



**NEVADA STATE BOARD OF PHARMACY**

431 W Plumb Lane • Reno, NV 89509

**APPLICATION BY RECIPROCATATION AS A PHARMACIST**

If you are requesting licensure by reciprocation (i.e. you have a current pharmacist license from another state and wish to transfer license information and only need to take the Nevada MPJE), complete this application:

**Total Fee: \$330.00 (non-refundable, money order or cashier's check only, no cash)**

Money Order or Cashier's Check made payable to: **Nevada State Board of Pharmacy**

Complete Name (no abbreviations):

First: Samuel Middle: — Last: Eskenzazi

Mailing Address: W. 84th Drive

City: Arvada State: CO Zip Code: 80007

Telephone: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: N.Y.C., N.Y.

Social Security Number: \_\_\_\_\_ Sex: ☒ M or ☐ F  
(Full Number Required)

Original State of Licensure you are reciprocating from must be active and issued by exam;

State: R.I. Date of Issuance: 07-20-1978

**College of Pharmacy Information**

Graduation Date: 05-15-1978

Degree Received: ☐ PharmD ☒ BS in Pharmacy ☐ Other (check one)

Name of Pharmacy School: University of Rhode Island

Location of School: Kingston, R.I.

If you are a **foreign graduate** you must attach a copy of your FPGEC certificate to THIS APPLICATION. You also need to complete the college of pharmacy information

**Board Use Only**

Processed: \_\_\_\_\_ Amount: \$330.00 Entity #: 102167

Email \_\_\_\_\_ MPJE \_\_\_\_\_

Other states where you are (or were) licensed as a pharmacist or print "none"

State      Lic #      Is the license active?      State      Lic #      Is the license active?

\_\_\_\_\_ Yes ☐ No ☐      \_\_\_\_\_ Yes ☐ No ☐

\_\_\_\_\_ Yes ☐ No ☐      \_\_\_\_\_ Yes ☐ No ☐

\*\*Attach separate sheet if needed

"see attached"

Have you ever served in the military, either active, reserve or retired?      Yes ☐ No ☒

Branch: \_\_\_\_\_

Military Occupation/Specialty: \_\_\_\_\_

Dates of Service: \_\_\_\_\_

A licensee is not required to have a Nevada State Business License, however, if you do, please provide the number: \_\_\_\_\_

		Yes	No		
Been diagnosed or treated for any mental illness, including alcohol or substance abuse, or physical condition that would impair your ability to perform the essential functions of your license?.....		<input type="checkbox"/>	<input checked="" type="checkbox"/>		
1. Been charged, arrested or convicted of a felony or misdemeanor in <u>any</u> state?.....		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
2. Been the subject of a board citation or an administrative action or board citation whether completed or pending in <u>any</u> state?.....		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
3. Had your license subjected to any discipline for violation of pharmacy or drug laws in <u>any</u> state?.....		<input type="checkbox"/>	<input checked="" type="checkbox"/>		
If you marked <b>YES</b> to any of the numbered questions (1-3) above, include the following information & provide an explanation & documentation:					
Board Administrative Action:	State	Date:	Case #:		
Pharmacy	GA	9/2/1986	85-399		
Criminal Action:	State	Date:	Case #:	County	Court
	GA	7/1985	see attached	Fulton	U.S. District Court (Northern GA)
<b>FEDERALLY MANDATED REQUIREMENTS</b>					
In response to Federally mandated requirements, the Nevada Legislature and Attorney General require that we include this questions as part of all applications.					
4. Are you the subject of a court order for the support of a child?.....Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					
<u>4a. If you marked Yes. to the question 4.</u> are you in compliance with the court order?.....Yes <input type="checkbox"/> No <input type="checkbox"/>					

I have read all questions, answers and statements and know the contents thereof. I hereby certify, under penalty of perjury, that the information furnished on this application are true, accurate and correct. I hereby authorize the Nevada State Board of Pharmacy, its agents, servants and employees, to conduct any investigation(s) of my business, professional, social and moral background, qualification and reputation, as it may deem necessary, proper or desirable.

No liability of any sort or kind shall attach to the said Nevada State Board of Pharmacy, its members, servants or employees because or by reason of the use of the authorization.

I attest to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

I understand that Nevada law requires a licensed pharmacist who, in their professional or occupational capacity, comes to know or has reasonable cause to believe, a child has been abused/neglected, to report the abuse/neglect to an agency which provides child welfare services or to a local law enforcement agency.

  
Original Signature, no copies or stamps accepted

08-14-2018  
Date

### Pharmacist Licenses

State	License #	Exp Date	Active
Rhode Island	RPH02496	6/30/2019	Y
Georgia	RPH013013	12/31/2018	Y
Colorado	PHA.0022090	10/31/2019	Y
Virginia	#0202216552	12/31/2018	Y
Idaho	P7955	6/30/2019	Y
Kentucky	#019785	2/28/2019	Y
Mississippi	T-15603	12/28/2019	Y

## EXPLANATION OF HISTORY

Samuel Eskenazi, part-owner and President/Secretary of Georgia Corporation Shazam, Inc. d/b/a Cheshire Drugs: Guilty in 1985 for Violating Title 18, United States Code § 1843, the wire fraud statute. This arose out of a transaction with a sales representative for a pharmaceutical company. The specifics of the incident were explained in great detail before the Honorable Horace T. Ward, United States District Judge for the Northern District of Georgia, Atlanta Division, and the state of Georgia Pharmacy Board in a full-day hearing. Mr. Eskenazi's individual appearance and case was part of large, first-time prosecution of a case gaining national attention known as "Pharmoney". The results of Mr. Eskenazi's plea and appearance before the Board of Pharmacy was a 100-percent probated sentence because his conduct did not, unlike others prosecuted in "Pharmoney", involve the adulteration or misbranding of drugs and posed no threat to the ultimate consumer of pharmaceutical goods.

Specifically, Mr. Eskenazi was contacted by an authorized sales representative from a national pharmaceutical company. He was offered samples which were comfortably within their expiration date, and each bore lot numbers. He received these from the authorized sales representative and made no attempt to conceal from the ultimate consumer the fact that these products were samples. Using a novel application of the wire fraud statute, the United States Attorney's Office in Northern Georgia charged that the pharmaceutical company had been defrauded by this arrangement between the authorized sales representative and Mr. Eskenazi. The prosecution maintained that the pharmaceutical company had manufactured samples which were to be "free", irrespective of the fact that the pharmaceutical industry had an expansive history of selling "free samples". The theory of the Government was that the pharmaceutical company had been damaged by being forced through this arrangement between Mr. Eskenazi and their sales representative to compete price-wise with its own free samples.

We felt then and we feel now that this was an unconstitutionally broad application of the wire fraud statute. However, through plea negotiations, a result was achieved which minimized the exposure financially, emotionally and professionally to Mr. Eskenazi. Accordingly, a plea agreement was executed and a guilty plea to Title 18, § 1843 United States Code, was entered.

Mr. Eskenazi has completed his probation with the Georgia Pharmacy Board and the United States District Court. All terms, fines, and conditions have been successfully completed and he has been totally discharged in the matter from any further obligations; the matter fully concluded.

If you have any questions, concerns or considerations, please do not hesitate to contact Mr. Eskenazi's defense counsel, Mark V. Spix, Esq., Atlanta, Georgia; The Georgia Board of Pharmacy; and/or the United States District Court for the Northern District of Georgia, Atlanta Division.

**United States District Court**

FOR THE

Northern District of Georgia

UNITED STATES OF AMERICA

v.

Samuel Eskenazi

No.

Samuel Esbenazi, the above named defendant, who is accused of

Wire fraud in violation of 18 U.S.C. 1343

being advised of the nature of the charge and of his rights, hereby waives in open court prosecution by indictment and consents that the proceeding may be by information instead of by indictment.

*Samuel Eskenazi*  
.....  
Defendant.

.....  
Witness.

Date

.....  
Counsel for Defendant.

OFFICE OF THE JOINT SECRETARY STATE EXAMINING BOARDS	
DOCKET NO.	85-399
DATE	September 2, 1986
ENTERED BY	B. Weaver

BEFORE THE GEORGIA STATE BOARD OF PHARMACY

IN THE MATTER OF:

SAMUEL ESKENAZI, R.Ph.,  
License No. 13013,

Respondent.

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DOCKET NO. 85-399

AG NO. 64JB-CA-91927-85

FINAL DECISION

An Initial Decision was docketed in the above-styled matter on June 11, 1986, and the Respondent's attorney received notice of this decision on July 18, 1986. In the absence of an application to the agency for review of said Initial Decision, or an order by the Board to review said Initial Decision on its own motion, said Initial Decision becomes the Final Decision of the Board by operation of law, pursuant to O.C.G.A. § 50-13-17(a).

FINDINGS OF FACT

The Findings of Fact entered by the Hearing Officer in the Initial Decision are hereby adopted and incorporated by reference herein.

CONCLUSIONS OF LAW

The Conclusions of Law entered by the Hearing Officer in the Initial Decision are hereby adopted and incorporated by reference herein.

ORDER

The recommendation of the Hearing Officer that Respondent's license be placed on a period of probation for four (4) years

For Your Records



with certain terms and conditions, including the payment of a \$500.00 fine, having become final on July 18, 1986, is hereby made the final decision of the Board, effective July 18, 1986.

GEORGIA STATE BOARD OF PHARMACY

GEORGE D. MCFARLAND, R.Ph.  
President

(BOARD SEAL)

ATTEST:

William G. Miller, Jr.  
WILLIAM G. MILLER, JR.  
Joint Secretary  
State Examining Boards

For Your Records

BEFORE THE GEORGIA  
STATE BOARD OF PHARMACY

OFFICE OF THE JOINT SECRETARY STATE EXAMINING BOARDS	
DOCKET NO.	85-399
DATE	January 11, 1986
ENTERED BY	13. K. [Signature]

IN THE MATTER OF:

SAMUEL ESKENAZI, R.Ph.  
License No. 13013

Respondent.

DOCKET NO. 85-399

AG HEARING NO. 64JB-CA-91927-85

INITIAL DECISION

The within and foregoing matter came on regularly for hearing before the undersigned Hearing Officer held in Atlanta, Georgia commencing at approximately 10 o'clock a.m. on Wednesday, January 15, 1986.

The Respondent, Samuel Eskenazi, R.Ph., was present at the hearing and was represented by Mr. Mark V. Spix, Esq. The Board was represented by Mr. Mark H. Cohen, Esq., Assistant Attorney General.

The record of the proceedings was ordered by the undersigned to be left open until January 30, 1986, for the Respondent's attorney to brief for record any constitutional issues raised in Respondent's answer and defense to Notice of Hearing. A transcript of the proceedings of hearing was received by the Hearing Officer on February 4, 1986.

The legal authority for the hearing was under the authority and jurisdiction conferred upon the Georgia State Board of Pharmacy by O.C.G.A. Ch. 26-4, the Georgia Administrative Procedure Act, O.C.G.A. Ch. 50-13, and all Rules and Regulations promulgated and adopted by said Board and the Joint Secretary, State Examining Boards.

Under the provisions of O.C.G.A. Ch. 50-13, the undersigned Hearing Officer was appointed by the Board as Hearing Officer for these matters.

Based upon the evidence presented at the Hearing and a review of the record, the Hearing Officer makes the following Findings of Fact, Conclusions of Law and Recommended Sanctions with respect to the matters asserted in the Notice of

Hearing:

For Your Records

asserted in the Notice of Hearing. The Respondent was originally licensed as a pharmacist in 1978 in the State of Rhode Island.

2.

The Respondent was co-owner and pharmacist-in-charge of Cheshire Bridge Discount Drugs, Atlanta, Georgia at all times relative to the matters stated herein. The Respondent purchased Cheshire Bridge Discount Drugs in 1981 from Mr. William Huddleston, former owner and pharmacist at such establishment. (See Tr., pp. 175-176)

3.

The State produced evidence through testimony and written documents that on or about August 6, 1985, the Respondent was charged in the United States District Court for the Northern District of Georgia, Atlanta Division, with one (1) count of willfully and knowingly devising and intending to devise a scheme and artifice to defraud drug manufacturers and the drug consuming public; wire fraud. (See Tr., State's Exhibit Marked S-1) The Respondent admitted such allegation and charge in his response and defense to the Notice of Hearing. (See Hearing Officer's Exhibit H. O. - 2)

4.

The State asserted in its Notice of Hearing the following:

"According to the information [Criminal Information of U.S. Attorney #CR85-308A], as a part of Respondent's scheme to defraud the drug manufacturer and the consuming public during the period from 1983 through May 1, 1985, Respondent purchased sample drugs, removed the drugs from their original packaging, placed the adulterated drugs in plastic baggies without accurate lot numbers, expiration dates, or other required data, and resold these adulterated and misbranded drugs through his retail pharmacy, Cheshire Bridge Discount Drugs, for ultimate dispensing to consumers." (Emphasis Added)

(2)

For Your Records

Testimony offered by Agent C. Richard Allen, Senior Agent, Georgia Drugs & Narcotics Agency on redirect revealed:

"Q. Do you have any personal knowledge of whether or not any of the sample drugs that were sold to customers pursuant to prescriptions -- whether or not any of these drugs were sold by either of these respondents with any knowledge that the expiration dates had passed?

A. They assured me that they had not sold any that had been expired. And in our investigation undercover none had been expired.

Q. All right. There was also a comment made in Mr. Spix's opening statement to the effect that there will be some people that testify today that lot numbers would have been evident on samples that they would have purchased. Did your investigation reveal that there could have been samples sold without any of these lot numbers by these two respondents?

A. There very well could have been. We do not have the actual proof that there was.

MR. SPIX: I'm going to object and ask that that be stricken. That's speculation that something could have been there. He said on the one hand that he found absolutely no evidence to indicate that that had happened, but it could have. We're not dealing with what could have happened. That would just merely be speculation.

MR. COHEN: Let me rephrase the question.

Q. (BY MR. COHEN) Do you have any direct evidence or personal knowledge that these two individuals have ever sold samples to consumers without appropriate lot numbers on the drugs?

A. No. (See Tr., pp. 38-39)

Therefore, there seems to be conflicting testimony by the State's witness as opposed to the criminal information of the U. S. Attorney's Office. Such action by the U. S. Attorney's Office to reduce the violation to one (1) count of wire fraud would not support the truth of the matters asserted. (See Tr., State's Exhibit

Marked S-3)

For Your Records

5.

The State produced evidence through written documents that on or about August 22, 1985, the Respondent pled guilty to one (1) count of wire fraud, and was sentenced on or about October 2, 1985, that the imposition of sanctions (5 years imprisonment) be suspended and the Respondent was placed on probation for a period of four (4) years with the following special conditions:

(1) The Respondent shall pay a fine of \$1,000.00 within ten (10) days, and

(2) The Respondent perform sixteen (16) hours per week for eighteen (18) months community service as arranged by the U. S. Probation Office.

In addition to the above the Respondent was ordered to pay a special assessment of \$50.00. (See Tr., State's Exhibit Marked S-5)

The Respondent acknowledged and admitted such sentencing in his defense and response to the Notice of Hearing. (See Tr., Hearing Officer's Exhibit H. O. - 2)

6.

The State produced evidence through testimony of Agency C. Richard Allen, Senior Agent, Georgia Drugs and Narcotics Agency, that the degree of involvement of the Respondent in the "samples" scheme was very low. Such testimony reveals:

"Q. In his opening statement Mr. Spix had made the comment, I believe, that his clients, when compared to some of the other people involved in this case, occupied the lowest tier of -- I think culpability was his term. You've already said that they were less than others. Were there other individuals that were investigated that have pled guilty that were lower -- had a lower involvement than even these two respondents?

A. There were a few individuals that were less involved than these two gentlemen. But for their sake, there were a great many others that were more involved in it than they were." (See Tr., pp. 37-38)

The Government Sentencing Memorandum offered as evidence by the State shows:

(4)

"Eskenazi and Platz were registered pharmacists and owners of Cheshire Bridge Discount Drugs in Atlanta. Both defendants dealt in adulterated and misbranded drugs for several years. Since Platz's involvement was of a lesser degree he was allowed to plead guilty to a lesser charge." (See Tr., State's Exhibit Marked S-9)

7.

The testimony provided by Agent Allen, hereinbefore named, revealed that since the initial contact with the Respondent concerning the "sample" business in pharmacy practice the Respondent has thus stopped all sample business. Agent Allen states, "I can say with good faith that that has stopped". (See Tr., p. 38) Further testimony by Agent Allen from cross-examination reveals the following concerning the Respondent's cooperation to assist the authorities, both State and Federal, in the "Pharmony" sting operation:

"Q. Now, you also indicated that you and Mr. Christiansen went to Mr. Eskenazi's home together; is that not correct?

A. Correct.

Q. Would the date May 14/May 15, 1985 sound pretty close?

A. That would be in the area, yes, sir. Probably definitely.

Q. Okay. A spring morning?

A. It was a morning in the spring. I know that.

Q. And you and Agent Christiansen both approached Mr. Eskenazi, I believe, in his front yard or in his driveway?

A. His driveway, yes.

Q. And both showed him your credentials?

A. Yes.

Q. And he was a little hesitant?

A. Very hesitant.

Q. Again, in your experience as a law enforcement officer, you found that to be normal?

A. Very true.

For Your Records

Q. But when you explained to Mr. Eskenazi the scope of your investigation and the potential harm to the public, didn't he immediately start telling you everything he knew?

A. Yes.

Q. Wasn't his first reaction to help protect the safety and health of his customers?

A. I can't say exactly what his purpose was, but he immediately started trying to cooperate to help.

Q. Okay. Right then and there on his own front lawn?

A. Yes.

Q. He didn't call a lawyer. He didn't call me. You didn't hear my name until well after you knew the whole story from Mr. Eskenazi?

A. Correct." (See Tr. pp. 46-48)

8.

The Respondent produced testimony through eighteen (18) live witnesses of the community involvement of the Respondent and Cheshire Bridge Discount Drugs. (See Tr., pp. 57-168) Such testimony offered by all generally attested to the assertions of the Respondent and Cheshire Bridge Discount Drugs to offer services at a low and competitive price, and to provide additional services, such as a Post Office, which would tend to assist the elderly and handicapped of the community. (See Tr., Respondent's Exhibits Marked R-6 through R-8)

9.

The Hearing Officer makes no findings and expresses no opinions as to any other issues and facts raised in the hearing, but based on the above facts and reasonable inferences drawn therefrom, the Hearing Officer makes the following:

#### CONCLUSIONS OF LAW

The Respondent stands convicted of a felony conviction in a court of the United States in violation of O.C.G.A. §26-4-78 (a) (2) and 18 U.S.C. §1343.

Such actions of the Respondent in these matters constitute violations of O.C.G.A.

§26-4-78 (a) (5) (6) (7) & (12) and Rule 480-11-.01 (a) and (m), Rules and Regulations of the Georgia State Board of Pharmacy.

The Georgia State Board of Pharmacy has jurisdiction in these matters to impose sanctions pursuant to O.C.G.A. §§26-4-78 and 26-4-86.

**THEREFORE, THE HEARING OFFICER INITIALLY DECIDES AND PROVIDES THE FOLLOWING:**

**RECOMMENDED SANCTIONS**

The license of the Respondent, Samuel Eskenazi, R.Ph., License No. 13013, to practice pharmacy in the State of Georgia be and the same is hereby suspended for a period of one (1) year but the enforcement of such suspension shall be stayed and the Respondent's license shall be placed on probation for a period of four (4) years with the following terms and conditions:

The Respondent shall abide by all laws, both State and Federal, in particular to those dealing with the practice of pharmacy in the State of Georgia, as well as all Rules and Regulations promulgated and adopted by the Georgia State Board of Pharmacy.

The Respondent shall pay a fine of \$500.00 to the Georgia State Board of Pharmacy.

In addition to and in conjunction with any other sanctions contained herein, this Initial Decision shall serve as a public reprimand to the Respondent for his conduct relating to the matters herein stated.

In the absence of an application by the Respondent for review by the Georgia State Board of Pharmacy, within thirty (30) days from the date of the notice of this Initial Decision, or an Order by said Board within such time for review of the decision on its own motion, this Initial Decision, without further proceedings, shall become the decision of the Board.

This 6<sup>th</sup> day of June, 1986.

For Your Records

Robert K. Hooks  
Chief Administrative  
Hearing Officer



BEFORE THE GEORGIA  
STATE BOARD OF PHARMACY

OFFICE OF THE JOINT SECRETARY	
STATE EXAMINING BOARDS	
DOCKET NO.	85-399
DATE	December 11, 1985
ENTERED BY	B. K. P. S.

IN THE MATTER OF:

SAMUEL ESKENAZI, R.Ph.  
License No. 13013

Respondent.

DOCKET NO. 85-399

AG NO. 64JB-CA-91927-85

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RESPONSE AND DEFENSES TO NOTICE OF HEARING

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Responding to the notification of hearing in the above-referenced matter, SAMUEL ESKENAZI, by and through counsel, Mark V. Spix, represents as follows:

FIRST DEFENSE

1.

The matters asserted by the State Board of Pharmacy in its Notice of Hearing fail to state a claim upon which relief can be granted.

SECOND DEFENSE

2.

This proceeding constitutes a violation of the Double Jeopardy Clause of the United States Constitution, Fifth and Fourteenth Amendments.

THIRD DEFENSE

3.

This proceeding constitutes a violation of the Due

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Process Clause and Equal Protection Clause of the United States Constitution.

**FOURTH DEFENSE**

**RESPONSE**

4.

Responding to paragraph 1 of the matters asserted, Respondent admits the allegations contained therein.

5.

Responding to paragraph 2 of the matters asserted, Respondent admits the allegations contained therein.

6.

Responding to paragraph 3 of the matters asserted, Respondent admits that he entered a guilty plea to devising and intending to devise a scheme and artifice to defraud drug manufacturers and the drug consuming public; wire fraud, in violation of Title 18, United States Code §§ 1343 and 2, and denies any and all other allegations contained in paragraph 3 of the matters asserted not specifically admitted herein.

7.

Responding to paragraph 4 of the matters asserted, Respondent admits that he pled guilty to the charges in an Information in Criminal Action CR-85-292A and was sentenced on October 2, 1985 and that the imposition of sentence was "suspended until further order of Court and that the Defendant be placed on probation for a period of FOUR (4) YEARS with the

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following special conditions: (1) That he pay a fine of \$1,000.00 within ten days and (2) that he perform sixteen (16) hours per week of community service as arranged by the U.S. Probation Office for eighteen months." Any and all other matters not specifically admitted herein are specifically denied.

8.

Any and all other matters alleged or asserted not specifically admitted herein are hereby denied.

This 11th day of December, 1985.

2964 Peachtree Road, N.W.  
Suite 322  
Atlanta, GA 30305  
(404) 266-0000

SPIX & KRUPP, P.C.  
Attorneys for Respondent

By: /S/ MARK V. SPIX  
Mark V. Spix

3.

For Your Records

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a copy of Response and Defenses to Notice of Hearing upon the State Examining Boards and the office of the Attorney General of Georgia by placing a copy of same in the United States Mail, postage prepaid, addressed to:

William G. Miller, Jr.  
Joint Secretary  
State Examining Boards  
166 Pryor Street, S.W.  
Atlanta, GA 30303

Mark H. Cohen,  
Assistant Attorney General  
132 Judicial Building  
Atlanta, GA 30334

This 11th day of December, 1985.

/s/ MARK V. SPIX

Mark V. Spix

For Your Records

BEFORE THE GEORGIA  
STATE BOARD OF PHARMACY

OFFICE OF THE JOINT SECRETARY
STATE EXAMINING BOARD
DOCKET NO. 85-399
DATE November 22, 1985
ENTERED BY B. K. R. [Signature]

IN THE MATTER OF:

SAMUEL ESKENAZI, R.Ph.  
License No. 13013

Respondent.

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DOCKET NO.

85-399

AG NO. 64JB-CA-91927-85

NOTICE OF HEARING

TO: Samuel Eskenazi, R.Ph.  
Woodacres Drive, N.E.  
Atlanta, Georgia 30345

You are hereby notified that the Georgia State Board of Pharmacy, through its appointed representative, will hold a hearing at the offices of the Board, 166 Pryor Street, S.W., Atlanta, Georgia 30303 at 10:00 o'clock, a.m. on the 15<sup>th</sup> day of January, 1986 for the purpose of hearing charges that, if proven, may result in the sanction of your license to practice pharmacy in the State of Georgia.

LEGAL AUTHORITY FOR HEARING

This hearing will be held under the authority and jurisdiction conferred upon the Georgia State Board of Pharmacy by Art. 2 of O.C.G.A. Ch. 26-4, and in accordance with the Georgia Administrative Procedure Act, O.C.G.A. Ch. 50-13, and the Rules and Regulations of the Board and the Joint Secretary, State Examining Boards.

HEARING OFFICER

Pursuant to the provisions of O.C.G.A. Ch. 50-13, the Georgia State Board of Pharmacy hereby

appoints Robert Y. Hooker as Hearing Officer for the above-styled matter. All motions and responses directed to the Board with regard to this hearing should be addressed to the Hearing Officer, with copies served upon the counsel for the Board.

#### RIGHTS OF RESPONDENT

You have the following rights in connection with this hearing:

1.

To respond to the allegations contained herein and to present evidence on any relevant issues;

2.

To be represented by counsel at your expense;

3.

To subpoena witnesses and documentary evidence through the Board and the Joint Secretary;

4.

Such other rights as are conferred by the Administrative Procedure Act, O.C.G.A. Ch. 26-4, the Rules and Regulations of the Georgia State Board of Pharmacy, and the Rules and Regulations of the Joint Secretary, State Examining Boards.

#### REQUIREMENT OF ANSWER

An Answer to this Notice of Hearing must be filed within fourteen (14) days after service of this Notice. A copy of the Answer must be served upon counsel for the Board.

#### STATUTES AND RULES INVOLVED

Sanction of Respondent's license is sought pursuant to O.C.G.A. § 26-4-78, which provides in pertinent part as follows:

"(a) The board shall have the power to suspend or revoke any license issued under this part or to reprimand or to fine, not to exceed \$500.00, the holder thereof when such holder shall have:

(2) Been convicted in any courts of this state or of any other state or of the United States of a felony or any other crime involving moral turpitude.

For purposes of this subsection, a "conviction" shall include a finding or verdict of guilty, a plea of guilty, or a plea of nolo contendere in a criminal proceeding, regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon;

\* \* \*

(5) Failed to comply with the rules of professional conduct;

(6) Violated any of the provisions of this chapter;

(7) Violated any rules and regulations promulgated by the board.

\* \* \*

(12) Violated or attempted to violate a statute, law, any lawfully promulgated rule or regulation of this state, any other state, the board, the United

States, or any other lawful authority without regard to whether the violation is criminally punishable, which statute, law, rule, or regulation relates to or in part regulates the practice of pharmacy, when the licensee or applicant knows or should know that such action is violative of such statute, law or rule.

The Board may also limit or restrict a license pursuant to O.C.G.A. § 26-4-86, which provides as follows:

"If the board deems it necessary, in order to protect the public, it may limit or restrict any license issued under this part by the imposition of such reasonable conditions as it may deem appropriate."

18 U.S.C. § 1343 states that as follows:

"Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the

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purpose of executing such scheme or  
artifice, shall be fined not more than  
\$1,000.00 or imprisoned not more than five  
years or both."

The Rules of the Georgia State Board of Pharmacy,  
§ 480-11-.01(a), provide in pertinent part as follows:

"(a) Ethics. No Pharmacist, Intern, or  
licensed Pharmacy Proprietor shall engage in  
any conduct in the practice of Pharmacy or  
in the operation of a Pharmacy which tends  
to reduce the public confidence in the  
ability and integrity of the profession of  
pharmacy, or endangers the public health,  
safety and welfare, or have been guilty of  
any fraud, misrepresentation, culpable  
negligence, concealment, dishonest dealings,  
fix, scheme or device, or breach of trust in  
the practice of Pharmacy or in the  
conduction of business related to  
prescriptions or drugs or devices.

(m) Evasion of Code of Professional Conduct. No  
Pharmacist or retail drug establishment, or employee  
or agent thereof, shall act in any way to evade the  
rules and regulations of the Board of Pharmacy and the  
laws applying to retail drug  
establishments and pharmacists, but shall apply  
methods of their own to enhance the enforcement

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thereof and compliance with said laws, rules and regulations. Said persons shall be responsible for being acquainted with said laws, rules and regulations, and ignorance of said laws, regulations shall not excuse contravention of same."

MATTERS ASSERTED

1.

Respondent is licensed to practice pharmacy in the State of Georgia, and was so licensed at all times relevant to the matters stated herein.

2.

At all times pertinent to the matters asserted herein, Respondent was co-owner and pharmacist-in-charge of Cheshire Bridge Discount Drugs, Atlanta, Georgia.

3.

On or about August 6, 1985, Respondent was charged by criminal information in the United States District Court for the Northern District of Georgia for wire-transferring \$5,000.00 from his bank in Atlanta, Georgia to New York City, New York in March, 1985 for the purchase of Procardia and Feldene, which drugs had been removed from their original packaging and labeling under less than good manufacturing practices, said purchase being made from a sales representative of a drug manufacturer. According to the information, as a part of Respondent's scheme to defraud the drug manufacturer and the consuming public during the period from 1983 through May 1, 1985, Respondent purchased sample drugs, removed the drugs from their original packaging, placed the adulterated

drugs in plastic baggies without accurate lot numbers, expiration dates, or other required data, and resold these adulterated and misbranded drugs through his retail pharmacy, Cheshire Bridge Discount Drugs, for ultimate dispensing to consumers.

4.

On or about August 22, 1985, Respondent pled guilty to the charges in the above-referenced information, and was sentenced on or about October 2, 1985 to four (4) years probation, to pay a fine of \$1,000.00, and to perform sixteen hours per week of community service for eighteen months.

The foregoing, if true, constitutes sufficient grounds for the imposition of sanctions upon Respondent's license to practice pharmacy in the State of Georgia. This Notice of Hearing is issued by the Joint Secretary of the State Examining Boards, on behalf of the Georgia State Board of Pharmacy.

This 22<sup>nd</sup> day of November, 1985.

GEORGIA STATE BOARD OF PHARMACY

GEORGE D. MCFARLAND, R.Ph.  
President

(BOARD SEAL)

William G. Miller  
WILLIAM G. MILLER, JR.  
Joint Secretary  
State Examining Boards

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