

1 2000-10-HO

2 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

3 In the Matter of:

4 ALBERTSON'S INC.)
5 DBA ALBERTSON'S #946)
6 4820 E. Ray Rd.)
7 Phoenix, AZ 85044)
Non-Prescription Drug Permit)
Number P04739)

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND BOARD ORDER
NO. 2000-0010-PHR**

8 TO: ALBERTSON'S INC.
9 DBA ALBERTSON'S #946
4820 E. Ray Rd.
Phoenix, AZ 85044

10
11 Pursuant to the foregoing Consent to Entry of Order, the evidence and records compiled and
12 contained in the file for ALBERTSON'S INC., DBA ALBERTSON'S #946, the Arizona State Board
13 of Pharmacy on this 8th day of November, 2000 adopts the following Findings of Fact, Conclusions of
14 Law and Board Order in the Matter of Notice of Hearing Number 2000-0010-PHR ("Notice").

15 **FINDINGS OF FACT**

16 **I**

17 1. ALBERTSON'S INC., DBA ALBERTSON'S #946, is the holder of Non-Prescription Drug
18 Permit Number P04739 issued by the Arizona State Board of Pharmacy pursuant to A.R.S. § 1930(A)(1),
19 which allows ALBERTSON'S INC., DBA ALBERTSON'S #946 to sell, retail, stock, expose or offer
20 for sale at retail non-prescription drugs in the original package in the State of Arizona.

21 2. On or about the 20th day of April, 1998, ALBERTSON'S INC., doing business as
22 ALBERTSON'S #946, offered for sale to the public eleven (11) drug items as listed in APPENDIX
23 A in the non-prescription drug department of the store that had exceeded the manufacturer's expiration
24 date in violation of A.R.S. § 32-1932(A)(1) and A.A.C. § R4-23-603(E).

25 3. On or about the 14th day of April, 1999, ALBERTSON'S INC., doing business as
26 ALBERTSON'S #946, offered for sale to the public a shopping cart full of drug items as described in

1 APPENDIX B in the non-prescription drug department of the store that had exceeded the manufacturer's
2 expiration date in violation of A.R.S. § 32-1932(A)(1) and A.A.C. § R4-23-603(E).

3 4. On or about the 9th day of May, 2000, ALBERTSON'S INC., doing business as
4 ALBERTSON'S #946, offered for sale to the public two hundred and fifteen (215) drug items as listed
5 in APPENDIX C in the non-prescription drug department of the store that had exceeded the
6 manufacturer's expiration date in violation of A.R.S. § 32-1932(A)(1) and A.A.C. § R4-23-603(E).

7 5. On the 6th day of September, 2000, ALBERTSON'S INC., DBA ALBERTSON'S #946
8 entered into a Consent to Entry of Order with the Arizona State Board of Pharmacy regarding the Notice.

9 **CONCLUSIONS OF LAW**

10 **II**

11 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-1932(A) and A.A.C. § R4-23-
12 603 (E).

13 2. The Board concludes that ALBERTSON'S INC., DBA ALBERTSON'S #946 violated A.R.S.
14 § 32-1932(A) and A.A.C. § R4-23-603 (E).

15 **ORDER**

16 **III**

17 Non-Prescription Drug Permit Number P04739 issued to ALBERTSON'S INC., DBA
18 ALBERTSON'S #946, is hereby placed on probation for a period of one (1), year commencing thirty (30)
19 days from the date of this Order, on the following terms and conditions:

20 1. ALBERTSON'S INC., DBA ALBERTSON'S #946 shall pay a civil penalty of seventy-five
21 dollars (\$75.00) for each of the two hundred and fifteen (215) violations itemized in APPENDIX C listed
22 in paragraph IV. number three (3) on page two (2) of the Notice, for a total of sixteen thousand one
23 hundred and twenty-five hundred dollars (\$16,125.00) to the Board of Pharmacy within sixty (60) days
24 of the date of this Order.

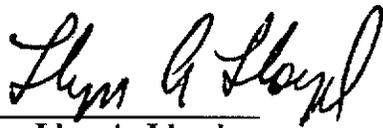
25 2. ALBERTSON'S INC., DBA ALBERTSON'S #946 shall obey all federal and state laws and
26 rules governing the purchase, stocking and distribution of non-prescription drugs.

1 3. If ALBERTSON'S INC., DBA ALBERTSON'S #946 violates this Order in any way or fails
2 to fulfill the requirements of this Order, the Board, after giving ALBERTSON'S INC., DBA
3 ALBERTSON'S #946 Notice and the opportunity to be heard, may revoke, suspend or take other
4 disciplinary action against ALBERTSON'S INC., DBA ALBERTSON'S #946.

5
6 **DATED this 8th day of November, 2000**

7 **ARIZONA STATE BOARD OF PHARMACY**

8
9 **SEAL**

10 By 
11 **Llyn A. Lloyd**
12 **Executive Director**

1 Copies of the foregoing Finding
2 of Fact, Conclusions of Law and
3 Board Order mailed by certified
4 mail this 20th day of November, 2000 to:

4 Peter B. Swann
5 Attorney for Albertson's Inc.
6 Two Renaissance Square
7 40 N. Central Avenue
8 24th Floor
9 Phoenix, AZ 85004-4453

8 and by Courier Mail to:

9 Nancy Beck
10 Assistant Attorney General
11 Office of the Attorney General
12 1275 W. Washington
13 Phoenix, AZ 85007
14 Attorney for the State

13 and

14 Tom Dennis
15 Assistant Attorney General
16 Solicitor General's Office
17 Office of the Attorney General
18 1275 W. Washington
19 Phoenix, AZ 85007

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