



BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

CVS PHARMACY #8792,  
Pharmacy License No. PH00637,

and

ERIC NGUYEN, RPh.,  
Certificate of Registration No. 20856,

and

CHRISTOPHER SMYRNIOTIS, RPh.,  
Certificate of Registration No. 17855,

Respondents.

Case Nos. 22-211-PH-N  
22-211-RPH-A-N  
22-211-RPH-B-N

STIPULATION AND ORDER

J. David Wuest, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, by and through its General Counsel, Peter K. Keegan, Esq., and Respondents, CVS Pharmacy #8792 (“CVS”), Pharmacy License No. PH00637, and Respondent Eric Nguyen, RPh. (“Nguyen”), Certificate of Registration No. 20856, and Respondent Christopher Smyrniotis, RPh. (“Smyrniotis”), Certificate of Registration No. 17855 **HEREBY STIPULATE AND AGREE THAT:**

1. The Board has jurisdiction over Respondents and these matters.
2. On or about January 31, 2022, Board Staff served Respondents CVS, Nguyen, and Smyrniotis with the Notice of Intended Action and Accusation (“Accusation”) on file in this matter together with the Statement to Respondents and Notice of Hearing.
3. On or about March 14, 2023, Board staff served Respondents CVS, Nguyen, and Smyrniotis with the First Amended Notice of Intended Action and Accusation (“First Amended Accusation”) on file in this matter together with the Statement to Respondents and Notice of Hearing.
4. Respondents, in lieu of filing an Answer, submit this Stipulation and Order for the Board’s consideration.

5. Respondents are aware of the right to seek the advice of counsel in this matter and obtained the advice of counsel prior to entering this Stipulation.

6. Respondents are aware of the right to a hearing on the matters alleged in the Accusation, their right to reconsideration, their right to appeal, and any and all other rights which may be accorded pursuant to NRS Chapter 233B, Nevada Administrative Procedure Act, NRS Chapter 622A, Administrative Procedure Before Certain Regulatory Bodies, and NRS Chapter 639, Nevada Pharmacy Act.

7. Conditioned on the acceptance of this Stipulation by the Board, and with the exception of the right to challenge any determination that Respondents, or any of them, have failed to comply with the provisions of this Stipulation, Respondents hereby freely and voluntarily waive their rights to a hearing, reconsideration, appeal and any and all other rights related to this action that may be accorded to them by NRS Chapter 233B, Nevada Administrative Procedure Act, NRS Chapter 622A, Administrative Procedure Before Certain Regulatory Bodies, and NRS Chapter 639, Nevada Pharmacy Act.

8. Respondents admit that evidence exists, and that Board's staff prosecuting this case could present such evidence at an administrative hearing, to establish a factual basis for certain of the violations alleged in the Accusation, that:

A. Respondent Nguyen and Respondent Smyrniotis engaged in unprofessional conduct as defined by NAC 645.945(1)(d) and (i) when they failed to strictly follow the instructions of the prescribing practitioner by erroneously verifying and then dispensing RX #1603471 with a 300-mcg dosage instead of 50-mcg dosage, as prescribed to Patient K.O.

B. Respondent Nguyen failed to create a record of whether counseling was provided or refused by patient K.O. in violation of NAC 639.707(6) and is therefore subject to discipline pursuant to NRS 639.210(6) and/or NRS 639.255.

C. Respondent CVS is responsible for the violations as the owner of the pharmacy where the violations alleged herein occurred pursuant to NRS 639.230(5), NAC 639.702, and NAC 639.945(2).

9. These violations are plead with particularity in the Accusation, and are grounds for disciplinary action against Respondents pursuant to NRS 639.210 and/or NRS 639.255.

10. In order to resolve this matter without incurring any further costs or the expense associated with a hearing, the Board and Respondent Nguyen, Certificate of Registration No. 20856, stipulates to the following penalties and/or conditions:

- A. Respondent Nguyen shall pay a fine of Three Thousand Dollars (\$3,000.00) for the violations; and
- B. Respondent Nguyen shall pay Five Hundred Dollars (\$500.00) to partially reimburse the Board for recoverable attorney's fees and investigative costs.

11. In order to resolve this matter without incurring any further costs or the expense associated with a hearing, the Board and Respondent Smyrniotis, Certificate of Registration No. 17855, stipulates to the following penalties and/or conditions:

- A. Respondent Smyrniotis shall pay a fine of One Thousand Five Hundred Dollars (\$1,500.00) for the violations; and
- B. Respondent Smyrniotis shall pay Five Hundred Dollars (\$500.00) to partially reimburse the Board for recoverable attorney's fees and investigative costs.

12. In order to resolve this matter without incurring any further costs or the expense associated with a hearing, the Board and Respondent CVS, Pharmacy License No. PH00637 stipulate to the following penalties and/or conditions:

- A. Respondent CVS shall pay a fine of Four Thousand Five Hundred Dollars (\$4,500.00) for the violations; and
- B. Respondent CVS shall pay Five Hundred Dollars (\$500.00) to partially reimburse the Board for recoverable attorney's fees and investigative costs.

13. Any failure by any Respondent(s) to comply with the terms of this Order may result in issuance by the Executive Secretary of an order to show cause pursuant to NAC 639.965 directing the non-compliant Respondent(s) to appear before the Board at the next regularly-scheduled meeting for a show cause hearing. If such a hearing results in a finding of a violation

of this Order by any Respondent(s), the Board may impose additional discipline upon the non-compliant Respondent(s) consistent with the provisions of NRS Chapter 639.

14. General Counsel will present this Stipulation to the Board for approval pursuant to NRS 622.330 at the Board's regularly scheduled public meeting on April 12, 2023. Respondents will appear in person or through counsel at the meeting to answer questions from the Board Members and/or Board Staff. The Board Members and Staff may discuss and deliberate regarding this Stipulation, even if Respondents or counsel are not present at the meeting.

15. The Board has discretion to accept this Stipulation, but it is not obligated to do so. If this Stipulation is approved by the Board, it shall be a public record pursuant to NRS 622.330 and shall be reported to the National Practitioner Data Bank pursuant to 42 USC § 1396r-2 and 45 CFR Part 60.

16. If the Board rejects any part or all of this Stipulation, and unless they reach an alternative agreement on the record during the hearing, the parties agree that a full hearing on the merits of this matter may be heard by the Board on the same day or at a later date. The terms and admissions herein may not be used or referred to in a full hearing on the merits of this matter.

17. Upon approval of this Stipulation by the Board, Respondents shall pay the fines agreed to herein by *personal check, business check, cashier's check* or *certified check* or *money order* made payable to "**State of Nevada, Office of the Treasurer,**" to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within thirty (30) days of entry of this Order.

18. Upon approval of this Stipulation by the Board, Respondents shall pay the attorney's fees and investigative costs agreed to herein by *personal check, business check, cashier's check* or *certified check* or *money order* made payable to "**Nevada State Board of Pharmacy,**" to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within thirty (30) days of entry of this Order.

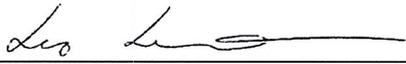
19. Subject to the approval of this Stipulation by the Board, the Board and Respondents agree to release one another from any and all additional claims arising from the facts set forth in the Accusation on file herein, whether known or unknown that might otherwise have existed on or before the effective date of this Order.

Respondents have fully considered the charges and allegations contained in the *First Amended Notice of Intended Action and Accusation*, and have freely and voluntarily agreed to the terms of this Stipulation.

AGREED:

Signed this \_\_\_\_ day of \_\_\_\_\_ 2023.

Signed this 3rd day of April 2023.

  
\_\_\_\_\_  
CVS PHARMACY #8792  
Pharmacy License No. PH00637

  
\_\_\_\_\_  
PETER K. KEEGAN, ESQ.  
Assistant General Counsel  
Nevada State Board of Pharmacy

By: Leo Lariviere

Its: Dir. Regulatory Affairs

Signed this 30th day of March 2023.

\_\_\_\_\_  
ERIC NGUYEN, RPH  
Certificate of Registration No. 20856

Signed this \_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
CHRISTOPHER SMYRNIOTIS, RPH  
Certificate of Registration No. 17855

**ORDER**

The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as to Respondent CVS Pharmacy #8792, Pharmacy License No. PH00637, and Respondent Eric Nguyen, RPH, Certificate of Registration No. 20856, and Respondent Christopher Smyrniotis, RPH, Certificate of Registration No. 17855, in Case Nos. 22-211-PH-N, 22-211-RPH-A-N, and 22-211-RPH-B-N, and hereby orders that the terms of the foregoing Stipulation be made immediately effective upon execution below.

**IT IS SO ORDERED.**

Entered this 12th day of April 2023.

  
\_\_\_\_\_  
Helen Park, President  
Nevada State Board of Pharmacy

Respondents have fully considered the charges and allegations contained in the *First Amended Notice of Intended Action and Accusation*, and have freely and voluntarily agreed to the terms of this Stipulation.

AGREED:

Signed this \_\_\_\_ date of \_\_\_\_\_ 2023.

Signed this 3rd date of April 2023.

\_\_\_\_\_  
CVS PHARMACY #8792  
Pharmacy License No. PH00637

*Peter Keegan*  
\_\_\_\_\_  
PETER K. KEEGAN, ESQ.  
General Counsel  
Nevada State Board of Pharmacy

By: \_\_\_\_\_

Its: \_\_\_\_\_

Signed this \_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
ERIC NGUYEN, RPH  
Certificate of Registration No. 20856

Signed this 31 day of March 2023.

*[Signature]*  
\_\_\_\_\_  
CHRISTOPHER SMYRNIOTIS, RPH  
Certificate of Registration No. 17855

**ORDER**

The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as to Respondent CVS Pharmacy #8792, Pharmacy License No. PH00637, and Respondent Eric Nguyen, RPH, Certificate of Registration No. 20856, and Respondent Christopher Smyrniotis, RPH, Certificate of Registration No. 17855, in Case Nos. 22-211-PH-N, 22-211-RPH-A-N, and 22-211-RPH-B-N, and hereby orders that the terms of the foregoing Stipulation be made immediately effective upon execution below.

**IT IS SO ORDERED.**

Entered this 12<sup>th</sup> day of April 2023.

*[Signature]*  
\_\_\_\_\_  
Helen Park, President  
Nevada State Board of Pharmacy

Respondents have fully considered the charges and allegations contained in the *First Amended Notice of Intended Action and Accusation*, and have freely and voluntarily agreed to the terms of this Stipulation.

AGREED:

Signed this \_\_\_\_ day of \_\_\_\_\_ 2023.

Signed this 3rd day of April 2023.

\_\_\_\_\_  
CVS PHARMACY #8792  
Pharmacy License No. PH00637

*Peter Keegan*  
\_\_\_\_\_  
PETER K. KEEGAN, ESQ.  
Assistant General Counsel  
Nevada State Board of Pharmacy

By: \_\_\_\_\_

Its: \_\_\_\_\_

Signed this 30 day of March 2023.

*Eric Nguyen*  
\_\_\_\_\_  
ERIC NGUYEN, RPH  
Certificate of Registration No. 20856

Signed this \_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
CHRISTOPHER SMYRNIOTIS, RPH  
Certificate of Registration No. 17855

**ORDER**

The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as to Respondent CVS Pharmacy #8792, Pharmacy License No. PH00637, and Respondent Eric Nguyen, RPH, Certificate of Registration No. 20856, and Respondent Christopher Smyrniotis, RPH, Certificate of Registration No. 17855, in Case Nos. 22-211-PH-N, 22-211-RPH-A-N, and 22-211-RPH-B-N, and hereby orders that the terms of the foregoing Stipulation be made immediately effective upon execution below.

**IT IS SO ORDERED.**

Entered this 12th day of April 2023.

*Helen Park*  
\_\_\_\_\_  
Helen Park, President  
Nevada State Board of Pharmacy

**BEFORE THE NEVADA STATE BOARD OF PHARMACY**

**NEVADA STATE BOARD OF PHARMACY,**

**Petitioner,**

**v.**

**CARRIE LEE LAMBERT, DVM,  
Certificate of Registration No. DV00694,**

**Respondent.**

**Case No. 22-484-DV-N**

**STIPULATION AND ORDER**

Brett Kandt, General Counsel for Petitioner the Nevada State Board of Pharmacy (Board), and Respondent Carrie Lee Lambert, DVM, Certificate of Registration No. DV00694,

**HEREBY STIPULATE AND AGREE THAT:**

1. The Board has jurisdiction over Respondent and this matter.
2. On or about March 2, 2023, Respondent was served with the Notice of Intended Action and Accusation (Accusation) on file in this matter together with the Statement to Respondent and Notice of Hearing.
3. On or about March 13, 2023, Respondent filed an Answer and Notice of Defense to the Accusation.
4. Respondent is fully aware of the right to seek the advice of counsel in this matter prior to entering into this Stipulation.
5. Respondent is aware of the right to a hearing on the matters alleged in the Accusation, the right to reconsideration, the right to appeal and any and all other rights which may be accorded to her pursuant to NRS Chapter 233B (Nevada Administrative Procedure Act), NRS Chapter 622A (Administrative Procedure Before Certain Regulatory Bodies), and NRS Chapter 639 (Nevada Pharmacy Act).

6. Conditioned on the acceptance of this Stipulation by the Board, and with the exception of the right to challenge any determination that Respondent has failed to comply with the provisions of this Stipulation, Respondent hereby freely and voluntarily waives her rights to a hearing, reconsideration, appeal and any and all other rights related to this action that may be accorded to her by NRS Chapter 233B (Nevada Administrative Procedure Act), NRS Chapter 622A (Administrative Procedure Before Certain Regulatory Bodies), and NRS Chapter 639 (Nevada Pharmacy Act).

7. Respondent admits that evidence exists, and that Board staff prosecuting this case could present such evidence at an administrative hearing, to establish a factual basis for the violations alleged in the Accusation, *to wit*:

A. By the suspension of Respondent's License No. 1162 to practice veterinary medicine for non-compliance with the Nevada State Board of Veterinary Medical Examiners orders entered in Case No. 06-2016DVM-21 arising from alcohol abuse, Respondent no longer qualifies for registration as a dispensing veterinarian under NRS 639.100, NRS 639.23505 and NAC 639.7423, and is subject to discipline pursuant to NRS 639.210(5).

B. By her actions, Respondent has performed her duties as the holder of a Nevada dispensing veterinarian registration in an incompetent, unskillful or negligent manner, violated the conditions placed upon her dispensing veterinarian registration, and engaged in unprofessional conduct as defined in NAC 639.945(1)(i) and (l), and is subject to discipline pursuant to NRS 639.210(4).

8. Those violations are plead with particularity in the Accusation, and are grounds for action pursuant to NRS 453.236(1), NRS 453.241(1), NRS 639.210 and/or NRS 639.255.

9. In order to resolve this matter without incurring any further costs or the expense associated with a hearing, the Board and Respondent stipulate to the following penalties:

A. The certificate of registration of Carrie Lee Lambert, DVM, Certificate of Registration No. DV00694, is hereby revoked pursuant to NRS 453.241(1)(b):

I. Respondent may not possess (except pursuant to the lawful order of a practitioner), administer, prescribe or dispense a controlled substance until she has petitioned the Board for reinstatement pursuant to NRS 639.257 and the Board reinstates her certificate of registration;

II. Pursuant to NRS 622A.410(1) and 639.257(1), Respondent may not petition for reinstatement of her certificate of registration for a period of one (1) year from the effective date of this Order; and

III. In the event Respondent applies for reinstatement of her certificate of registration, or applies for any other certificate, license or permit with the Board, she shall appear before the Board to answer questions and give testimony regarding her application, her compliance with this Order, and the facts and circumstances underlying this matter.

B. Pursuant to NRS 622.400, Respondent shall pay Five Hundred Dollars (\$500.00) to partially reimburse the Board for reasonable attorney's fees and recoverable costs incurred in investigating and prosecuting this matter, by personal, business, certified or cashier's check or money order made payable to the "Nevada State Board of Pharmacy" to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within thirty (30) days of entry of this Order.

10. Any failure by Respondent to comply with the terms of this Order may result in issuance by the Executive Secretary of an order to show cause pursuant to NAC 639.965 directing Respondent to appear before the Board at the next regularly scheduled meeting for a show cause hearing. If such a hearing results in a finding of a violation of this Order by Respondent, the Board may impose additional discipline upon Respondent not inconsistent with the provisions of NRS Chapters 453 and 639.

11. General Counsel will present this Stipulation to the Board for approval pursuant to NRS 622.330 at the Board's regularly scheduled public meeting on April 12, 2023.

Respondent will appear at the meeting to answer questions from the Board Members and/or Board Staff. The Board Members and Staff may discuss and deliberate regarding this Stipulation, even if Respondent is not present at the meeting.

12. The Board has discretion to accept this Stipulation, but it is not obligated to do so. If this Stipulation is approved by the Board, it shall be a public record pursuant to NRS 622.330 and shall be reported to the National Practitioner Data Bank pursuant to 42 U.S.C. § 1396r-2 and 45 CFR Part 60.

13. If the Board rejects any part or all of this Stipulation, and unless they reach an alternative agreement on the record during the hearing, the parties agree that a full hearing on the merits of this matter may be heard by the Board. The terms and admissions herein may not be used or referred to in a full hearing on the merits of this matter.

14. Subject to the approval of this Stipulation by the Board, the Board and Respondent agree to release each other from any and all additional claims arising from the facts set forth in the Accusation on file herein, whether known or unknown that might otherwise have existed on or before the effective date of this Order.

Respondent has fully considered the charges and allegations contained in the *Notice of Intended Action and Accusation* in this matter, and the terms of this Stipulation, and has knowingly and voluntarily agreed to the terms set forth herein, and waived certain rights, as stated herein.

**AGREED:**

Signed this \_\_\_\_ day of April, 2023

Signed this \_\_\_\_ day of April, 2023

---

**CARRIE LEE LAMBERT, DVM,**  
Certificate of Registration No. DV00694

---

**BRETT KANDT, ESQ.**  
General Counsel  
Nevada State Board of Pharmacy

**DECISION AND ORDER**

The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as its decision as to Carrie Lee Lambert, DVM, Certificate of Registration No. DV00694, in Case No. 22-484-DV-N and hereby orders that the terms of the foregoing Stipulation be made effective upon execution below.

**IT IS SO ORDERED.**

Entered this \_\_\_\_ day of April, 2023.

---

Helen Park, Pharm.D.  
President  
Nevada State Board of Pharmacy

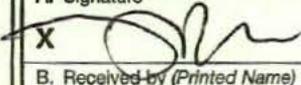
Gary Royce Wisner, MD  
[redacted] North Locust Tree Road  
Lodi, CA 95240  
NIAA: 22-423

FILED  
MAR 02 2023  
NEVADA STATE BOARD  
OF PHARMACY

9171 9690 0935 0279 2900 79

MAILED  
3/3/23

Delivered 3/10/23  
Answer Due 3/30/23

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"><li>Complete items 1, 2, and 3.</li><li>Print your name and address on the reverse so that we can return the card to you.</li><li>Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>		A. Signature <input checked="" type="checkbox"/> X 	
1. Article Addressed to:		B. Received by (Printed Name) M. Wisner	C. Date of Delivery 3-16-23
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
Gary Royce Wisner, MD [redacted] North Locust Tree Road Lodi, CA 95240		3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery	
2. 9171 9690 0935 0279 2900 79		<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery	

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

Tracking Number:

[Remove X](#)

## 9171969009350279290079

[Copy](#)

[Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

### Latest Update

Your item was delivered to an individual at the address at 3:02 pm on March 10, 2023 in LODI, CA 95240.

### Get More Out of USPS Tracking:

**USPS Tracking Plus®**

### Delivered

**Delivered, Left with Individual**

LODI, CA 95240

March 10, 2023, 3:02 pm

[See All Tracking History](#)

Feedback

**Text & Email Updates**



**USPS Tracking Plus®**



**Product Information**



[See Less ^](#)

Track Another Package

Enter tracking or barcode numbers



# NEVADA STATE BOARD OF PHARMACY

985 Damonte Ranch Pkwy Suite 206, Reno, Nevada 89521  
(775) 850-1440 • 1-800-364-2081 • FAX (775) 850-1444  
• Web Page: [bop.nv.gov](http://bop.nv.gov)

March 14, 2023

Gary Wisner  
[REDACTED] North Locus Tree Road  
Lodi, CA 95240

Re: Gary Wisner and Case No. 22-423-CS-N

Dear Gary Wisner

The hearing for case number **22-423-CS-N** has been scheduled for Wednesday, 4/12/2023 at 9:00:00 AM PST or soon thereafter at the following location:

Hyatt Place  
1790 E Plumb Ln.  
Reno, NV 89502

This is an in-person hearing; all respondents, witnesses and counsel must appear in person before the Board.

Pursuant to NRS 241.033 and 241.034, please be advised that the hearing is a public meeting, and the Board may, without further notice, take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health. The Board at its discretion may go into closed session to consider your character, alleged misconduct, professional competence, or physical or mental health. You may attend any closed session, have an attorney or other representative of your choosing present during any closed session, and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health during any closed session.

If you have any questions, please feel free to contact the board staff.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Mangosing".

Kristopher Mangosing  
Assistant Board Coordinator

9171 9690 0935 0279 2902 91

**Exhibit 2**

**Track Packages**  
Anytime, Anywhere

Get the free Informed Delivery® feature to receive automated notifications on your packages

[Learn More](#)

([https://reg.usps.com/xsell?](https://reg.usps.com/xsell?app=UspsTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/start.action)

<https://reg.usps.com/xsell?app=UspsTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/start.action>)

Tracking Number:

**9171969009350279290291**

[Remove X](#)

[Copy](#)   [Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

### Latest Update

Your item was delivered to an individual at the address at 2:06 pm on March 16, 2023 in LODI, CA 95240.

### Delivered

**Delivered, Left with Individual**  
LODI, CA 95240  
March 16, 2023, 2:06 pm

[See All Tracking History](#)

Get More Out of USPS Tracking:

[USPS Tracking Plus®](#)

[Text & Email Updates](#) 

[USPS Tracking Plus®](#) 

[Product Information](#) 

[See Less ^](#)

Track Another Package

Enter tracking or barcode numbers

## Need More Help?

Contact USPS Tracking support for further assistance.

[FAQs](#)

