

1 TERRY GODDARD
Attorney General
2 (Firm State Bar No. 14000)

3 DAWN WALTON LEE
Assistant Attorney General
4 State Bar No. 016072
1275 W. Washington, CIV/LES
5 Phoenix, Arizona 85007-2997
Tel: (602) 542-7027
6 Fax: (602) 362-3202
Attorneys for the Arizona State Board
7 of Pharmacy

8 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**
9

10 In the Matter of

11 **RYAN LODGE**

12 Holder of License No. 5821
As a Pharmacy Technician
13 In the State of Arizona

Board Case No. 06-0022-PHR

**CONSENT AGREEMENT
FOR REVOCATION**

14
15 **RECITALS**

16 In the interest of a prompt and judicious settlement of this case, consistent with the
17 public interest, statutory requirements and the responsibilities of the Arizona State Board
18 of Pharmacy ("Board") and under A.R.S. §§ 32 1901, *et. seq.* and 41 1092.07(F)(5), Ryan
19 Lodge ("Respondent"), holder of Pharmacist Technician License Number 5821 in the
20 State of Arizona, and the Board enter into the following Recitals, Findings of Fact,
21 Conclusions of Law and Order ("Consent Agreement") as a final disposition of this
22 matter.

23 1. Respondent has read and understands this Consent Agreement and has had
24 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
25 opportunity to discuss this Consent Agreement with an attorney.
26

1 2. Respondent understands that he has a right to a public administrative hear-
2 ing concerning the above-captioned matter, at which hearing he could present evidence
3 and cross examine witnesses. By entering into this Consent Agreement, Respondent
4 knowingly and voluntarily relinquishes all right to such an administrative hearing, as well
5 as rights of rehearing, review, reconsideration, appeal, judicial review or any other
6 administrative and/or judicial action, concerning the matters set forth herein.

7 3. Respondent affirmatively agrees that this Consent Agreement shall be
8 irrevocable.

9 4. Respondent understands that this Consent Agreement or any part of the
10 agreement may be considered in any future disciplinary action by the Board against him.

11 5. Respondent understands this Consent Agreement deals with Board Case
12 No. 3095 involving allegations of unprofessional conduct against Respondent. The
13 investigation into these allegations against Respondent shall be concluded upon the
14 Board's adoption of this Consent Agreement.

15 6. Respondent understands that this Consent Agreement does not constitute a
16 dismissal or resolution of any other matters currently pending before the Board, if any,
17 and does not constitute any waiver, express or implied, of the Board's statutory authority
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19 7. Respondent also understands that acceptance of this Consent Agreement
20 does not preclude any other agency, subdivision, or officer of this State from instituting
21 any other civil or criminal proceedings with respect to the conduct that is the subject of
22 this Consent Agreement.

23 8. All admissions made by the Respondent in this Consent Agreement are
24 made solely for the final disposition of this matter, and any related administrative pro-
25 ceedings or civil litigation involving the Board and Respondent. Therefore, any admis-
26

1 sions made by Respondent in this Consent Agreement are not intended for any other use,
2 such as in the context of another regulatory agency's proceedings, or civil or criminal
3 proceedings, whether in the State of Arizona or in any other state or federal court.

4 9. Respondent acknowledges and agrees that, upon signing this Consent
5 Agreement and returning this document to the Board's Executive Director, he may not
6 revoke his acceptance of the Consent Agreement or make any modifications to the
7 document regardless of whether the Consent Agreement has been signed by the Execu-
8 tive Director. Any modification to this original document is ineffective and void unless
9 mutually agreed by the parties in writing.

10 10. Respondent understands that the Consent Agreement shall not become
11 effective unless and until adopted by the Board and signed by its Executive Director.

12 11. If a court of competent jurisdiction rules that any part of this Consent
13 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
14 shall remain in full force and effect.

15 12. Respondent understands and agrees that if the Board does not adopt this
16 Consent Agreement, he will not assert as a defense that the Board's consideration of this
17 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

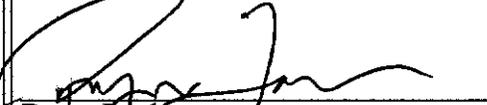
18 13. Respondent understands that this Consent Agreement is a public record that
19 may be publicly disseminated as a formal action of the Board and may be reported as
20 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
21 Protection Data Bank.

22 14. Respondent understands that any violation of this Consent Agreement
23 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
24 1901.01(B)(20), -1927(A)(1).

1 15. Respondent understands that any violation of this Consent Agreement
2 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
3 1901.01(B)(20), -1927(A)(1).

4 16. Respondent understands and agrees that he shall not reapply for a license
5 before two (2) years after the effective date of this Order.

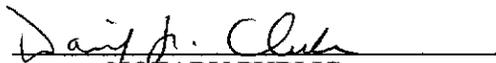
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8 **ACCEPTED AND AGREED BY RESPONDENT**

9 
10 Ryan Lodge

Dated: 8/28/2006

11 Subscribed and sworn to before me in the County of Maricopa, State of Arizona
12 this _____ day of _____, 2006, by Ryan Lodge.



13 
14 NOTARY PUBLIC

15 My Commission expires: 25 May 2008

16
17 **FINDINGS OF FACT**

18 1. The Arizona State Board of Pharmacy ("Board") is the duly constituted
19 authority for licensing and regulating the practice of pharmacy in the State of Arizona.

20 2. Ryan Lodge ("Respondent") is the holder of license number 5821 to
21 practice as a pharmacy technician in the State of Arizona.

22 3. During all times relevant to these findings, Respondent was employed as a
23 pharmacy technician at CVS Pharmacy #3965 in Chandler, Arizona.

24 4. On or about December 1, 2005, officials for another CVS Pharmacy in
25 Chandler, Arizona interviewed Pharmacy Technician Richard Solano concerning several
26

1 4. A person may not knowingly acquire or possess a prescription-only drug
2 unless the person holds a license or a permit to possess a prescription-only drug for sale.
3 A.R.S. § 13-3406(A)(2). Illegal possession of a prescription-only drug for sale without a
4 license or permit is a class 6 felony. A.R.S. § 13-3406(B)(2). Furthermore, a person may
5 not knowingly obtain or procure the administration of a prescription-only drug by fraud,
6 deceit, misrepresentation or subterfuge. A.R.S. § 13-3406(A)(6). Obtain a prescription-
7 only drug by fraud, deceit, misrepresentation or subterfuge is a class 1 misdemeanor.
8 A.R.S. §§ 13-3406(B)(1).

9 5. A person may not knowingly possess a narcotic drug for sale. A.R.S. § 13-
10 3408(A)(2). Unlawful possession of a narcotic drug for sale is a class 2 felony. A.R.S. §
11 13-3408(B)(2). Furthermore, a person may not knowingly obtain or procure the admini-
12 stration of a narcotic drug by fraud, deceit, misrepresentation or subterfuge. A.R.S. § 13-
13 3406(A)(6). Obtaining or procuring the administration of a narcotic drug by fraud,
14 deceit, misrepresentation or subterfuge is a class 3 felony. A.R.S. §§ 13-3408(B)(6).

15 6. A person commits forgery if, with intent to defraud, the person: (a) falsely
16 makes, completes or alters a written instrument; (b) knowingly possesses a forged instru-
17 ment; or (c) offers or presents, whether accepted or not, a forged instrument or one that
18 contains false information. A.R.S. § 13-2002(A). Possession of five or more forged in-
19 struments may give rise to an inference that the instruments are possessed with an intent
20 to defraud. A.R.S. § 13-2002(B). Forgery is a class 4 felony. A.R.S. §§ 13-2002(C).

21 7. A person commits criminal possession of a forgery device if the person
22 makes or possesses any device, apparatus, equipment, software, access device, article,
23 material, good, property or supply adaptable for use in forging written instruments with
24 intent to use it or to aid or permit another to use it for purposes of forgery. A.R.S. § 13-
25
26

1 2002(A)(2). Criminal possession of a forgery device is a class 5 felony. A.R.S. § 13-
2 2002(C).

3 **ORDER**

4 Based upon the above Findings of Fact and Conclusions of Law and under the
5 authority granted to the Board by A.R.S. §§ 32-1928, 41-1092.07(F)(5), and A.A.C. R4-
6 23-122 (c),

7 IT IS HEREBY ORDERED THAT License No. 5821, which was issued to Ryan
8 Lodge to practice as a Pharmacy Technician in the State of Arizona, is hereby
9 REVOKED.

10 DATED this th 26 day of September, 2006.

11 ARIZONA STATE BOARD OF PHARMACY

12 (Seal)

13 By: 

14 HAL WAND, R.Ph.
15 Executive Director

16 ORIGINAL OF THE FORGOING FILED
17 this 26 day of August, 2006, with:

18 Arizona State Board of Pharmacy
19 4425 W. Olive Avenue, Suite 140
20 Glendale, Arizona 85302

21 EXECUTED COPY OF THE FOREGOING MAILED
22 BY CERTIFIED MAIL

23 this 26 day of August, 2006, to:

24 Ryan Lodge
25 3236 E Chandler Blvd., # 2068
26 Phoenix, Arizona 85048
Respondent

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EXECUTED COPY OF THE FOREGOING MAILED
this 26 day of August 2006, to:

Dawn Walton Lee, Esq.
Assistant Attorney General
1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007
Attorneys for the State of Arizona



LES06-0269/#470535

1 2002(A)(2). Criminal possession of a forgery device is a class 5 felony. A.R.S. § 13-
2 2002(C).

3 **ORDER**

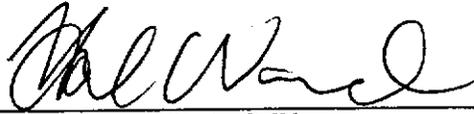
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