

1 2001-07-HO

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

3 In the Matter of:

4 ALBERTSON'S INC.)
5 DBA ALBERTSON'S #983)
6 11475 E. Via Linda)
7 Scottsdale, AZ 85259)
8 Non-Prescription Drug Permit)
9 Number P08342)

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND BOARD ORDER
NO. 2001-0007-PHR**

8 TO: ALBERTSON'S INC.
9 DBA ALBERTSON'S #983
10 11475 E. Via Linda
11 Scottsdale, AZ 85259

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 #983, the Arizona State Board
13 of Pharmacy on this 12th day of July, 2001 adopts the following Findings of Fact, Conclusions of Law and
14 Board Order in the Matter of Notice of Hearing Number 2001-0007-PHR ("Notice").

15 **FINDINGS OF FACT**

16 **I**

17 1. ALBERTSON'S INC., DBA ALBERTSON'S #983, is the holder of Non-Prescription Drug
18 Permit Number P08342 issued by the Arizona State Board of Pharmacy pursuant to A.R.S. § 1930(A)(1),
19 which allows ALBERTSON'S #983 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 16th day of May, 2000, ALBERTSON'S INC., doing business as
22 ALBERTSON'S #983, offered for sale to the public fifty-eight (58) 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 21st day of March, 2001, ALBERTSON'S INC., doing business as
26 ALBERTSON'S #983, offered for sale to the public approximately one hundred and thirty-nine (139)

1 drug items as listed in APPENDIX B in the non-prescription drug department of the store that had
2 exceeded the manufacturer's expiration date in violation of A.R.S. § 32-1932(A)(1) and A.A.C. § R4-23-
3 603(E).

4 4. On the _____ day of _____, 2001, ALBERTSON'S #983 entered into a Consent to Entry
5 of Order with the Arizona State Board of Pharmacy regarding the Notice.

6 **CONCLUSIONS OF LAW**

7 **II**

8 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-1932(A) and A.A.C. § R4-23-
9 603 (E).

10 2. The Board concludes that ALBERTSON'S #983 violated A.R.S. § 32-1932(A) and A.A.C. §
11 R4-23-603 (E).

12 **ORDER**

13 **III**

14 Non-Prescription Drug Permit Number P08342 issued to ALBERTSON'S INC., DBA
15 ALBERTSON'S #983, is hereby placed on probation for a period of one (1), year commencing 30 days
16 from the date of this Order, on the following terms and conditions:

17 1. ALBERTSON'S INC., DBA ALBERTSON'S #983 shall pay a civil penalty of one hundred
18 dollars (\$100.00) for each of the one hundred and thirty-nine (139) violations itemized in APPENDIX B
19 listed in paragraph IV on page two (2) of the Notice, for a total of thirteen thousand nine hundred dollars
20 (\$13,900.00) to the Board of Pharmacy within sixty (60) days of the date of this Order.

21 2. ALBERTSON'S #983 shall obey all federal and state laws and rules governing the purchase,
22 stocking and distribution of non-prescription drugs.

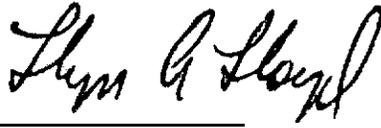
23 3. If ALBERTSON'S #983 violates this Order in any way or fails to fulfill the requirements of this
24 Order, the Board, after giving ALBERTSON'S #983 Notice and the opportunity to be heard, may revoke,
25 suspend or take other disciplinary action against ALBERTSON'S #983.

26 . . .

1 DATED this 12th day of July, 2001

2 ARIZONA STATE BOARD OF PHARMACY

3
4 SEAL

5
6 By 
7 Lyn A. Lloyd
8 Executive Director

9 Copies of the foregoing Finding
10 of Fact, Conclusions of Law and
11 Board Order mailed by certified
12 mail this 13th day of July, 2001 to:

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

17 and by Courier Mail to:

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

25 and

26 Tom Dennis
Assistant Attorney General
Solicitor General's Office
Office of the Attorney General
1275 W. Washington
Phoenix, AZ 85007

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1. Article Addressed to:

Peter Swann Esq.
Two Renaissance Square
40 N. Central Ave, 24th Floor
Phoenix, AZ 85004-4453

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7099-3220-0003-6917-0716