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7

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

9 In the Matter of

10 **SAMANTHA MILES**

11 Holder of License No. 6312
12 As a Pharmacy Technician
13 In the State of Arizona

Board Case No. 07-0007-PHR

**CONSENT AGREEMENT
FOR VOLUNTARY SURRENDER**

14 **RECITALS**

15 In the interest of a prompt and judicious settlement of this case, consistent with the
16 public interest, statutory requirements and the responsibilities of the Arizona State Board
17 of Pharmacy ("Board") and under A.R.S. §§ 32 1901, *et. seq.* and 41 1092.07(F)(5),
18 Samantha Miles ("Respondent"), holder of Pharmacist Technician License Number 6312
19 in the State of Arizona, and the Board enter into the following Recitals, Findings of Fact,
20 Conclusions of Law and Order ("Consent Agreement") as a final disposition of this
21 matter.

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

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

11 5. Respondent understands this Consent Agreement deals with Board Case
12 No. 3170 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, she may not
6 revoke her 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, she 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).

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ARIZONA STATE
BOARD OF PHARMACY

1 15. Respondent understands and agrees that she shall not reapply for a license before
2 two (2) years after the effective date of this Order.

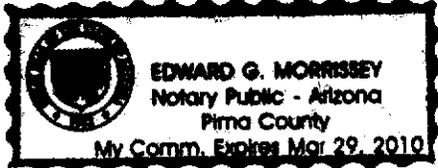
3 ACCEPTED AND AGREED BY RESPONDENT

4
5 Samantha Miles
Samantha Miles

Dated: 8/28/06

6 Subscribed and sworn to before me in the County of Pima, State of Arizona,
7 this 28 day of August, 2006, by Samantha Miles.

8
9 Edward G. Morrissey
NOTARY PUBLIC



10 My Commission expires: March 29, 2010

11
12 **FINDINGS OF FACT**

- 13 1. The Arizona State Board of Pharmacy ("Board") is the duly constituted
- 14 authority for licensing and regulating the practice of pharmacy in the State of Arizona.
- 15 2. Samantha Miles ("Respondent") is the holder of license number 6312 to
- 16 practice as a pharmacy technician in the State of Arizona.
- 17 3. Respondent submitted to a pre-employment drug screening at UMC
- 18 Employee Health ("UMC") on June 12, 2006.
- 19 4. On June 13, 2006, the drug screen was reported by Southwest Laboratories,
- 20 Inc. to be positive for Cannabinoids.
- 21 5. UMC reported the incident to the Board on June 26, 2006.

22 **CONCLUSIONS OF LAW**

- 23 1. The Board possesses jurisdiction over the subject matter and over Respond-
- 24 ent pursuant to A.R.S. § 32-1901 *et seq.*

1 ORIGINAL OF THE FORGOING FILED
this 26 day of September, 2006, with:

2 Arizona State Board of Pharmacy
3 4425 W. Olive Avenue, Suite 140
4 Glendale, Arizona 85302

5 EXECUTED COPY OF THE FOREGOING MAILED
6 BY CERTIFIED MAIL
7 this 26 day of September, 2006, to:

8 Samantha Miles
9 1201 E. Drachman #106
10 Tucson, Arizona 85719

11 EXECUTED COPY OF THE FOREGOING MAILED
12 this 26 day of September, 2006, to:

13 Dawn Walton Lee
14 Assistant Attorney General
15 1275 W. Washington Street, CIV/LES
16 Phoenix, Arizona 85007
Attorneys for the State of Arizona

Suzanne Beck
479104

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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:

*Samantha Miles
1201 E. Drachman
#106
Tucson AZ 85719*

2. Article Number

(Transfer from service label)

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Suzanne Beck Agent

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Samantha Miles

C. Date of Delivery
8/22/06

AUG 23 2006

ARIZONA STATE

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