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BEFORE THE NEVADA STATE BOARD OF PHARMACY

FILED

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NEVADA STATE BOARD
OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Case No. 19-216-WH

Petitioner,

ORDER

v.

SIMPLOT WESTERN STOCKMEN'S,
Wholesaler License No. WH011894,

Respondent.

This matter came before the Nevada State Board of Pharmacy (Board) at its regularly scheduled meeting on Wednesday, December 4, 2019, in Reno, Nevada. Brett Kandt, Esq., appeared and prosecuted the case before the Board. Respondent SIMPLOT WESTERN STOCKMEN'S, Wholesaler License No. WH01894, appeared by and through counsel, Gregory A. Brower, Esq. The Board heard the case and, based on the evidence presented, the Board makes the following Order.

FINDINGS OF FACT

The Board makes the following findings of fact:

1. At the time of the events set forth herein, Respondent held Wholesaler License WH01894, issued by the Board.
2. On or about May 24, 2019, Respondent was served by written notice with a request to comply with the requirements of NRS 639.500 and submit a current list of Respondent's officers/directors and a fingerprint card from each officer/director with written permission from each officer/director authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History.
3. In response to the May 24, 2019, notice, Respondent voluntarily suspended its Nevada operations and ceased to engage in the business of furnishing drugs in this State pursuant to NRS 639.233.

4. On or about October 31, 2019, Respondent was served with the First Amended Notice of Intended Action and Accusation (Accusation) and Notice of Hearing for December 4, 2019, in Reno, Nevada.

5. On or about November 19, 2019, Respondent filed an Answer and Notice of Defense to the Accusation.

6. Respondent in its Answer and at the hearing represented that it has pending an application for accreditation by the National Association of Boards of Pharmacy under the Verified-Accredited Wholesale Distributors program. Respondent further represented that its parent company, J. R. Simplot Company, plans to effectuate an internal reorganization which will create a new subsidiary Nevada corporation whose officers and directors will have exclusive oversight and control of J.R. Simplot Company's wholesale pharmaceutical business in Nevada. Upon the creation of this subsidiary, it will apply for a new wholesaler's license, and with that application, will provide fingerprint cards for each of its officers and directors in compliance with NRS 639.500.

CONCLUSIONS OF LAW

Based on the forgoing findings of fact, the Board concludes as a matter of law:

1. The Board has jurisdiction over this matter and this Respondent, because at the time of the events herein, Respondent held Wholesaler License No. WH01894, issued by the Board.
2. Respondent is subject to the requirements of NRS 639.500 and 21 CFR Part 205.

ORDER

THEREFORE, THE BOARD HEREBY ORDERS AS FOLLOWS:

1. This matter is continued pursuant to NRS 639.247(2) for good cause shown subject to the following conditions:
 - a) Respondent shall not engage in the business of furnishing drugs in Nevada pursuant to NRS 639.233 until Respondent complies with the requirements of NRS 639.500; and

- b) Respondent shall within 14 days of the effective date of this Order provide to the Board an affidavit from an authorized representative attesting that Respondent shall continue to suspend its Nevada operations and not engage in the business of furnishing drugs in this State pursuant to NRS 639.233 until Respondent complies with the requirements of NRS 639.500.

2. This Order is effective on the date it is executed below.

IT IS SO ORDERED.

Entered this 13th day of December, 2019.



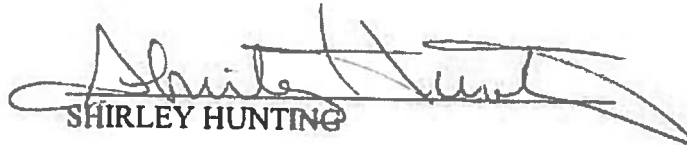
Helen Park, President
Nevada State Board of Pharmacy

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 18th day of December 2019, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

Simplot Western Stockmens
223 Rodeo Avenue
Caldwell, ID 83605

Gregory Brower, Esq.
100 N. City Pkwy., Suite 1600
Las Vegas, NV 89106


SHIRLEY HUNTING