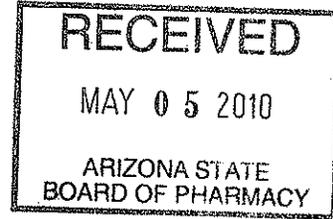


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7 Attorneys for the Arizona State Board of Pharmacy

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

10 In the Matter of

11 **CASEY ALLEN,**

12 Holder of License No. S014694
As a Pharmacist
13 In the State of Arizona

Board Case No. 10-0064-PHR

**CONSENT AGREEMENT
FOR PROBATION WITH CIVIL
PENALTY**

14
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") under A.R.S. § 32-1901, *et. seq.*, Casey Allen ("Respondent"),
18 holder of Pharmacist License Number S014694 in the State of Arizona, and the Board
19 enter into the following Recitals, Findings of Fact, Conclusions of Law and Order
20 ("Consent Agreement") as a final disposition of this matter.

21 **RECITALS**

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.
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1 2. Respondent understands that he has a right to a public administrative
2 hearing concerning the above-captioned matter, at which hearing he 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 him.

11 5. Respondent understands this Consent Agreement deals with Board
12 Complaint No. 3771 involving allegations of unprofessional conduct against Respondent.
13 The 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. Respondent acknowledges and agrees that, upon signing this Consent
24 Agreement and returning this document to the Board's Executive Director, he may not
25 revoke his acceptance of the Consent Agreement or make any modifications to the
26

1 document regardless of whether the Consent Agreement has been signed by the
2 Executive Director. Any modification to this original document is ineffective and void
3 unless mutually agreed by the parties in writing.

4 9. This Consent Agreement is subject to the approval of the Board and is
5 effective only when accepted by the Board and signed by the Executive Director. In the
6 event that the Board does not approve this Consent Agreement, it is withdrawn and shall
7 be of no evidentiary value and shall not be relied upon nor introduced in any action by
8 any party, except that the parties agree that should the Board reject this Consent
9 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the
10 Board was prejudiced by its review and discussion of this document or any records
11 relating thereto.

12 10. 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 11. Respondent understands that this Consent Agreement is a public record that
16 may be publicly disseminated as a formal action of the Board and may be reported as
17 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
18 Protection Data Bank.

19 12. Respondent understands that any violation of this Consent Agreement
20 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
21 1901.01(B)(20), -1927.(A)(1).

22 13. Respondent agrees that the Board will adopt the following Findings of Fact,
23 Conclusions of Law and Order.

24 ...

25 ...

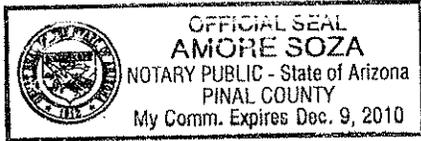
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1 ACCEPTED AND AGREED BY RESPONDENT

2 Casey Allen
3 Casey Allen

Dated: 4-29-2010

4 Subscribed and sworn to before me in the County of Mariicopa, State of Arizona
5 this 29 day of April, 2010, by Casey Allen.



6 Amore Soza
7 NOTARY PUBLIC

8 My Commission expires: 12-9-2010

9 **FINDINGS OF FACT**

10 1. The Board is the duly constituted authority for licensing and regulating the
11 practice of pharmacy in the State of Arizona.

12 2. Respondent is the holder of license number S014694 to practice as a
13 pharmacist in the State of Arizona.

14 3. During all relevant times to these findings, Respondent was the pharmacist
15 in charge at Wellington Drugs (the "Pharmacy") in Mesa, Arizona. As pharmacist-in-
16 charge, Respondent was charged with ensuring that the Pharmacy prepared,
17 implemented, and complied with all policies and procedures required under the Board
18 rules. Arizona Administrative Code ("A.A.C.") R4-23-610(A)(2)(a).

19 4. Wellington Drugs closed in January or February 2010. The Board received
20 notice that the Pharmacy anticipated closing at the end of January 2010, but no further
21 information was provided. The Pharmacy permit was not returned to the Board.
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23
24

25 ...

1 Agreement within ten (10) days of entering into an employment relationship with
2 Respondent.

3 c. Within ten (10) days from the effective date of this Consent
4 Agreement, Respondent shall inform the Board in writing where he is currently
5 employed. During the probationary period, Respondent shall advise the Board
6 within ten (10) days of any change in pharmacy employment status.

7 d. Respondent shall pay all necessary fees and complete all continuing
8 education requirements.

9 e. Respondent shall personally appear before the Board when requested
10 to do so by the Board or Board staff.

11 f. Respondent shall furnish the Board with a list of all jurisdictions in
12 which he maintains or has maintained licensure in the profession of pharmacy
13 along with the registration numbers of said licenses.

14 g. Respondent shall obey all federal and state laws and rules governing
15 the practice of pharmacy.

16 h. Respondent shall bear all costs relating to the probation terms
17 required in this Consent Agreement.

18 2. Within **90 days** of the effective date of this Order, Respondent shall pay a
19 civil penalty of **\$2,000.00**.

20 3. If Respondent violates this Order in any way or fails to fulfill the
21 requirements of this Order, the Board, after giving the Respondent notice and the
22 opportunity to be heard, may revoke, suspend or take other disciplinary actions against
23 Respondent's license. The issue at such a hearing will be limited solely to whether this
24 Order has been violated.

25 DATED this 2nd day of May, 2010.

26 / ARIZONA STATE BOARD OF PHARMACY

1 (Seal)

2
3 By:



HAL WAND, R.Ph.
Executive Director

4
5 ORIGINAL OF THE FORGOING FILED
6 this 12th day of MAY, 2010, with:

7 Arizona State Board of Pharmacy
8 1700 West Washington, Suite 250
9 Phoenix, Arizona 85007

10 EXECUTED COPY OF THE FOREGOING MAILED
11 BY CERTIFIED MAIL

12 this 12 day of may, 2010, to:

13 Casey Allen
14 Address of Record
15 Respondent

16 EXECUTED COPY OF THE FOREGOING MAILED
17 this 12 day of may, 2010, to:

18 Elizabeth A. Campbell
19 Assistant Attorney General
20 1275 W. Washington Street, CIV/LES
21 Phoenix, Arizona 85007
22 Attorney for the State of Arizona

23
24
25
26
TNP

#77905