

1 2002-04-HO

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

3 In the Matter of:

4 ALBERTSON'S INC.)
5 DBA ALBERTSON'S #0941)
6 5040 W Cactus Rd.)
7 Glendale, AZ 85304)
8 Non-Prescription Drug Permit)
9 Number P04417)

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND BOARD ORDER
NO. 2002-04-PHR**

8 TO: ALBERTSON'S INC.
9 DBA ALBERTSON'S #0941
10 5040 W Cactus Rd.
11 Glendale, AZ 85304

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 #0941, the Arizona State Board
13 of Pharmacy on this 2nd day of May, 2002 adopts the following Findings of Fact, Conclusions of Law and
14 Board Order in the Matter of Notice of Hearing Number 2002-04-PHR ("Notice").

15 **FINDINGS OF FACT**

16 **I**

17 1. ALBERTSON'S INC., DBA ALBERTSON'S #0941, is the holder of Non-Prescription Drug
18 Permit Number P04417 issued by the Arizona State Board of Pharmacy pursuant to A.R.S. § 1930(A)(1),
19 which allows ALBERTSON'S #0941 to sell, retail, stock, expose or offer for sale at retail non-
20 prescription drugs in the original package in the State of Arizona.

21 2. On or about the 17th day of Febraury, 2000, ALBERTSON'S INC., doing business as
22 ALBERTSON'S #0941, offered for sale to the public fifty-four (54) 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). Albertson's employee Debbie
25 Toleu, Drug Manager, responded in writing to a Board violation letter, that all expired drug items had
26 been removed from sale.

1 1. ALBERTSON'S INC., DBA ALBERTSON'S #0941 shall pay a civil penalty of one hundred
2 dollars (\$100.00) for each of the eighty-nine (89) violations itemized in APPENDIX C listed in paragraph
3 IV. (3). on page two (2) of the Notice, for a total of eight thousand nine hundred dollars (\$8,900.00) to
4 the Board of Pharmacy within sixty (60) days of the date of this Order.

5 2. ALBERTSON'S #0941 shall obey all federal and state laws and rules governing the practice of
6 pharmacy.

7 3. If ALBERTSON'S #0941 violates this Order in any way or fails to fulfill the requirements of
8 this Order, the Board, after giving ALBERTSON'S #0941 Notice and the opportunity to be heard, may
9 revoke, suspend or take other disciplinary action against ALBERTSON'S #0941.

10
11 **DATED this 2nd day of May, 2002**

12 **ARIZONA STATE BOARD OF PHARMACY**

13
14 **SEAL**

15 By 
16 **Llyn A. Lloyd**
Executive Director

1 Copies of the foregoing Finding
2 of Fact, Conclusions of Law and
3 Board Order mailed by certified
4 mail this 30th day of May, 2002 to:

5 Richard B Mazzone
6 Albertson's/Osco Drug General Office
7 15100 N 90th Street
8 Scottsdale, AZ 85260

9 and by Courier Mail to:

10 Victoria Martin
11 Assistant Attorney General
12 Civil Division
13 Office of the Attorney General
14 1275 W. Washington
15 Phoenix, AZ 85007
16 Attorney for the State

17 and

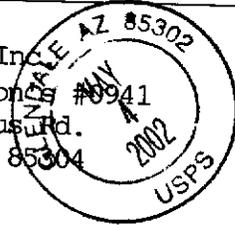
18 Victoria Mangiapane
19 Assistant Attorney General
20 Solicitor General's Office
21 Office of the Attorney General
22 1275 W. Washington
23 Phoenix, AZ 85007
24
25
26

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Albertson's Inc. #0941
DBA: Albertson's
5040 W. Cactus Rd.
Glendale, AZ 85304



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