

BEFORE THE ARIZONA STATE BOARD OF PHARMACY

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|---|-----------------------------|---|-------------------------------|
| 1 | In the Matter of: |) | |
| | |) | FINDINGS OF FACT, CONCLUSIONS |
| 2 | DENNIS G. MCALPIN |) | OF LAW AND BOARD ORDER |
| | Certificate of Registration |) | |
| 3 | Number 8504 |) | NO. 92 - 05 - H |
| | |) | |

4

5 DIRECTED TO: DENNIS G. MCALPIN
 6 10020 Morrill Way E.
 Tucson, AZ 85749

7 This Matter came before the Arizona State Board of Pharmacy
 8 on the 11th day of June, 1992 pursuant to Complaint and Notice of
 9 Hearing Number 92-05-H (hereinafter referred to as "Complaint").
 10 Kathryn L. Kalsman, president presided with Daniel J. Jacob, vice-
 11 president and members Linda Tansik, Martha Barron, J. Edward Saba
 12 and Kim Roberson in attendance and participating therein. Member
 13 Michael Noel was excused due to a prior commitment and did not
 14 attend the hearing nor participate therein.

15 The State was represented by the Office of the Attorney
 16 General, Montgomery Lee, Assistant Attorney General. Peggy
 17 Velasco, Assistant Attorney General with the Solicitor General's
 18 Office was on-call by phone and represented the Board. The
 19 respondent DENNIS G. MCALPIN was not present and was not
 20 represented by counsel. Joe J. Rowan, Deputy Director of the
 21 Arizona State Board of Pharmacy produced evidence that the Notice
 22 had been received by the Respondent and the Respondent's Attorney
 23 and that acknowledgement had been received and has been retained in
 24 the file for this Matter.

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1 CONCLUSIONS OF LAW

2 II

3 The Board concludes that it has jurisdiction in this Matter
4 pursuant to A.R.S. § 32-1927 (A) and A.R.S. 32-1927 (B).

5 The conduct alleged and sustained in Section IV paragraphs one
6 (1) and two (2) of the Complaint constitutes violations of A.R.S.
7 § 32-1927 (A) which provides that the license of any pharmacist, or
8 pharmacy intern may be revoked or suspended or a pharmacist or
9 pharmacy intern may be placed on probation by the board when:

- 10 2. The licensee has been convicted of a felony.
- 11 10. The licensee is found by the board to be guilty of
12 violating any Arizona or federal law, rule or regulation
13 relating to the manufacture and distribution of drugs,
14 devices or the practice of pharmacy.
- 15 12. The licensee has committed an offense in another
16 jurisdiction which if committed in this state would be
17 grounds for suspension or revocation.

18 Further that such action alleged and sustained in Section IV
19 paragraphs one (1) and two (2) of the Complaint constitutes
20 violations of A.R.S. § 32-1927 (B) which provides that the license
21 of any pharmacist or pharmacy intern may be revoked or suspended or
22 the pharmacist or pharmacy intern may be placed on probation or
23 censured and a civil penalty of not more than five hundred dollars
24 (\$500.00) for each offense may be imposed by the board when:

- 25 2. The licensee is found by the board, or is convicted in a
26 federal or state court, of having violated federal or
state laws or administrative rules pertaining to
marijuana, prescription-only drugs, narcotics, dangerous
drugs or controlled substances.

1 ORDER

2 III

3 The Certificate of Registration Number 8504 issued to
4 DENNIS G. MCALPIN is suspended effective ten (10) days from the
5 date of this Order. The period of the suspension shall be in force
6 until DENNIS G. MCALPIN:

7 A. demonstrates evidence to the Arizona State Board of
8 Pharmacy that:

9 1. the conviction in the Eastern District of Michigan
10 and in the Matter of 90-CR-80166-06 has been
11 reversed or rescinded; or

12 2. his incarceration pursuant to this matter is
13 completed; and

14 B. appears before the Arizona State Board of Pharmacy to
15 request the suspension be terminated; and

16 C. demonstrates rehabilitation and competence to resume the
17 practice of the profession of pharmacy by complying with
18 the conditions imposed by the Board at the time he
19 appears.

20 If DENNIS G. MCALPIN violates this Order in any way or fails
21 to fulfill the requirements of this Order, the Board, after giving
22 the Respondent Notice and the opportunity to be heard, may revoke,
23 suspend or take other disciplinary action against the Respondent.

24 DENNIS G. MCALPIN is hereby notified that he has the right to
25 petition this Board for a rehearing within ten (10) days after
26 receipt of this Order pursuant to the provisions of A.A.C. § R4-23-
109.

1 DATED this 16th day of June, 1992.

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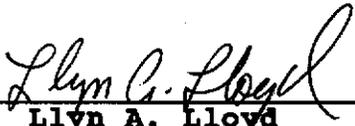
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ARIZONA STATE BOARD OF PHARMACY

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5

6 SEAL

BY 
Llyn A. Lloyd
Executive Director

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Copies of the foregoing Finding of Fact, Conclusions of Law and Board Order mailed by certified mail this 16th day of June, 1992 to:

11

12

DENNIS G. MCALPIN
10020 Morrill Way E.
Tucson, AZ 85749

13

and

14

15

Christopher Pencak
30521 Schoenherr Ste 106
Warren, MI 48093
Attorney for the Respondent

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and by Courier Mail to:

18

19

20

Montgomery Lee
Assistant Attorney General
1275 W. Washington
Phoenix, AZ 85007
Attorney for the State

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and

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23

24

Peggy Velasco
Assistant Attorney General
1275 W. Washington
Phoenix, AZ 85007
Solicitor General's Office

25

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RECEIPT: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the back of this card. This will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for services requested.

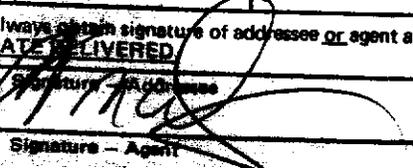
1. Return to whom, date and address of delivery.

2. Restricted Delivery.

3. Article Addressed to:
 Mcalpin, Dennis G
 10020 Morrill Way E
 Tucson, AZ 85749

| | |
|---|---|
| 4. Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Certified <input type="checkbox"/> Express Mail | <input checked="" type="checkbox"/> Insured <input type="checkbox"/> COD Article Number P558887360 |
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Always obtain signature of addressee or agent and
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5. Signature - Addressee
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6. Signature - Agent
 X

7. Date of Delivery
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