

1 **ARIZONA STATE BOARD OF PHARMACY**  
2 **1700 W. Washington Street, Room 250**  
3 **Phoenix, Arizona 85007**  
4 **(602) 771-2727**

5 In the Matter of:

6 **HOLIDAY Rx, INC.,**

7 Holder of Pharmacy Permit No. Y005095  
8 in the State of Arizona

**FINDINGS OF FACT, CONCLUSIONS  
of LAW and BOARD ORDER  
No. 12-0008-PHR**

9  
10 Pursuant to Notice of Hearing Number 12-0008-PHR (Notice) this matter came before  
11 the Arizona State Board of Pharmacy (Board) on September 27,2011.

12  
13 Steve Haiber, president, presided with members James W. Foy, JoAnne Galindo, Kyra  
14 Locnikar, Dennis McAllister, Dan Milovich, John Musil and Nona Rosas in attendance.

15  
16 The State was represented by the Office of the Attorney General, Elizabeth Campbell,  
17 Assistant Attorney General, Licensing and Enforcement Section. Christopher Munns, of the  
18 Solicitor General's Section of the Attorney General's Office was available by telephone to  
19 provide independent legal advice to the Board. Holiday Rx, Inc., Respondent, was not present  
20 and was not represented by an attorney. The Board, after considering the testimony and  
21 evidence presented, hereby issues the following Findings of Fact, Conclusions of Law, and  
22  
23 Order.  
24

25 **FINDINGS OF FACT**

26  
27 1. On or about June 16, 2011, at approximately 1:30 p.m., Board compliance  
28 officers visited the Respondent pharmacy. The Respondent pharmacy was closed, but the  
29 compliance officers observed that drugs were visible on the shelf through the main entry door.



1 relating to marijuana, prescription-only drugs, narcotics, dangerous drugs, controlled  
2 substances or precursor chemicals).

3  
4 4. The conduct and circumstances described above violated A.A.C. R4-23-613(A)  
5 (A pharmacy permittee shall provide written notice to the Board and the Drug Enforcement  
6 Administration at least 14 days before discontinuing operation of a pharmacy).

7 5. The conduct and circumstances described above violated A.A.C. R4-23-613(B)  
8 (A pharmacy permittee shall ensure that all pharmacy signs and symbols are removed from  
9 both the inside and the outside of the premises).

10 6. The conduct and circumstances described above violated A.A.C. R4-23-613(C)  
11 (A pharmacy permittee or pharmacist in charge shall ensure that all state permits and  
12 certificates of registration are returned to the Board office and that D.E.A. registration  
13 certificates and unused D.E.A. Schedule II order forms are returned to the D.E.A. Regional  
14 Office in Phoenix).

15  
16 7. The conduct and circumstances described above violated A.A.C. R4-23-  
17 613(D)(2) (The pharmacist in charge of the pharmacy discontinuing business shall ensure that  
18 all narcotics or other controlled substances, prescription-only drugs or devices, nonprescription  
19 drugs, precursor chemicals, or regulated chemicals are removed from the premises on or  
20 before the date the pharmacy is discontinued).

21 **ORDER**

22  
23 In view of the above Findings of Fact and Conclusions of Law, the Board issues the  
24 following Order:

25 The pharmacy permit issued to Holiday Rx, Inc. is hereby revoked.

26 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

27  
28 Respondent is hereby notified of the right to petition for a rehearing or review by filing  
29 a petition with the Board's Executive Director within thirty (30) days after service of this

1 Order. A.R.S. § 41-1092.09. The petition must set forth legally sufficient reasons for granting  
2 a rehearing. A.C.C. R4-23-128. Service of this order is effective five (5) days after date of  
3 mailing. If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five  
4 (35) days after it is mailed to Respondent.  
5

6 Respondent is further notified that the filing of a motion for rehearing is required to  
7 preserve any rights of appeal to the Superior Court.  
8

9  
10 DATED this 28th day of September, 2011.  
11

12 **ARIZONA STATE BOARD OF PHARMACY**

13  
14 SEAL



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16  
17 Hal Wand, R.Ph.  
18 Executive Director  
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1 COPY OF THE FOREGOING MAILED  
2 BY CERTIFIED MAIL this 3 day of October, 2011, to:

3 Holiday Rx, Inc.  
4 303 E. Baseline Road #103  
5 Phoenix, Arizona 85042  
6 Respondent

7 COPY OF THE FOREGOING MAILED  
8 this 3 day of November, 2010, to:

9 Christopher Munns  
10 Assistant Attorney General  
11 1275 W. Washington Street, CIV/SGO  
12 Phoenix, Arizona 85007  
13 Attorney for the Board

14 and

15 Elizabeth A. Campbell  
16 Assistant Attorney General  
17 1275 W. Washington Street, CIV/LES  
18 Phoenix, Arizona 85007  
19 Attorney for the State

*tw*

20 Receipt # 7010 1870 0000 1007 0622

21 7010 1870 0000 1007 0615