

BEFORE THE INDIANA  
BOARD OF PHARMACY  
CAUSE NUMBER: 2014 IBP 0014

IN THE MATTER OF THE INDIANA )  
PHARMACY INTERN REGISTRATION OF: )  
 )  
BENJAMIN VAN WYE, R.P.H.I. )  
LICENSE NO.: 45017143A )



**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

Benjamin Van Wye appeared at a hearing before the Indiana Board of Pharmacy (“Board”) on November 10, 2014, in Room W064 of the Conference Center of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana concerning his request to withdraw the terms of probation on his license as a pharmacy intern.

The state of Indiana appeared by Amanda Elizondo, Deputy Attorney General.

Van Wye appeared in person and waived his right to be represented by counsel.

The Board, after considering the file and the testimony of Van Wye, by a vote of 4 to 0, issues the following Findings of Fact, Conclusions of Law and Order.

**FINDINGS OF FACT**

1. Benjamin Van Wye, whose mailing address is 10582 North East Front Street, Dupont, Indiana 47231, is a duly registered pharmacy intern in the State of Indiana holding license number 45017143A.

2. The Indiana Professional Licensing Agency sent, and Van Wye received, timely and proper notice of the date, time and location of this hearing pursuant to Ind. Code § 4-21.5-3-20.

3. The Board is empowered to hold this administrative hearing pursuant to the authority of Ind. Code § 25-1-9-9 and Ind. Code § 4-21.5-3.

4. The Board renewed Van Wye's license on probation in April 2014 because he had been convicted of operating a vehicle while intoxicated in September 2012. He was to be on criminal probation until September 2014.

5. In October 2014 Van Wye asked that the probation on his Indiana license be withdrawn.

6. At the hearing on withdrawal of probation, Van Wye testified that he has complied with terms of probation on his license which included completing his criminal probation.

7. The deficiency that led to the discipline on Van Wye's license involved alcohol abuse. Van Wye's compliance with his probation indicates that this problem has been remedied.

#### **CONCLUSIONS OF LAW**

1. "The board may withdraw or modify the probation ... if it finds, after a hearing, that the deficiency that required disciplinary action has been remedied, or that changed circumstances warrant a modification of the order." Ind. Code § 25-1-9-9(b).

2. Van Wye's compliance with his probation indicates that the deficiency that required disciplinary action has been remedied.

**ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board  
**WITHDRAWS** the probation from Van Wye's license.

SO ORDERED this 13<sup>th</sup> of November, 2014.

INDIANA BOARD OF PHARMACY

By: Herbert W. Price

*for*

Nicholas W. Rhoad  
Executive Director  
Indiana Professional Licensing Agency

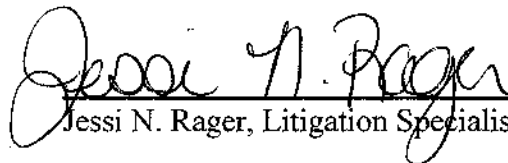
**CERTIFICATE OF SERVICE**

I certify that a copy of the "Findings of Fact, Conclusions of Law and Order" has been duly served upon:

Benjamin Van Wye  
10582 North East Front Street  
Dupont, IN 47231  
**Service by U.S. Mail**

Amanda Elizondo, Deputy Attorney General  
Indiana Attorney General's Office  
302 West Washington Street  
IGCS – 5<sup>th</sup> Floor  
Indianapolis, IN 46204  
**Service by E-mail**

11/13/14  
Date

  
Jessi N. Rager, Litigation Specialist

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