause number 49F10-9905-CM-088255 with one class B misdemeanor count of Public Intoxication.

14. On or about June 29, 1999, Respondent pled guilty to Public Intoxication under cause number 49F10-9905-CM-088255. On or about August 5, 1999, Respondent was sentenced to the 180 days in jail with 176 days suspended and credit for 2 days served.

15. On or about June 18, 2000, Respondent signed his application for renewal of his pharmacy license in Indiana and caused that application to be filed with the Health Professions Bureau.

16. Respondent answered "yes" to the question: "Since you last renewed, have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?" On or about June 29, 2000, Respondent submitted a letter to the Health Professions Bureau in which he described one arrest for domestic violence. However, Respondent said nothing with regard to his other arrests, convictions or his criminal history.

17. The Respondent's conduct described above constitutes a violation of Indiana Code §25-1-9-4(a)(2) in that Respondent has been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently; Indiana Code § 25-1-9-4(a)(1)(A) in that Respondent has engaged in fraud or material deception in order to obtain a license.

COUNT IV

18. On or about June 1, 1999, Respondent was charged in Marion County Superior Court under cause number 49F17-9906-CM-095591 with one class A misdemeanor count of Battery and two class B misdemeanor counts of Invasion of Privacy.

19. On or about September 23, 1999, Respondent was found guilty of Invasion of Privacy. On or about October 25, 1999, Respondent was sentenced to 180 days in jail which sentence was to run concurrently with his sentence in cause number 49F17-9901-CM-11447.

20. On or about June 18, 2000, Respondent signed his application for renewal of his pharmacy license in Indiana and caused that application to be filed with the Health Professions Bureau.

21. Respondent answered "yes" to the question: "Since you last renewed, have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?" On or about June 29, 2000, Respondent submitted a letter to the Health Professions Bureau in which he described one arrest for domestic violence. However, Respondent said nothing with regard to his other arrests, convictions or his criminal history.

22. The Respondent's conduct described above constitutes a violation of Indiana Code §25-1-9-4(a)(2) in that Respondent has been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently; Indiana Code § 25-1-9-4(a)(1)(A) in that Respondent has engaged in fraud or material deception in order to obtain a license.

WHEREFORE, Petitioner demands an order against the [respondent], that:

1. Imposes the appropriate disciplinary sanction;

2. Directs Respondent to immediately pay all the cost incurred in the prosecution of this case;

3. Provides any other relief the Board deems just and proper.

Respectfully submitted,

STEVE CARTER
Attorney General of Indiana

By: Kimberly J. Brown

Kimberly J. Brown
Deputy Attorney General
Attorney No.: 15995-49

CERTIFICATE OF SERVICE

I 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 10th day of October, 2001:

Freeborn M. Esigbone, R.Ph.
Mac Freeborn Esigbone, R.Ph.
8666 Garone Terrace #D
Indianapolis, IN 46250

Kimberly J. Brown
Deputy Attorney General

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