

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane – Reno, NV 89509 – (775) 850-1440
APPLICATION FOR NEVADA WHOLESALER LICENSE

\$500.00 Fee made payable to: Nevada State Board of Pharmacy
(non-refundable and not transferable money order or cashier's check only)
Application must be printed legibly or typed

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

☒ New Wholesaler ☐ Ownership Change ☐ Name Change ☐ Location Change
(Please provide current license number if making changes: WH____)

☐ Publicly Traded Corporation – Page 1,2,3,4 ☐ Partnership - Page 1,2,3,6a,6b
☒ Non Publicly Traded Corporation – Page 1,2,3,5a,5b ☐ Sole Owner – Page 1,2,3,7
Please check box for type of ownership and complete correct part of the application.

GENERAL INFORMATION

Facility Name: Midwest Veterinary Supply, Inc.

Physical Address: 2835 Coleman Street

Mailing Address: Same

City: North Las Vegas State: NV Zip Code: 89032

Telephone: 702-963-0345 Fax: 702-963-0368

Toll Free Number: 1-800-643-9378

E-mail: compliance@MidwestVet.net Website: www.MidwestVet.net

Facility Manager: Richard Sarrazin

Professional qualifications and experience of facility manager: See attached Resume

Types of licensed outlets or authorized persons firm will serve:

☐ Pharmacies ☐ Practitioners ☐ Hospitals ☐ Wholesalers
☒ Other: Veterinarians

Type of Products to be handled or wholesaled by firm:

☒ Legend Pharmaceuticals, Supplies or Devices ☒ Hypodermic Devices
☐ Poisons or Chemicals ☒ Veterinary Legend Drugs
☐ Controlled Substances (include copy of DEA)
☐ Other: _____

APPLICATION FOR NEVADA WHOLESALER LICENSE

This page must be submitted for all types of ownership.

Is your company VAWD certified by NABP?
(If yes, provide a copy of the certificate.)

Yes ☐ No ☒

Licensed as a Manufacturer by the FDA?
(If yes, provide a copy of the FDA registration)

Yes ☐ No ☒

Do any shareholders hold an interest ownership or have management in any type of business or facility which are licensed by the State of Nevada or another political jurisdiction? Yes ☐ No ☒

List the top 4 suppliers your company has been associated with in regards to pharmaceutical products that were sold, dispensed or distributed within the last year.

1)	<u>See Attached List</u>	
	Name	Address
	Business	
2)		
	Name	Address
	Business	
3)		
	Name	Address
	Business	
4)		
	Name	Address
	Business	

Within the last five (5) years:

- 1) Has the corporation, any owner(s), shareholder(s) or partner(s) with at least 10% interest or partners with any interest, ever been charged, or convicted of a felony or gross misdemeanor (including by way of a guilty plea or no contest plea)? Yes ☐ No ☒
- 2) Has the corporation, any owner(s), shareholder(s) or partner(s) with at least 10% interest or partners with any interest, ever been denied a license, permit or certificate of registration? Yes ☐ No ☒
- 3) Has the corporation, any owner(s), shareholder(s) or partner(s) with at least 10% interest) or partners with any interest, ever been the subject of an administrative action or proceeding relating to the pharmaceutical industry? Yes ☒ No ☐

APPLICATION FOR NEVADA WHOLESALER LICENSE

This page must be submitted for all types of ownership.

- 4) Has the corporation, any owner(s), shareholder(s) or partner(s) with at least 10% interest) or partners with any interest, ever been found guilty, pled guilty or entered a plea of nolo contendere to any offense federal or state, related to controlled substances? Yes ☐ No ☒
- 5) Has the corporation, any owner(s), shareholder(s) or partner(s) with at least 10% interest or partners with any interest, ever surrendered a license, permit or certificate of registration voluntarily or otherwise (other than upon voluntary close of a facility)? Yes ☐ No ☒

If the answer to question 1 through 5 is "yes", a signed statement of explanation must be attached. Copies of any documents that identify the circumstance or contain an order, agreement, or other disposition may be required.

I hereby certify that the answers given in this application and attached documentation are true and correct. I understand that any infraction of the laws of the State of Nevada regulating the operation of an authorized wholesaler may be grounds for the revocation of this permit.

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 the business, professional, social and moral background, qualification and reputation, as it may deem necessary, proper or desirable.

Amy F. Lidsinger
Original Signature of Person Authorized to Submit Application, no copies or stamps

GUY FLICKINGER
Print Name of Authorized Person

8-3-2016
Date

Board Use Only

Received: 8/15/16

Amount: \$500.00

APPLICATION FOR NEVADA WHOLESALER LICENSE

OWNERSHIP IS A NON-PUBLICLY TRADED CORPORATION

State of Incorporation: North Dakota
Parent Company if any: N/A
Corporation Name: Midwest Veterinary Supply, Inc.
Mailing Address: 21467 Holyoke Ave
City: Lakeville State: MN Zip: 55044
Telephone: 952-894-4350 Fax: 952-894-5407
Contact Person: Guy Flickinger (President)

For any corporation non publicly traded, disclose the following:

- 1) List any persons to whom the shares were issued by the corporation?

a) See Attached List
Name Address
b) _____
Name Address
c) _____
Name Address
d) _____
Name Address

NOTE: All persons who are stockholders must accurately complete a personal history record form. Download the form from the website under the "New Applications" tab. The forms are available under the *documents for all types of businesses*.

- 2) Provide the number of shares issued by the corporation. 7,123,571
3) What was the price paid per share? N/A
4) What date did the corporation actually receive the cash assets? N/A
5) Provide a copy of the corporation's stock register evidencing the above information N/A



Disciplinary Actions taken against Midwest Veterinary Supply, Inc.

Minnesota Board of Pharmacy

Midwest Veterinary Supply admitted that it took orders for compounded drugs from veterinarians and transmitted the orders to a pharmacy located outside of Minnesota. That pharmacy sold the compounded drugs to the veterinarians without receiving patient-specific prescription, thus making the sales wholesale transactions. The pharmacy was not licensed as a drug wholesaler in Minnesota but was licensed as a pharmacy in Minnesota. Midwest Veterinary Supply received payments for its involvement in these wholesale transactions. Consequently, the Board imposed a \$25,000.00 civil penalty.

Maryland Board of Pharmacy

Midwest Veterinary Supply inadvertently shipped prescription products from their Pennsylvania warehouse to Maryland without holding a license for Maryland from Pennsylvania. Midwest Veterinary Supply was licensed to ship into Maryland from other distribution centers. It was discovered that sales representatives had been placing orders to ship from Pennsylvania to Maryland. Upon discovery, all shipments from the unlicensed facility (Pennsylvania) to Maryland were halted and all previous transactions were immediately reported to the Maryland Board of Pharmacy. Consequently, the Board imposed a \$3,000.00 civil penalty.

Thanks,

Guy Flickinger, President Midwest Veterinary Supply



STATE OF MARYLAND

DHMH

Department of Health and Mental Hygiene

Larry J. Hogan, Jr. Governor - Boyd K. Rutherford, Lt. Governor - Van T. Mitchell, Secretary

MARYLAND BOARD OF PHARMACY

4201 Patterson Avenue • Baltimore, Maryland 21215-2299

Mitra Gavani, Board President - LaVerne G. Naesea, Executive Director

VIA REGULAR & CERTIFIED MAIL RETURN RECEIPT REQUESTED
ARTICLE #7013 1090 0000 3937 5349

October 28, 2015

Guy Flickinger, President
Midwest Veterinary Supply
21467 Holyoke Avenue
Lakeville MN 55044

RE: Executed Pre-Charge Consent Order
Case #PI-14-201, Permit No: None

Dear Mr. Flickinger:

Please find enclosed your fully Executed Pre-Charge Consent Order per Board vote.

If you have any questions regarding this document please call me at 410 764-2493. I can be reached Monday through Friday 8:00 a.m. through 4:00 p.m.

Sincerely,

Vanessa Thomas-Gray,
Compliance Investigator

Cc: Linda Bethman, Board Counsel
Brett Felter, Board Counsel
YuZon Wu, Pharmacist Compliance Officer
Heather McLaughlin, Compliance Coordinator
Disciplinary File

410-764-4755 • Fax 410-384-4128 ext. 500 • Toll Free 800-542-4964

DHMH 1-877-463-3464 • Maryland Relay Service 1-800-735-2258

Web Site: www.dhmh.maryland.gov/pharmacy

IN THE MATTER OF	*	BEFORE THE
MIDWEST VETERINARY	*	MARYLAND STATE
SUPPLY, INC.	*	BOARD OF PHARMACY
Norristown, Pennsylvania	*	CASE #PI-14-201
* * * * *		

CONSENT ORDER

Background

The Maryland Board of Pharmacy (the "Board") received a self-report from Midwest Veterinary Supply, Inc., the Respondent, indicating that it had distributed non-controlled substances into Maryland from its Pennsylvania warehouse without a permit between March 2005 and February 2014. Upon receiving this information, the Board opened an investigation and confirmed the unauthorized distribution of prescription drugs into Maryland by the Respondent.

In lieu of instituting formal proceedings against the Respondent, in accordance with the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 *et seq.*, the Board and Respondent have agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. At all times relevant herein, Respondent's Norristown, Pennsylvania warehouse facility did not hold a distributor's permit in Maryland and was not authorized to distribute prescription drugs into Maryland.
2. Respondent owns another warehouse facility in Sun Prairie, Wisconsin which is duly permitted to distribute both controlled and non-controlled substances into Maryland.

3. On or about June 2014, the Board received a self-report from the Respondent disclosing that the Respondent had distributed non-controlled drugs into Maryland from its Pennsylvania warehouse without a permit from March 2005 through February 2014.
4. The Board's investigation revealed that the Respondent's unauthorized distribution was inadvertent and the result of a lack of administrative diligence.
5. The Respondent has since instituted software adjustments to prevent shipments into states in which the Respondent does not hold a distributor's permit.
6. The Respondent's unauthorized distribution into Maryland totaled approximately \$20,000 in gross sales.
7. The Respondent acted in good faith in filing the self-report and fully cooperated with the Board's investigation.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Midwest Veterinary Supply, Inc., is subject to discipline in accordance with Md. Code Ann., Health Occ. §§ 12-6C-11 and COMAR 10.34.22.05A(3).

ORDER

Based upon an affirmative vote of the Board under the authority of Md. Code Ann., Health Occ. § 12-6C-11 and COMAR 10.34.22.05, it this 28th day of October, 2015, hereby,

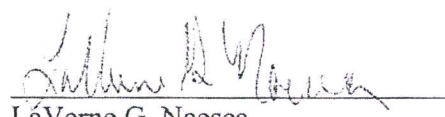
ORDERED that Midwest Veterinary Supply, Inc., shall pay a FINE in the amount of \$3,000.00, payable to the Maryland Board of Pharmacy within sixty (60) days of the date of this Order; and be it further,

ORDERED that Midwest Veterinary Supply, Inc., shall comply with all statutes and regulations governing the wholesale distribution of prescription drugs and devices into, out of, and within the State of Maryland; and be it further,

ORDERED that this is a formal order and as such is a public document pursuant to Md. Code Ann., General Provisions Art. § 4-333 (2014).

Date

10/28/15


LaVerne G. Naesea
Executive Director for:

Mitra Gavgani, Pharm.D.
Board President

CONSENT

1. By signing this Consent, Midwest Veterinary Supply, Inc. submits to the foregoing Consent Order as a resolution of this matter and agree to be bound by its terms and conditions.

2. Midwest Veterinary Supply, Inc., acknowledges the validity of this Consent Order as if it were made after a hearing in which it would have had the right to counsel, to confront witnesses, and to all other substantial procedural protections provided by law.

3. Midwest Veterinary Supply, Inc., acknowledges that, by entering into this Consent Order, Midwest Veterinary Supply, Inc., is waiving its right to appeal any adverse ruling of the Board that might have followed such an evidentiary hearing.

4. Midwest Veterinary Supply, Inc., acknowledges the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.

5. Midwest Veterinary Supply, Inc., signs this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. Midwest Veterinary Supply, Inc., fully understands the language, meaning, and effect of this Consent Order.

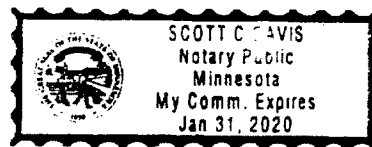
10-19-2015
Date

Guy F. Flickinger
Name: GUY FLICKINGER
Title: PRESIDENT

STATE OF Minnesota
COUNTY/CITY OF Dakota:

I hereby certify that on this 19th day of October, 2015, before me, a Notary Public of the State and County/City aforesaid, personally appeared Guy Flickinger, and made an oath in due form that the foregoing Consent was his/her voluntary act and deed on behalf of Midwest Veterinary Supply, Inc.

[Signature]
Notary Public
My commission expires: 1/31/2020



BEFORE THE MINNESOTA

BOARD OF PHARMACY

In the Matter of
Midwest Vet Supply, Inc., Wholesaler
License Number: 300227

STIPULATION AND
CONSENT ORDER

STIPULATION

Midwest Vet Supply, Inc., ("Midwest" or "Licensee") and the Minnesota Board of Pharmacy Complaint Review Panel ("Review Panel") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

1. The Minnesota Board of Pharmacy ("Board") is authorized pursuant to Minnesota Statutes chapter 151 to register and regulate wholesalers and to take disciplinary action as appropriate.

2. Midwest has been licensed as a non-resident pharmacy in Minnesota since June 13, 1975. As such, Midwest is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

II.

CONFERENCE

3. On October 23, 2013, Midwest representatives attended a conference with the Review Panel to discuss the allegations described in a Notice of Conference. The Review Panel was composed of Board members Karen Bergrud and Bob Goetz. Bryan D. Huffman, Assistant Attorney General, represented the Review Panel in this matter. Midwest was represented by Amy Schwartz of Lapp, Libra, Thomson, Stoeber & Pusch, CHTD.

III.

FACTS

4. Veterinarians sent Licensee numerous orders for compounded prescription drugs. Licensee transcribed these orders by entering them into an electronic database interface ("EDI"). After entering the orders into the EDI, Licensee transmitted the orders to a business located in New Jersey that is licensed by the Board only as a non-residential pharmacy and not as a drug wholesaler. ("New Jersey Pharmacy").

5. The New Jersey Pharmacy then sold the compounded prescription drugs to the veterinarians without first receiving patient-specific prescriptions, making the sales wholesale transactions, even though it was not licensed as a wholesaler. Licensee received payment from the New Jersey Pharmacy for its participation in these illegal wholesale transactions.

6. As of January 7, 2013, Licensee ceased transmitting orders to the New Jersey Pharmacy.

IV.

ISSUES

7. The Review Panel asserts that the conduct described in section III above constitutes a violation of Minn. Stat. § 151.01, subd. 27(2); Minn. Stat. § 151.06, subd. 1(a)(7)(v) and (ix); and Minn. Stat. § 151.47, subd. 3. as well as Minn. R. 6800.1440, subp. 11 and 6800.2250, subp. 1(H). Accordingly, Licensee and the Review Panel agree to the disciplinary action described in section V below.

V.

DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

8. The Board imposes a **CIVIL PENALTY** in the amount of \$25,000 against the license of Midwest for the conduct described in section III above. The civil penalty must be paid by cashier's check or money order made payable to the Minnesota Board of Pharmacy, c/o Cody Wiberg, Executive Director, 2829 University Avenue S.E., Suite 530, Minneapolis, Minnesota 55414, within 60 days of the date of this Order.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

9. If Licensee fails to comply with or violates this Stipulation and Consent Order, the Review Panel may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Review Panel must schedule a hearing before the Board. At least 20 days before the hearing, the Review Panel must mail Licensee a notice of the violation(s) alleged by the Review Panel. In addition, the notice must designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee must submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Review Panel, in its discretion, may schedule a conference with Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Review Panel and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Review Panel and Licensee may present oral argument. Argument may not refer to matters outside the record. The evidentiary record must be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. The Review Panel will have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations but may present argument concerning the appropriateness of additional discipline. Licensee waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Licensee's correction of a violation before the conference, hearing, or meeting of the Board may be taken into account by the Board but will not limit the Board's authority to impose discipline for the violation. A decision by the Review Panel not to seek discipline when it first learns of a violation shall not waive the Review Panel's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Licensee's registration is in a conditional status.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board must dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including conditions or limitations on Licensee's future practice or suspension or revocation of Licensee's registration.

f. Nothing herein limits the Review Panel's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 151.06, subdivision 1(b), based on a violation of this Stipulation and Consent Order or based on conduct of Licensee not specifically referred to herein.

VII.

ADDITIONAL INFORMATION

10. Licensee waives the contested case hearing and all other procedures before the Board to which Licensee may be entitled under the Minnesota and United States constitutions, statutes, or rules.

11. Licensee waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Licensee.

12. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter will constitute the entire record and may be reviewed by the Board in its consideration of this matter.

13. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

14. Licensee has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Licensee is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Consent Order

will take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

15. Licensee agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

16. This Stipulation and Consent Order does not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Licensee which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

VIII.

DATA PRACTICES NOTICES

17. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed person, and as such, is classified as protected nonpublic data pursuant to Minnesota Statutes sections 13.39, subdivision 2, and 13.02, subdivision 13.

18. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

CONSENT:

BOARD OF PHARMACY
COMPLAINT REVIEW PANEL

Amy F. Flickinger
GUY FLICKINGER, PRESIDENT
Midwest Vet Supply

KAREN BERGRUD
Board Member

Dated: 6-9-2014

Dated: _____

ORDER

Upon consideration of the Stipulation, the Board imposes a CIVIL PENALTY and
adopts all of the terms described above on this ____ day of _____.

_____.

MINNESOTA BOARD
OF PHARMACY

CODY WIBERG
Executive Director