

1 2001-03-HO

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

3 In the Matter of:

4 ALBERTSON'S INC.)
5 DBA ALBERTSON'S #955)
6 2785 N. Scottsdale Rd.)
7 Scottsdale, AZ 85257)
Non-Prescription Drug Permit)
Number P04999)

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND BOARD ORDER
NO. 2001-0003-PHR**

8 TO: ALBERTSON'S INC.
9 DBA ALBERTSON'S #955
2785 N. Scottsdale Rd.
10 Scottsdale, AZ 85257

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 #955, the Arizona State Board
13 of Pharmacy on this 17th day of May, 2001 adopts the following Findings of Fact, Conclusions of Law
14 and Board Order in the Matter of Notice of Hearing Number 2001-0003-PHR ("Notice").

15 **FINDINGS OF FACT**

16 **I**

17 1. ALBERTSON'S INC., DBA ALBERTSON'S #955, is the holder of Non-Prescription Drug
18 Permit Number P04999 issued by the Arizona State Board of Pharmacy pursuant to A.R.S. § 1930(A)(1),
19 which allows ALBERTSON'S #955 to sell, retail, stock, expose or offer for sale at retail non-prescription
20 drugs in the original package in the State of Arizona.

21 2. On or about the 31st day of March, 2000, ALBERTSON'S INC., doing business as
22 ALBERTSON'S #955, offered for sale to the public twenty-seven (27) drug items as listed in
23 APPENDIX A in the non-prescription drug department of the store that had exceeded the manufacturer's
24 expiration 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 February, 2001, ALBERTSON'S INC., doing business as
26 ALBERTSON'S #955, offered for sale to the public approximately fifty-three (53) drug items as

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

3 4. On the 11th day of May, 2001, ALBERTSON'S #955 entered into a Consent to Entry of Order
4 with the Arizona State Board of Pharmacy regarding the Notice.

5 **CONCLUSIONS OF LAW**

6 **II**

7 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-1932(A) and A.A.C. § R4-23-
8 603 (E).

9 2. The Board concludes that ALBERTSON'S #955 violated A.R.S. § 32-1932(A) and A.A.C. §
10 R4-23-603 (E).

11 **ORDER**

12 **III**

13 Non-Prescription Drug Permit Number P04999 issued to ALBERTSON'S INC., DBA
14 ALBERTSON'S #955, is hereby placed on probation for a period of one (1), year commencing 30 days
15 from the date of this Order, on the following terms and conditions:

16 1. ALBERTSON'S INC., DBA ALBERTSON'S #955 shall pay a civil penalty of one hundred
17 dollars (\$100.00) for each of the fifty three hundred (53) violations itemized in APPENDIX B listed in
18 paragraph IV on page two (2) of the Notice, for a total of five thousand three hundred dollars (\$5300.00)
19 to the Board of Pharmacy within sixty (60) days of the date of this Order.

20 2. ALBERTSON'S #955 shall obey all federal and state laws and rules governing the purchase,
21 stocking and distribution of non-prescription drugs.

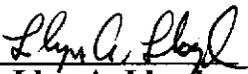
22 3. If ALBERTSON'S #955 violates this Order in any way or fails to fulfill the requirements of this
23 Order, the Board, after giving ALBERTSON'S #955 Notice and the opportunity to be heard, may revoke,
24 suspend or take other disciplinary action against ALBERTSON'S #955.

25
26 . . .

1 DATED this 17th day of May, 2001

2 ARIZONA STATE BOARD OF PHARMACY

3
4 SEAL

5 By 
6 Llyn A. Lloyd
7 Executive Director

8
9 Copies of the foregoing Finding
10 of Fact, Conclusions of Law and
11 Board Order mailed by certified
12 mail this 18th day of May, 2001 to:

13 Peter B. Swann Esq.
14 Two Renaissance Square
15 40 N. Central Avenue
16 24th Floor
17 Phoenix, AZ 85004-4453

18 and by Courier Mail to:

19 Victoria Martin
20 Assistant Attorney General
21 Civil Division
22 Office of the Attorney General
23 1275 W. Washington
24 Phoenix, AZ 85007
25 Attorney for the State

26 and

27 Tom Dennis
28 Assistant Attorney General
29 Solicitor General's Office
30 Office of the Attorney General
31 1275 W. Washington
32 Phoenix, AZ 85007

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