

October 2025 Board Meeting Handouts

5L – Bernard Brooks

5O – Festus Ebonka

9A – Evergreen Drugs

10B – Walgreens HUB Solutions #21609

17A – Workshop:

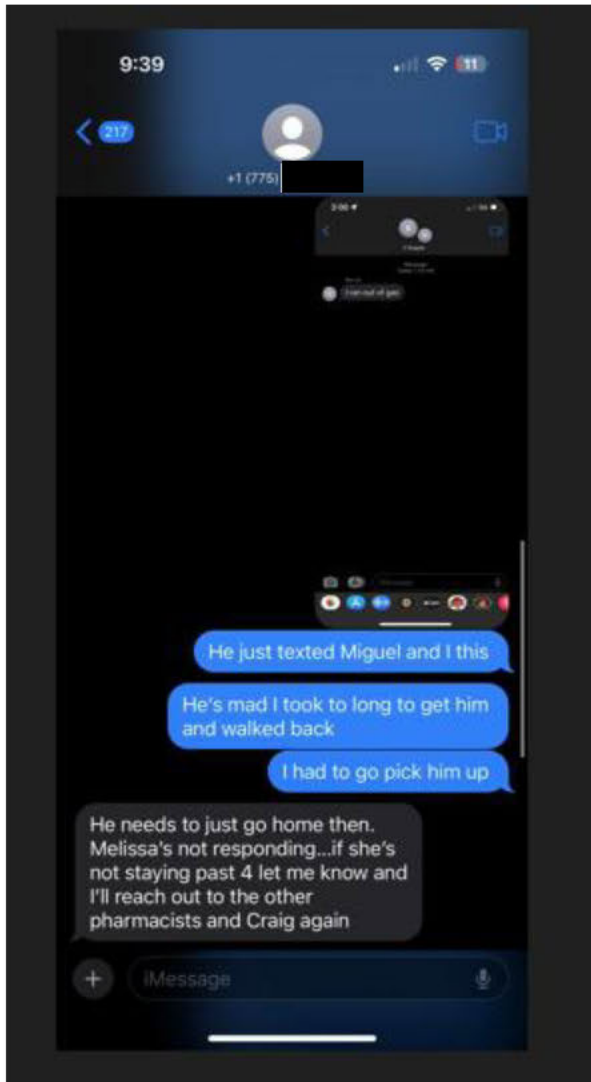
Amendment to Chapter 639 of the Nevada Administrative Code. The proposed amendments establish standards for licensees relating to staffing, supervision, duties of a pharmacy, duties of a pharmacist and requirements related to the timing of dispensing prescription drugs and devices.

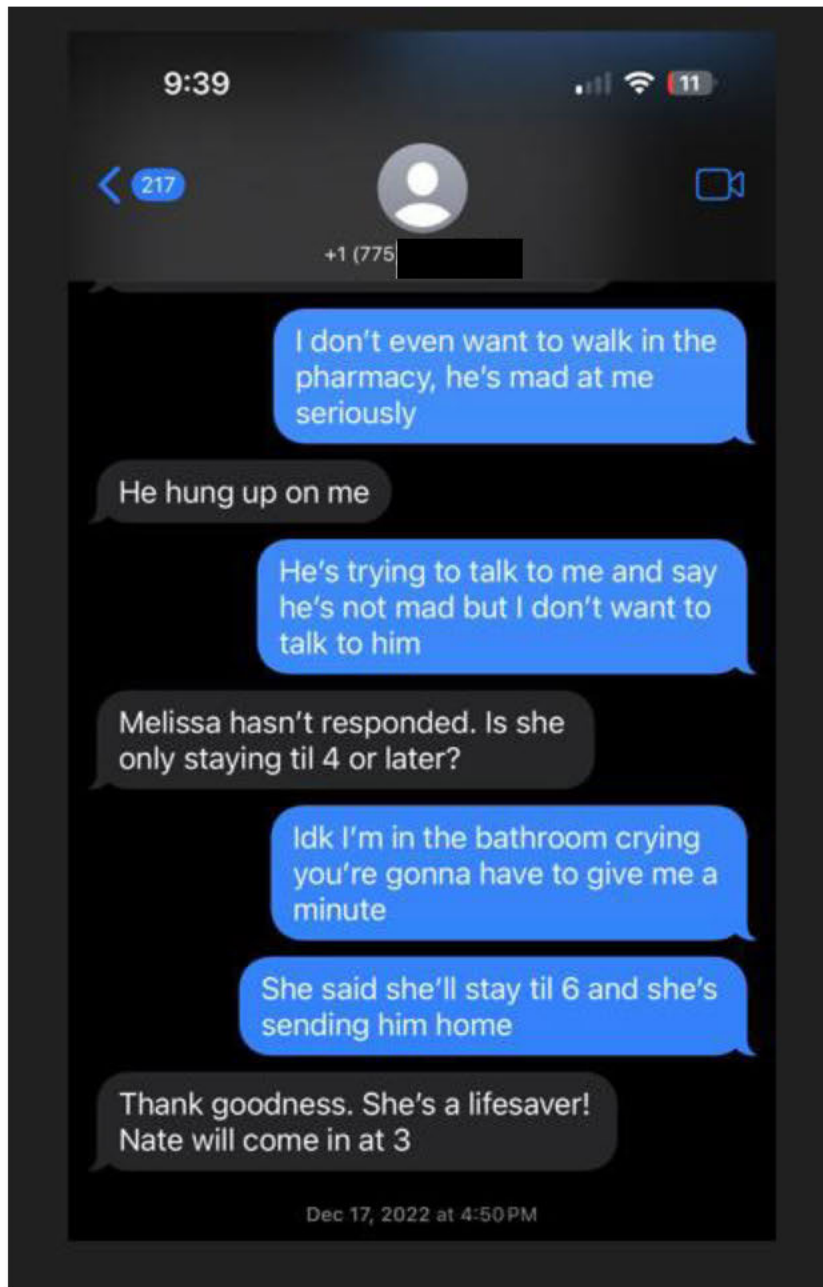
19 – Executive Report - Financials

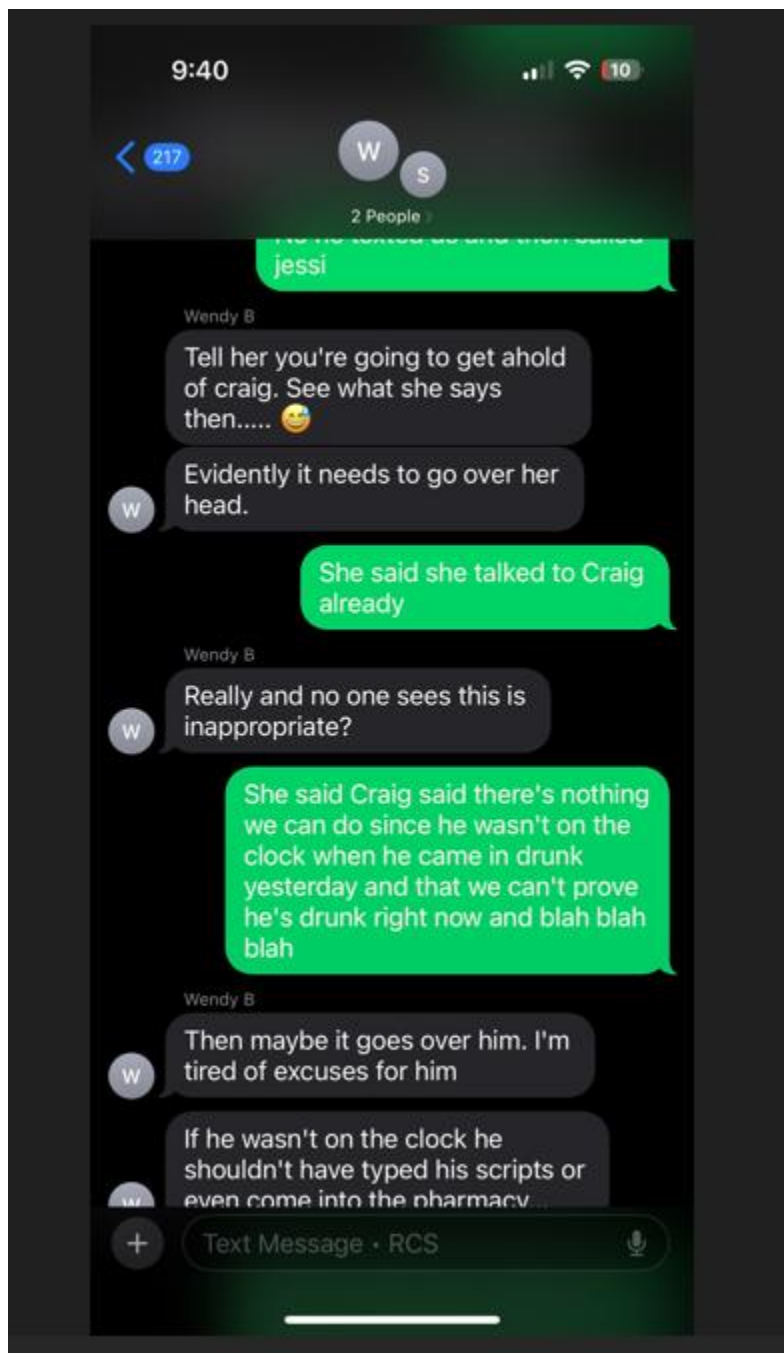
5L

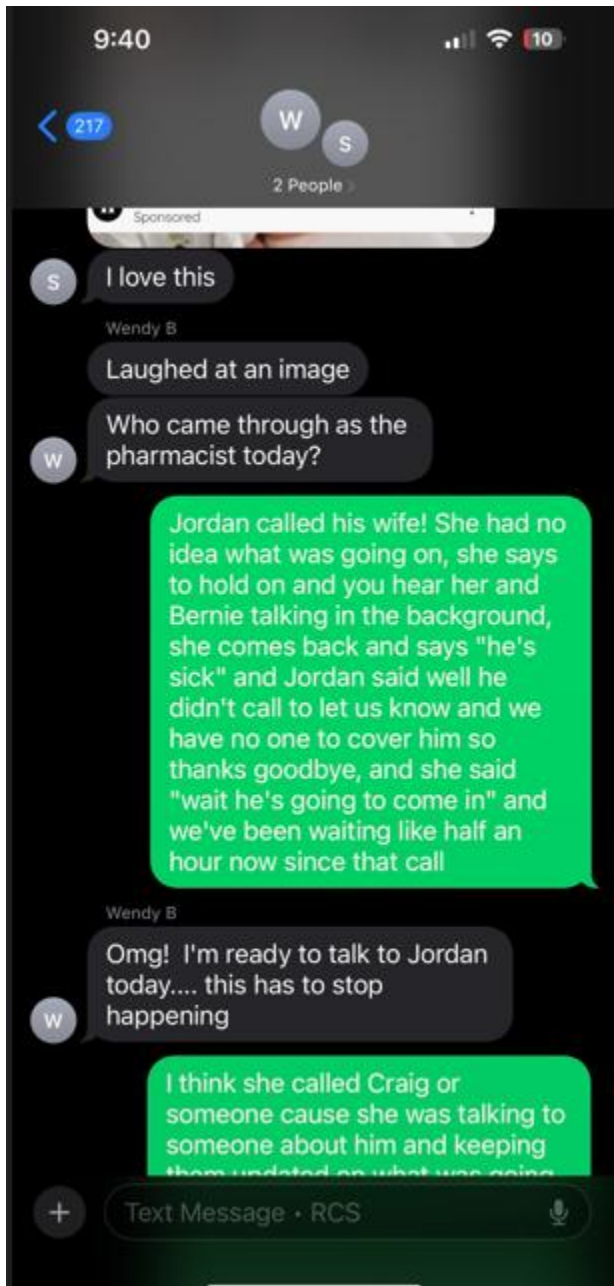
25-031-RPH-N
Bernard Brooks
Exhibit 1

Text Messages Provided to investigator Segedy by PT MiKayla Bergendahl on 4/9/2025:









25-031-RPH-N
Bernard Brooks
Exhibit 2



BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**BERNARD BROOKS, RPH,
Certificate of Registration No. 20571,**

Respondent.

Case No. 25-031-RPH-N

**SUBPOENA DUCES TECUM FOR
BUSINESS RECORDS**

THE NEVADA STATE BOARD OF PHARMACY SENDS GREETINGS TO:

**SARA WEST, PT
CERTIFICATE OF REGISTRATION NO. PT12828**

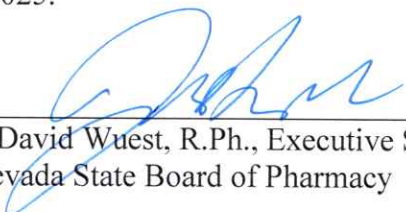
SPARKS, NV 89431

WE COMMAND YOU, that all and singular business and excuses being set aside, to produce and permit inspection and copying of the books, documents, or tangible things set forth below that are in your possession, custody, or control, by delivering a true, legible, and durable copy of the business records described below to the Nevada State Board of Pharmacy, Attention: Brett Kandt, at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521 and via email at bkandt@pharmacy.nv.gov, no later than October 13, 2025. All documents shall be produced as they are kept in the usual course of business or shall be organized and labeled to correspond with the categories listed.

YOU ARE FURTHER ORDERED to authenticate the business records produced, pursuant to NRS 52.260, and to provide with your production a completed Certificate of Custodian of Records.

This subpoena is issued pursuant to NRS 639.246; your failure to comply with this subpoena may result in those penalties as are prescribed by law.

Issued this 1st day of October 2025.



J. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy

ITEMS TO BE PRODUCED

All communications, records, and documents referring to or relating to Bernard Brooks, from January 1, 2021 to present. Communications include but are not limited to:

- (1) Emails (including attachments);
- (2) Text messages and instant messages (e.g. SMS, iMessage, WhatsApp, Teams, Slack or similar platforms);
- (3) Written correspondence (letters, notes, memoranda or other writings);
- (4) Internal communications;
- (5) Electronic communications of any form, including communications stored on phones, tablets, electronic devices, cloud services or any social media platform;
and
- (6) Any other documentary materials.

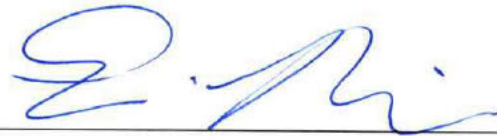
CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 3rd day of October 2025, I served a true and correct copy of the foregoing document by Standard U.S. mail to the following:

Sara West

[REDACTED]

Sparks, NV 89431



ERIN MILLER
ADMINISTRATIVE ASSISTANT,
BOARD COORDINATOR II



BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**BERNARD BROOKS, RPH,
Certificate of Registration No. 20571,**

Respondent.

Case No. 25-031-RPH-N

**SUBPOENA DUCES TECUM FOR
BUSINESS RECORDS**

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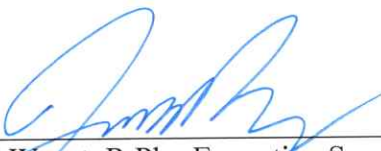
**WENDY BERRYMAN, PT
CERTIFICATE OF REGISTRATION NO. PT20542
[REDACTED]
SPARKS, NV 89431**

WE COMMAND YOU, that all and singular business and excuses being set aside, to produce and permit inspection and copying of the books, documents, or tangible things set forth below that are in your possession, custody, or control, by delivering a true, legible, and durable copy of the business records described below to the Nevada State Board of Pharmacy, Attention: Brett Kandt, at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521 and via email at bkandt@pharmacy.nv.gov, no later than October 13, 2025. All documents shall be produced as they are kept in the usual course of business or shall be organized and labeled to correspond with the categories listed.

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Issued this 2nd day of October 2025.



J. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy

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and
- (6) Any other documentary materials.

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 3rd day of October 2025, I served a true and correct copy of the foregoing document by Standard U.S. mail to the following:

Wendy Berryman, PT

[REDACTED]
Sparks, NV 89431



ERIN MILLER
ADMINISTRATIVE ASSISTANT,
BOARD COORDINATOR II



BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**BERNARD BROOKS, RPH,
Certificate of Registration No. 20571,**

Respondent.

Case No. 25-031-RPH-N

**SUBPOENA DUCES TECUM FOR
BUSINESS RECORDS**

THE NEVADA STATE BOARD OF PHARMACY SENDS GREETINGS TO:

**JAMIE DOWD, PT
CERTIFICATE OF REGISTRATION NO. PT10842**

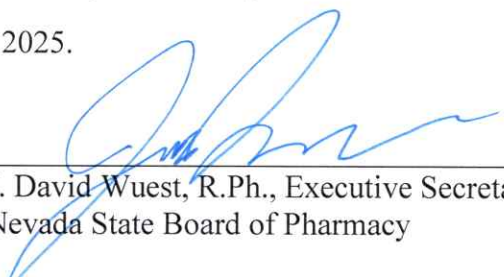
SPARKS, NV 89436

WE COMMAND YOU, that all and singular business and excuses being set aside, to produce and permit inspection and copying of the books, documents, or tangible things set forth below that are in your possession, custody, or control, by delivering a true, legible, and durable copy of the business records described below to the Nevada State Board of Pharmacy, Attention: Brett Kandt, at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521 and via email at bkandt@pharmacy.nv.gov, no later than October 13, 2025. All documents shall be produced as they are kept in the usual course of business or shall be organized and labeled to correspond with the categories listed.

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J. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy

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and
- (6) Any other documentary materials.

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 3rd day of October 2025, I served a true and correct copy of the foregoing document by Standard U.S. mail to the following:

Jamie Dowd, PT

[REDACTED]
Sparks, NV 89436



ERIN MILLER
ADMINISTRATIVE ASSISTANT,
BOARD COORDINATOR II



BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**BERNARD BROOKS, RPH,
Certificate of Registration No. 20571,**

Respondent.

Case No. 25-031-RPH-N

**SUBPOENA DUCES TECUM FOR
BUSINESS RECORDS**

THE NEVADA STATE BOARD OF PHARMACY SENDS GREETINGS TO:

**MIKAYLA BERGENDAHL, PT
CERTIFICATE OF REGISTRATION NO. PT29106**

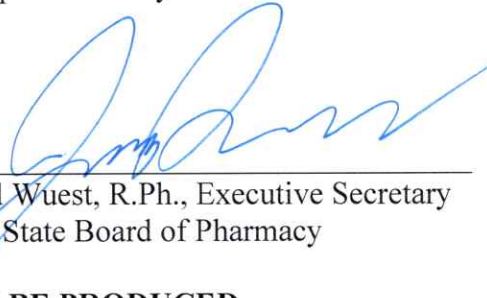
RENO, NV 89502

WE COMMAND YOU, that all and singular business and excuses being set aside, to produce and permit inspection and copying of the books, documents, or tangible things set forth below that are in your possession, custody, or control, by delivering a true, legible, and durable copy of the business records described below to the Nevada State Board of Pharmacy, Attention: Brett Kandt, at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521 and via email at bkandt@pharmacy.nv.gov, no later than October 13, 2025. All documents shall be produced as they are kept in the usual course of business or shall be organized and labeled to correspond with the categories listed.

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J. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy

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- (4) Internal communications;
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and
- (6) Any other documentary materials.

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 3rd day of October 2025, I served a true and correct copy of the foregoing document by Standard U.S. mail to the following:

Mikayla Bergendahl, PT
[REDACTED]
Reno, NV 89502



ERIN MILLER
ADMINISTRATIVE ASSISTANT,
BOARD COORDINATOR II

25-031-RPH-N
Bernard Brooks
Exhibit 3

April 21, 2025

Nevada Board of Pharmacy
985 Damonte Ranch Pkwy, Ste 206
Reno, NV 89521

Attn: Investigator Monica Segedy
Re: Case 25-031 Request for Statement

Dear Investigator Segedy,

On October 7, 2024, I spoke to a pharmacist who had covered a shift on October 4 at Walgreens #2474, where Bernard Brooks was PIC at the time. The pharmacist informed me that the technicians there told him that Bernard has shown up for some work shifts in the past impaired or intoxicated. They told him Bernard occasionally showed up impaired enough to not be able to work and would subsequently shut down the pharmacy to leave. They also told him about a time when a technician had to drive Bernard home, because Bernard could not remember his own address to provide to the cab driver.

I opened an employee relations (ER) case on 10/7/24. I also spoke with the store manager Gonsalo Hernandez. Gonsalo stated that since he took store #2474 over, he has not personally witnessed Bernard intoxicated. He did state that Bernard has shut down the pharmacy and left. I requested Gonsalo open a separate ER case for those incidents, since Bernard shut down the pharmacy without properly notifying upper management.

For the ER case I opened on 10/7, an investigation was performed. The case was closed due to all of the incidents that I reported being months to years old and were therefore outdated. I was instructed to open a new ER case if another incident occurred, but another incident never happened. During my stores visits in Reno at the end of October, I instructed Gonsalo to review our company's policy on reporting reasonable suspicion with every team member in the store and to complete a read-and-sign of their understanding of the policy.

More recently, Bernard called out sick for several days on or around 2/19/25. He worked the following weekend. Then he called and said he would be sick for the entire week of 2/24/25 to 2/28/25. There were rumors that he found a different job and had started working somewhere else, but he did not confirm that with me. Another ER case was opened for excessive sick calls and possible job abandonment. Bernie was sent a letter regarding his unapproved time off and to advise him of applying for a proper leave. This was emailed to him on 2/28/25 and also sent via certified mail on or around 2/28/25. I called Bernard on 2/28/25, and he called back on 3/3/25. He informed me he would not be coming back full-time and requested a part-time position. I said we did not have a part-time position available, so I expected his resignation letter. He confirmed he would send it, but I never received it. After we provided ample opportunity for Bernard to file a proper leave, we received the authorization to terminate him. He was coded off on 4/15/25. To my knowledge, neither the store manager, the district manager, nor I have corresponded with Bernard since. Please let me know if there are additional questions I could answer.

Sincerely,



Melissa Shake, PharmD
Healthcare Supervisor
Walgreen Co.

25-031-RPH-N
Bernard Brooks
Exhibit 4

Court Rec

People Report For:

BERNARD J BROOKS

Sparks, NV

89436

Prepared On:

April 14, 2025

[Report Link](#)

YOU MAY NOT USE OUR SERVICE OR THE INFORMATION IT PROVIDES TO MAKE DECISIONS. ABOUT CONSUMER CREDIT, EMPLOYMENT, INSURANCE OR TENANT SCREENING. BECAUSE ERRORS CAN OCCUR WITH ANY DATA SOURCES, SOME RECORDS MAY NOT BE ACCURATE OR UP TO DATE.

NEVADA BACKGROUND CHECK

REPORT DATE:	MON APR 14 2025
STATUS:	COMPLETE
REFERENCE:	JLXR-XC6K

SUMMARY

NAME:	B [REDACTED] B [REDACTED]
DATE OF BIRTH:	[REDACTED]
AGE:	[REDACTED]
GENDER:	[REDACTED]
ADDRESS:	[REDACTED] NV 89436
COUNTY:	WASHOE
PREVIOUS ADDRESSES:	3 RECORDS
POSSIBLE EMAIL ADDRESSES:	3 RECORDS
POSSIBLE PHONE NUMBERS:	1 RECORD
POSSIBLE RELATIVES:	4 RECORDS
POSSIBLE COURT RECORDS:	7 RECORDS

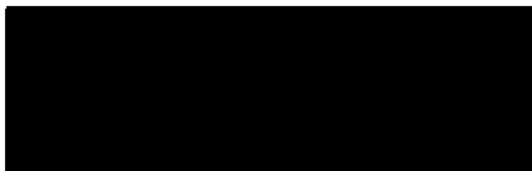
PREVIOUS ADDRESSES

[REDACTED] Sparks, NV 89436

[REDACTED] Chippewa Falls, WI 54729

[REDACTED] Reno, NV 89523

POSSIBLE EMAIL ADDRESSES



POSSIBLE PHONE NUMBERS

[REDACTED]

ADDITIONAL NAMES

BERNARD J BROOKS

PROFESSIONAL LICENSES

LICENSE NUMBER:	20571
LICENSE TYPE:	PHARMACIST
LICENSE STATE:	NV
LICENSE STATUS:	CURRENT
NAME:	BERNARD J BROOKS
ADDRESS:	[REDACTED] SPARKS, NV 89436

POSSIBLE RELATIVES



POSSIBLE CRIMINAL & TRAFFIC RECORDS

BECAUSE ERRORS CAN OCCUR WITH ANY DATA SOURCES, SOME RECORDS MAY NOT BE ACCURATE OR UP TO DATE. DUE TO THE QUALITY OF CRIMINAL DATA ENTRY, DATA DISPLAYED MAY NOT PERTAIN TO THIS PERSON.

NAME ON RECORD:	BERNARD J [REDACTED] BROOKS
SOURCE STATE:	WI
ADDRESS:	[REDACTED] CHIPPEWA FALLS, WI 54729
SOURCE NAME:	WISCONSIN ADMINISTRATOR OF THE COURTS TRAFFIC
GENDER:	[REDACTED]
IS SEX OFFENDER:	[REDACTED]

FIRST NAME:	EXACT MATCH
MIDDLE NAME:	EXACT MATCH
LAST NAME:	EXACT MATCH
DATE OF BIRTH:	MARGINALLY MATCHED
ADDRESS:	EXACT MATCH
AGE:	EXACT MATCH

OFFENSE DESCRIPTION:	OWI (1ST)
OFFENSE DATE:	12/30/2018
CASE NUMBER:	2019TR000145
CRIME TYPE:	NOT CATEGORIZED
CHARGED FILED DATE:	01/08/2019
DISPOSITION DATE:	06/05/2019
CLASSIFICATION:	FORFEITURE U 346.63(1)(A)

OFFENSE DESCRIPTION:	OPERATING W/ PAC ≥ 0.15 (1ST)
OFFENSE DATE:	12/30/2018
CASE NUMBER:	2019TR000469

CRIME TYPE:	NOT CATEGORIZED
CHARGED FILED DATE:	01/29/2019
DISPOSITION:	CHARGE DISMISSED BUT READ IN
DISPOSITION DATE:	06/05/2019
CLASSIFICATION:	FORFEITURE U 346.63(1)(B)

NAME ON RECORD:	BERNARD [REDACTED] BROOKS
SOURCE STATE:	MN
ADDRESS:	MINNEAPOLIS, MN 55414
SOURCE NAME:	MINNESOTA DISTRICT COURTS
IS SEX OFFENDER:	NO

FIRST NAME:	EXACT MATCH
MIDDLE NAME:	EXACT MATCH
LAST NAME:	EXACT MATCH
DATE OF BIRTH:	EXACT MATCH
AGE:	EXACT MATCH

OFFENSE DESCRIPTION:	CRIM-ALCOHOL-UNDERAGE CONSUMPTION-CONSUMPTION BY PERSONS UNDER 21
CASE NUMBER:	70CR149494
CASE TYPE:	MISDEMEANOR DOMESTIC ASSAULT
CRIME TYPE:	MISDEMEANOR
CHARGED FILED DATE:	05/31/2014
DISPOSITION:	CONVICTED
DISPOSITION DATE:	10/14/2014
CLASSIFICATION:	MISDEMEANOR 340A.503.1(A)(2)
ARRESTING AGENCY:	SHAKOPEE POLICE DEPARTMENT

OFFENSE DESCRIPTION:	DISORDERLY CONDUCT
CASE NUMBER:	70CR149494

CASE TYPE:	MISDEMEANOR DOMESTIC ASSAULT
CRIME TYPE:	MISDEMEANOR
CRIME COUNTY:	SCOTT
CHARGED FILED DATE:	05/31/2014
COURT:	MN070015J - SCOTT COUNTY DISTRICT COURT
FINES:	\$300
DISPOSITION:	CONVICTED
DISPOSITION DATE:	10/14/2014
CLASSIFICATION:	MISDEMEANOR 609.72.1
ARRESTING AGENCY:	SHAKOPEE POLICE DEPARTMENT

OFFENSE DESCRIPTION:	LIQUOR-CONSUMPTION BY PERSONS UNDER 21
CASE NUMBER:	70CR149494 14006962
CRIME TYPE:	MISDEMEANOR
CRIME COUNTY:	SCOTT
COURT:	MN070015J - SCOTT COUNTY DISTRICT COURT
FINES:	\$200
DISPOSITION:	CONV-310-CONVICTED
DISPOSITION DATE:	10/14/2014
CLASSIFICATION:	GROSS MISDEMEANOR 340A.503.1(A)(2)
ARRESTING AGENCY:	MN0700400 - SHAKOPEE POLICE DEPT

POSSIBLE RELATED COURT RECORDS

IMPORTANT - THE DATA LISTED IN THIS SECTION MAY OR MAY NOT CORRESPOND TO THE INDIVIDUAL IN THIS REPORT. PLEASE REVIEW ALL THE DETAILS CAREFULLY TO CONFIRM ITS ACCURACY.

CASE TYPE:	DEPOSIT WILL
------------	--------------

COURT NAME:	UNITED STATES, FLORIDA, PINELLAS COUNTY, PROBATE/MENTAL HEALTH
DATE FILED:	2013-03-27
CASE NUMBER:	13-002148-ES
CASE STATUS:	NON-ADMINISTRATION CASE
SOURCE:	PINELLAS COUNTY, FLORIDA - CIRCUIT COURT RECORDS
STATE / COUNTY:	FLORIDA / PINELLAS COUNTY
PARTIES:	BROOKS, BERNARD J (DECEDENT) NONE (PERSONAL REPRESENTATIVE)

[View Court Cases](#)

CASE TYPE:	NON-TRAFFIC ORDINANCE VIOLATION
COURT NAME:	UNITED STATES, WISCONSIN, CIRCUIT COURT, EAU CLAIRE
DATE FILED:	2012-07-18
CASE NUMBER:	2012FO001459
CASE STATUS:	CLOSED
SOURCE:	WISCONSIN - STATEWIDE CIRCUIT COURT RECORDS
STATE / COUNTY:	WISCONSIN
PARTIES:	BROOKS, BERNARD J (DEFENDANT) [REDACTED]

[View Court Cases](#)

CASE TYPE:	TRAFFIC FORFEITURE
COURT NAME:	UNITED STATES, WISCONSIN, CIRCUIT COURT, EAU CLAIRE
DATE FILED:	2013-07-15

Court Rec



FILING DATE **CASE TYPE** **CASE STATUS**

07-18-2012 NON- CLOSED
TRAFFIC
ORDINANCE
VIOLATION

DEFENDANT DATE OF BIRTH **ADDRESS**

[REDACTED] CHIPPEWA FALLS, WI 54729

CHARGE(S)

COUNT NO.	STATUTE	DESCRIPTION	SEVERITY	DISPOSITION
1	125.07(4) (B)	UNDERAGE DRINKING-POSSESS- 17-20 (1ST)	FORF. U	GUILTY DUE TO NO CONTEST PLEA

VIEW HISTORY AND DETAILS OF CHARGE(S)/SENTENCE(S)

DEFENDANT OWES THE COURT: \$ 0.00

RESPONSIBLE OFFICIAL	PROSECUTING AGENCY	PROSECUTING ATTORNEY	DEFENSE ATTORNEY
ADLER, TIMOTHY J.	CORPORATION COUNSEL		

DEFENDANT

DEFENDANT NAME **DATE OF BIRTH** **SEX** **RACE** ¹

BROOKS, BERNARD J [REDACTED]

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CASE NUMBER:	2013TR008369
CASE STATUS:	CLOSED
SOURCE:	WISCONSIN - STATEWIDE CIRCUIT COURT RECORDS
STATE / COUNTY:	WISCONSIN
PARTIES:	BROOKS, BERNARD J (DEFENDANT) [REDACTED]

[View Court Cases](#)

CASE TYPE:	CONTRACT
COURT NAME:	UNITED STATES, MARYLAND, DISTRICT COURT FOR BALTIMORE COUNTY - CIVIL
DATE FILED:	2016-07-26
CASE NUMBER:	080400195642016
CASE STATUS:	OPEN
SOURCE:	MARYLAND - STATEWIDE COURT RECORDS
STATE / COUNTY:	MARYLAND
PARTIES:	BROOKS, BERNARD J (DEFENDANT) CAPITAL ONE BANK (USA) N.A. (PLAINTIFF)

[View Court Cases](#)

CASE TYPE:	TORT
COURT NAME:	UNITED STATES, MARYLAND, DISTRICT COURT FOR BALTIMORE COUNTY - CIVIL
DATE FILED:	2014-03-25
CASE NUMBER:	080400083862014
CASE STATUS:	CLOSED

Court Rec



MONETARY

ORIGINAL JUDGMENT

JUDGMENT EVENT AFFIDAVIT
TYPE: JUDGMENT

JUDGMENT AGAINST: BROOKS, BERNARD J

JUDGMENT IN FAVOR CAPITAL ONE BANK (USA) N.A.
OF:

JUDGMENT ORDERED 10/03/2016
DATE:

JUDGMENT ENTRY 10/03/2016
DATE:

POSTJUDGMENT LEGAL RATE
INTEREST:

PRINCIPAL AMOUNT:	\$1,597.86	PREJUDGMENT INTEREST:	\$0.00
OTHER FEE:	\$0.00	SERVICE FEE:	
APPEARANCE FEE:		WITNESS FEE:	
FILING FEE:	\$74.00	ATTORNEY FEE:	\$0.00
AMOUNT OF JUDGMENT:	\$1,671.86	TOTAL INDEXED JUDGMENT:	\$1,671.86

COMMENT:

JUDGMENT STATUS STATUS DATE

ENTERED 10/03/2016

CASE JUDGMENT COMMENT HISTORY

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Court Rec

X

FILING DATE CASE TYPE CASE STATUS

07-15-2013

TRAFFIC CLOSED
FORFEITURE

DEFENDANT DATE OF
BIRTH

ADDRESS

CHIPPEWA FALLS, WI 54729

CHARGE(S)

COUNT
NO.

STATUTE

DESCRIPTION

SEVERITY

DISPOSITION

1

341.04(1)

NON-REGISTRATION OF
VEHICLE - AUTO
<10,000 LBS

FORF. U

GUILTY DUE TO
NO CONTEST
PLEA

VIEW HISTORY AND DETAILS OF CHARGE(S) / SENTENCE(S)

DEFENDANT OWES THE COURT: \$ 0.00

RESPONSIBLE
OFFICIAL

PROSECUTING
AGENCY

PROSECUTING
ATTORNEY

DEFENSE
ATTORNEY

NOVAK, NATHAN
E.

DISTRICT
ATTORNEY

DEFENDANT

DEFENDANT NAME

DATE OF BIRTH

SEX

RACE ¹

BROOKS, BERNARD J

ADDRESS

ADDRESS UPDATED ON

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CASE TYPE:	MISDEMEANOR
COURT NAME:	UNITED STATES, DISTRICT OF COLUMBIA, SUPERIOR COURT
DATE FILED:	2013-05-18
CASE NUMBER:	2013 CMD 008338
CASE STATUS:	CLOSED
SOURCE:	DISTRICT OF COLUMBIA - SUPERIOR COURT RECORDS
STATE / COUNTY:	DISTRICT OF COLUMBIA
PARTIES:	BROOKS, BERNARD J (DEFENDANT (CRIMINAL))

[View Court Cases](#)

Court Rec



DATE	DOCKET TEXT	IMAGE AVAIL.
05/18/2013	CHARGE FILED CHARGE #1: SIMPLE ASSAULT	IMAGE
	EVENT SCHEDULED EVENT: ARRAIGNMENT DATE:	
05/18/2013	05/18/2013 TIME: 1:00 PM JUDGE: BURGESS JR, A FRANKLIN LOCATION: COURTROOM C-10	
05/18/2013	CJA ELIGIBILITY	IMAGE
	ATTORNEY APPOINTED ATTORNEY IPYANA, AMINATA FULANI REPRESENTING DEFENDANT	
05/18/2013	(CRIMINAL) BROOKS, BERNARD J AS OF 05/18/2013	IMAGE
	EVENT RESULTED - RELEASE STATUS: NO BOND THE FOLLOWING EVENT: ARRAIGNMENT SCHEDULED FOR 05/18/2013 AT 1:00 PM HAS BEEN RESULTED AS FOLLOWS: A1A GRANTED; 2012 CF2 21508 RESULT: DEFENDANT PLED NOT GLTY	
05/18/2013	TRIAL RIGHTS WERE ASSERTED JUDGE: BURGESS JR, A FRANKLIN LOCATION: COURTROOM C-10 BERNARD J BROOKS (DEFENDANT (CRIMINAL)); ; AMINATA FULANI IPYANA (ATTORNEY) ON BEHALF OF BERNARD J BROOKS (DEFENDANT (CRIMINAL)); JUDGE A FRANKLIN BURGESS JR ON BEHALF OF JUDGE JOHN MCCABE	
	EVENT SCHEDULED EVENT: DETENTION HEARING DATE: 05/24/2013 TIME: 9:00 AM JUDGE: SULLIVAN, FREDERICK LOCATION: COURTROOM 301	
05/18/2013	EVENT SCHEDULED EVENT: MISDEMEANOR INITIAL STATUS HEARING DATE: 06/10/2013 TIME: 9:30 AM JUDGE: MCCABE, JOHN LOCATION: COURTROOM	

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DECISIONS ABOUT CONSUMER CREDIT, EMPLOYMENT, INSURANCE OR TENANT
SCREENING. BECAUSE ERRORS CAN OCCUR WITH ANY DATA SOURCES, SOME RECORDS
MAY NOT BE ACCURATE OR UP TO DATE.

Additoanl details of 5/18/2013 arrest

08/15/2013	EVENT RESULTED - RELEASE STATUS:
08/15/2013	NOTICE TO RETURN TO COURT FILED
08/15/2013	EVENT SCHEDULED
08/15/2013	CHARGE DISPOSED - PLEA JUDGMENT GUILTY
08/15/2013	EVENT RESULTED - RELEASE STATUS:
08/15/2013	EVENT RESULTED - RELEASE STATUS:
08/15/2013	CASE DISPOSED - PLEA JUDGMENT GUILTY
09/20/2013	SENTENCE
09/20/2013	JUDGMENT AND COMMITMENT ORDER FILED
09/20/2013	NOTICE TO RETURN TO COURT FILED
09/20/2013	EVENT SCHEDULED
09/20/2013	EVENT RESULTED - RELEASE STATUS:
10/29/2013	EVENT RESULTED - RELEASE STATUS:
01/08/2014	ORDER ENTERED ON THE DOCKET
TOTAL	TOTAL

PAY

CASE DISPOSITION

DISPOSITION	DATE
GUILTY- PLEA JUDGMENT GUILTY	08/15/2013

SOURCE:	PINELLAS COUNTY, FLORIDA - CIRCUIT COURT RECORDS
STATE / COUNTY:	FLORIDA / PINELLAS COUNTY
PARTIES:	BROOKS, BERNARD J ALSO KNOWN AS BROOKS, BERNARD J, SR (DECEDENT) BROOKS, BERNARD J, JR (TRUSTEE)

[View Court Cases](#)

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END OF REPORT

25-031-RPH-N
Bernard Brooks
Exhibit 5 .

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**BERNARD BROOKS, RPH,
Certificate of Registration No. 20571,**

Respondent.

Case No. 25-031-RPH-N

**MEMORANDUM OF ATTORNEY'S
FEES AND COSTS**

Pursuant to NRS 622.400, the undersigned hereby submits the following itemized bill of costs and reasonable attorney's fees incurred by the Nevada State Board of Pharmacy in connection with the investigation and prosecution of the above-entitled administrative action.

Investigative Time – Monica Segedy				
Date(s)	Description	Hours	Rate	Amount
SEE ATTACHED	25-031-RPH-N	23.50	\$53.00/hr	\$1,245.50
Subtotal (Investigation): \$1,245.50				
Attorney Time - Brett Kandt				
Date(s)	Description	Hours	Rate	Amount
7/8/25	Confer with staff and review investigative case file in case 25-031-CS-N.	1.50	\$104.00/hr	\$156.00
7/9/25	Confer with staff and research and draft Notice of Intended Action and Accusation.	5.25	\$104.00/hr	\$546.00
7/10/25	Confer with staff and research and draft Notice of Intended Action and Accusation.	2.50	\$104.00/hr	\$260.00

8/8/25	Review Answer and Notice of Defense, discovery requests and first subpoena demand; confer with staff.	1.50	\$104.00/hr	\$156.00
8/12/25	Confer with staff and opposing counsel; draft subpoenas and review discovery production.	3.75	\$104.00/hr	\$390.00
8/13/25	Confer with staff and opposing counsel; draft subpoenas and review discovery production.	2.50	\$104.00/hr	\$260.00
8/14/25	Confer with staff and opposing counsel; review and produce discovery.	2.25	\$104.00/hr	\$234.00
8/19/25	Confer with staff regarding witnesses.	0.50	\$104.00/hr	\$52.00
8/25/25	Confer with opposing counsel regarding case.	0.25	\$104.00/hr	\$26.00
8/28/25	Confer with staff regarding subpoena for business records.	0.50	\$104.00/hr	\$52.00
8/29/25	Confer with staff and opposing counsel on evaluation, scope of hearing and discovery production.	1.25	\$104.00/hr	\$130.00
9/1/25	Prepare for hearing.	3.50	\$104.00/hr	\$364.00
9/2/25	Meet and confer with opposing counsel; review discovery production from Walgreens; hearing prep; stipulate to continuance.	4.25	\$104.00/hr	\$442.00

9/11/25	Confer with counsel.	0.25	\$104.00/hr	\$26.00
9/15/25	Confer with counsel.	0.25	\$104.00/hr	\$26.00
9/18/25	Confer with counsel.	0.25	\$104.00/hr	\$26.00
9/29/25	Confer with counsel.	0.50	\$104.00/hr	\$52.00
9/30/25	Confer with counsel.	0.50	\$104.00/hr	\$52.00
10/1/25	Review second subpoena demand from respondent; confer with staff and draft subpoenas.	2.25	\$104.00/hr	\$234.00
10/2/25	Review third subpoena demand from respondent; confer with staff and draft subpoenas; prepare for hearing and prepare memorandum of attorney's fees and costs.	3.75	\$104.00/hr	\$390.00
10/3/25	Confer with counsel; prepare for hearing and prepare memorandum of attorney's fees and costs.	2.50	\$104.00/hr	\$260.00
10/7/25	Prepare for hearing.	1.75	\$104.00/hr	\$182.00
10/9/25	Final hearing preparation; draft proposed findings of fact/conclusions of law.	4.00	\$104.00/hr	\$416.00
10/15/25	Hearing in case 25-031-RPH-N; finalize order.	2.00	\$104.00/hr	\$208.00
Subtotal (Attorney Time): \$4,940.00				

Administrative Costs				
Date(s)	Description	Hours	Rate	Amount
7/25/25	Erin Miller finalized, filed and served Accusation via certified/regular mail.	0.50	\$25.00/hr	\$12.50
8/4/25	Jessette Phaynarikone served Notice of Hearing for September 3, 2025, via certified/regular mail.	0.50	\$25.00/hr	\$12.50
8/12/25	Darlene Nases finalized Subpoenas for Walgreen's Staff on September 3, 2025, and mailed out via certified/regular mail.	1.50	\$25.00/hr	\$37.50
8/13/25	Darlene Nases mailed out Subpoena for Business Records to Walgreen's #2474 by request of opposing counsel.	0.25	\$25.00/hr	\$6.25
8/13/25	Darlene Nases prepared discovery file.	2.0	\$25.00/hr	\$50.00
9/15/25	Jessette Phaynarikone served Notice of Hearing for October 15, 2025, via certified/regular mail.	0.50	\$25.00/hr	\$12.50
10/02/25	Darlene Nases finalized Subpoenas requested by opposing counsel.	0.50	\$25.00/hr	\$12.50
10/03/25	Erin Miller mailed out Subpoenas requested by opposing counsel.	3.0	\$25.00/hr	\$75.00
Subtotal (Administrative Costs): \$218.75				
Additional Recoverable Costs: Postage/Mailing Costs: \$ \$251.81				

Total Attorney's Fees and Recoverable Costs: \$6,656.06

I, Brett Kandt, affirm, to the best of my knowledge and belief, that the foregoing is a true and correct statement of reasonable attorney's fees and recoverable costs incurred by the Board in the above-entitled action.

DATED this 15th day of October, 2025.



Brett Kandt
General Counsel
Nevada State Board of Pharmacy

Investigation hours

Case No. 25-031-RPH-N RPh Bernard Brooks, Registration No. 20571
Investigator Monica S. Segedy

Date	Duties	Hours
1/24/2025	initial case & complaint review	1
3/18/2025	Interview of Complainant & Documentation	1
3/18/2024	interview of Gonsalo Hernandez & PT Berryman	2
4/9/025	Interview of PT Bergendahl	1
4/9/2025	Review of NBOP Database docs re: Brooks' Disclosures	2
4/10/2025	Interview of Brooks at Option Care	2
4/14/2025	Query of Brooks' Court Records	1.5
5/2/2025	Signed Statement/Review from Melissa Shake	1
5/12/2025	Final Report Writing/Key Facts Summary	4
8/13/2025	Personal Service of Subpoenas to Diaz, Hernandez, West and Berryman - Sparks NV	2
8/14/2025	Personal Service of Subpoenas to Dowd & Bergendahl	2
8/19/2025	interview of Sarah Hale-Byron	0.5
8/29/2025	Supplemental Report	1
8/29/2025	consult with NBOP Counsel Prep fpr Hearing	0.5

Total hrs	23.50
Wage per Hour	\$53.00
Total Investigative Cost	\$1,245.50

Opposing Counsel

Exhibit A

From: [Jimenez iii, Louis](#)
To: [Kump, Craig](#)
Cc: [Lutchman, Brian](#); [Shake, Melissa](#)
Subject: ER Case: 407495
Date: Friday, February 28, 2025 4:39:34 PM
Attachments: [image001.png](#)
[Unapproved Time Off letter.doc](#)

Hi Craig,

Per our discussion, attached is the letter template you will need to send to Bernard's home. Please make any necessary changes and delete any statements that don't apply to him in the letter as this is just a template. He should be given a 2-week deadline (15 days) to comply. Please send this letter to the TM's home certified with return receipt and by regular 1st class mail. Please keep a copy of the letter for your records.

If he has not applied for leave through Sedgwick by the deadline, then he can be coded off due to job abandonment. Should you have questions or concerns, feel free to reach back out to ER to discuss before coding her off if there are extenuating circumstances.

Should you have any questions, please don't hesitate to reach out.

Thank you,

Thank you,
Louis Jimenez III
Employee Relations Specialist
Walgreens Co.

104 Wilmot Rd. MS #123M | Deerfield, IL 60015

Phone: [REDACTED] | Fax: 224-516-6006



Member of Walgreens Boots Alliance

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25-031-RPH-N
exhibit A

WG 307

VIA CERTIFIED and FIRST CLASS U.S. MAIL

DATE 2/28/2025

EMPLOYEE NAME Bernard Brooks

EMPLOYEE ADDRESS:

[REDACTED]
Sparks, NV [REDACTED]

Dear Bernard:

As background, you have not worked at the store since **February 23, 2025**.

As of this date, you have not applied for a leave of absence; therefore, you are not on an approved leave. Please call Sedgwick immediately at **1-877-872-0911** to apply for a leave of absence. When calling Sedgwick please be ready to:

- Identify yourself by your employee ID
- Provide details of the reason for the leave request

Failure to certify your time off from work and, if applicable, apply for such a leave and provide the necessary paperwork can negatively impact your employment status. If you do not do this by **March 14, 2025**, we will consider this your voluntary resignation from the Walgreen Company. Thank you.

Sincerely,

Craig Kump
District Manager
Enclosures
Cc: Personnel File

From: Kump, Craig
To: BERNIEBROOKS18@GMAIL.COM
Cc: Shake, Melissa; Kump, Craig
Subject: unapproved time off
Date: Friday, February 28, 2025 6:28:48 PM
Attachments: Outlook-walgreens .png
Unapproved Time Off letter Brooks.doc
Importance: High

Bernie,
See attached document on unapproved time off.

Thank you,
Craig

Craig Kump
District Manager, Reno 229

Walgreen Co. | 10370 N. McCarran Blvd, Reno NV 89511
| Mobile [REDACTED]

Member of Walgreens Boots Alliance

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VIA CERTIFIED and FIRST CLASS U.S. MAIL

DATE 2/28/2025

EMPLOYEE NAME Bernard Brooks

EMPLOYEE ADDRESS:

Sparks, NV

Dear Bernard:

As background, you have not worked at the store since **February 23, 2025**.

As of this date, you have not applied for a leave of absence; therefore, you are not on an approved leave. Please call Sedgwick immediately at **1-877-872-0911** to apply for a leave of absence. When calling Sedgwick please be ready to:

- Identify yourself by your employee ID
- Provide details of the reason for the leave request

Failure to certify your time off from work and, if applicable, apply for such a leave and provide the necessary paperwork can negatively impact your employment status. If you do not do this by **March 14, 2025**, we will consider this your voluntary resignation from the Walgreen Company. Thank you.

Sincerely,

Craig Kump
District Manager
Enclosures
Cc: Personnel File

Exhibit B

2012 CMD 019000 United States Vs. BROOKS, BERNARD JM

- Case Type:
- Misdemeanor
- Case Status:
- Closed
- File Date:
- 11/05/2012
- Status Date:
- 11/05/2012
- Next Event:
-

All Information Party Docket Receipt Financial Dockets Disposition

Party Information

BROOKS, BERNARD
- Defendant (Criminal)

- Disposition
-
- Disp Date
-

Alias

AKA

BROOKS, BERNARD

Party Attorney

- Attorney
- IPYANA, AMINATA FULANI

Docket Information

<u>Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
11/05/2012	Charge Filed Simple Assault	Image
11/05/2012	Event Scheduled Event: Arraignment Date: 11/05/2012 Time: 1:00 pm Judge: HOWZE, KAREN Location: Courtroom C-10	
11/05/2012	Gerstein Affidavit Filed	Image
11/05/2012	CJA Eligibility	Image
11/05/2012	Attorney Appointed Attorney IPYANA, AMINATA FULANI representing Defendant (Criminal) BROOKS, BERNARD as of 11/05/2012 BERNARD BROOKS (Defendant (Criminal)); Judge KAREN HOWZE on behalf of Judge JOHN MCCABE	Image
11/05/2012	Event Resulted - Release Status: PR-PSA The following event: Arraignment scheduled for 11/05/2012 at 1:00 pm has been resulted as follows: Result: Defendant Pled Not Gilty Trial Rights Were Asserted Judge: HOWZE, KAREN Location: Courtroom C-10 BERNARD BROOKS (Defendant (Criminal)); AMINATA FULANI IPYANA (Attorney) on behalf of BERNARD BROOKS (Defendant (Criminal)); Judge KAREN HOWZE on behalf of Judge JOHN MCCABE	
11/05/2012	Event Scheduled Event: Misdemeanor Initial Status Hearing Date: 11/30/2012 Time: 9:30 am Judge: MCCABE, JOHN Location: Courtroom 311	
11/05/2012	Initial Discovery Request Filed	Image
11/05/2012	Pre Trial Report	Image
11/05/2012	Release Conditions	Image
11/05/2012	Stay Away Order Filed	Image

Exhibit B

<u>Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
11/30/2012	Notice to Return to Court Filed Notice to Return to Court Sent on: 11/30/2012 09:55:11.04	Image
11/30/2012	Event Resulted - Release Status: Personal Recognizance/PSA. Case continued for additional status date at request of Defense Counsel. AUSA Tara Karoian present representing the Government for this proceeding. The following event: Misdemeanor Initial Status Hearing scheduled for 11/30/2012 at 9:30 am has been resulted as follows: Result: Hearing Held Judge: MCCABE, JOHN Location: Courtroom 311 BERNARD BROOKS (Defendant (Criminal)); ; AMINATA FULANI IPYANA (Attorney) on behalf of BERNARD BROOKS (Defendant (Criminal)); Judge JOHN MCCABE	
11/30/2012	Event Scheduled Event: Status Hearing Date: 12/20/2012 Time: 9:30 am Judge: MCCABE, JOHN Location: Courtroom 311	
12/20/2012	Notice to Return to Court Filed Notice to Return to Court Sent on: 12/20/2012 11:13:39.68	Image
12/20/2012	Event Scheduled Event: Status Hearing Date: 01/22/2013 Time: 9:30 am Judge: MCCABE, JOHN Location: Courtroom 311	
12/20/2012	Event Resulted - Release Status: PR PSA. Case continued for possible disposition due to the defendant picking up a felony matter earlier this week. The following event: Status Hearing scheduled for 12/20/2012 at 9:30 am has been resulted as follows: Result: Hearing Held Judge: MCCABE, JOHN Location: Courtroom 311 BERNARD BROOKS (Defendant (Criminal)); ; AMINATA FULANI IPYANA (Attorney) on behalf of BERNARD BROOKS (Defendant (Criminal)); Judge JOHN MCCABE	
01/22/2013	Waiver of Trial Filed	Image
01/22/2013	Charge Disposed - Dismissed as Part of Plea Agreement	
01/22/2013	Charge Disposed - Plea Judgment Guilty	
01/22/2013	Case Disposed - Plea Judgment Guilty	
01/22/2013	Sentence Sentence for Charge # 1, Simple Assault Sentence Date: 01/22/2013 Confinement Type: Confinement Time: 0 years, 0 months, 90 days. Time Susp: 0 years, months, 90 days. Amount To Serve: 0 years, 0 months, 0 days. Comm Svc Hours: 20 VVCA Amount: \$ 50.00 , Due: 04/30/2013 Probation Type: SUPVP, Start Date: , End Date: Probation Time: 0 years, 12 months, 0 days Probation Conditions: Stay Away From: Special Conditions: ANTONIO DACOSTA AND TAMERU ZEMENFES Probation Conditions: Stay Away From: Special Conditions: 2400 MINNESOTA AVENUE SE WASHINGTON DC Probation Conditions: Maintain or Seek Employment Special Conditions: Job Training or Education Probation Conditions: Other conditions: Special Conditions: Attend Probation Review Hearing Probation Conditions: Community Service Special Conditions: 20 Hours	
01/22/2013	Notice to Return to Court Filed Notice to Return to Court Sent on: 01/22/2013 11:40:06.15	Image
01/22/2013	Event Scheduled Event: Probation Review Hearing Date: 05/10/2013 Time: 11:00 am Judge: MCCABE, JOHN Location: Courtroom 311	

<u>Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
01/22/2013	Judgment and Commitment Order Filed Judgment and Probation Order Sent on: 01/22/2013 11:40:39.69	Image
01/22/2013	Event Resulted - Release Status: Personal Recognizance - Defendant pled guilty to the charge of Simple Assault. Pre-Sentence Investigation waived. Sentence imposed. Case continued for Probation Review Hearing. The following event: Status Hearing scheduled for 01/22/2013 at 9:30 am has been resulted as follows: Result: Change of Plea to Guilty Judge: MCCABE, JOHN Location: Courtroom 311 BERNARD BROOKS (Defendant (Criminal)); ; AMINATA FULANI IPYANA (Attorney) on behalf of BERNARD BROOKS (Defendant (Criminal)); Judge JOHN MCCABE	
01/25/2013	Crime Victims Compensation Fund Receipt: 190982 Date: 03/04/2013	
05/10/2013	Event Resulted - Release Status: N/A - CSO Tara Riley was present. Defendant is in compliance with the special conditions of Probation. Defendant remains on Probation. No further Court date set. The following event: Probation Review Hearing scheduled for 05/10/2013 at 11:00 am has been resulted as follows: Result: Hearing Held Judge: MCCABE, JOHN Location: Courtroom 311 BERNARD BROOKS (Defendant (Criminal)); ; AMINATA FULANI IPYANA (Attorney) on behalf of BERNARD BROOKS (Defendant (Criminal)); Judge JOHN MCCABE	
06/10/2013	Alleged Violation Report dated 5/22/13 received in Judge McCabe's chambers. KJ	Image
06/11/2013	Order to Show Cause signed by Judge McCabe. Order Entered on the Docket. Copies of order mailed to parties from chambers. KJ	Image
06/11/2013	Event Scheduled Event: Probation Show Cause Hearing Date: 08/13/2013 Time: 11:00 am Judge: MCCABE, JOHN Location: Courtroom 311	
08/13/2013	Notice to Return to Court Filed Notice to Return to Court Sent on: 08/13/2013 13:59:37.95	Image
08/13/2013	Event Scheduled Event: Probation Show Cause Hearing Date: 08/15/2013 Time: 9:30 am Judge: MCCABE, JOHN Location: Courtroom 311	
08/13/2013	Event Resulted - Release Status: Personal Recognizance - Case continued for a further Probation Show Cause hearing to trail case 2013 CMD 008338 where the defendant will dispose of the case through a guilty plea. The following event: Probation Show Cause Hearing scheduled for 08/13/2013 at 11:00 am has been resulted as follows: Result: Hearing Held Judge: MCCABE, JOHN Location: Courtroom 311 BERNARD BROOKS (Defendant (Criminal)); ; AMINATA FULANI IPYANA (Attorney) on behalf of BERNARD BROOKS (Defendant (Criminal)); Judge JOHN MCCABE	
08/15/2013	Notice to Return to Court Filed Notice to Return to Court Sent on: 08/15/2013 10:42:02.01	
08/15/2013	Event Scheduled Event: Probation Show Cause Hearing Date: 09/13/2013 Time: 11:00 am Judge: MCCABE, JOHN Location: Courtroom 311	
08/15/2013	Notice to Return to Court Filed Notice to Return to Court Sent on: 08/15/2013 11:32:40.64	Image
08/15/2013	Event Scheduled Event: Probation Show Cause Hearing Date: 09/20/2013 Time: 11:00 am Judge: MCCABE, JOHN Location: Courtroom 311	
08/15/2013	Event Resulted - Release Status: The following event: Probation Show Cause Hearing scheduled for 09/13/2013 at 11:00 am has been resulted as follows:	

Date	Docket Text	Image Avail.
	Result: Hearing Vacated Judge: MCCABE, JOHN Location: Courtroom 311	
08/15/2013	Event Resulted - Release Status: Personal Recognizance - Case continued for further Probation Show Cause Hearing to trail the defendant's case set for sentencing, 2013 CMD 008338. The following event: Probation Show Cause Hearing scheduled for 08/15/2013 at 9:30 am has been resulted as follows: Result: Hearing Held Judge: MCCABE, JOHN Location: Courtroom 311 BERNARD BROOKS (Defendant (Criminal)); ; AMINATA FULANI IPYANA (Attorney) on behalf of BERNARD BROOKS (Defendant (Criminal)); Judge JOHN MCCABE	
09/20/2013	Notice to Return to Court Filed Notice to Return to Court Sent on: 09/20/2013 12:05:34.56	Image
09/20/2013	Event Scheduled Event: Probation Review Hearing Date: 10/29/2013 Time: 11:00 am Judge: MCCABE, JOHN Location: Courtroom 311	
09/20/2013	Sentence Sentence for Charge # 1, Simple Assault Sentence Date: 09/20/2013 Confinement Type: Confinement Time: 0 years, 0 months, 90 days. Time Susp: 0 years, months, 90 days. Amount To Serve: 0 years, 0 months, 0 days. Comm Svc Hours: 20 VVCA Amount: 50.00 , Due: 04/30/2013 Probation Type: SUPVP, Start Date: , End Date: Probation Time: 0 years, 12 months, 0 days Probation Conditions: Stay Away From: Special Conditions: ANTONIO DACOSTA AND TAMERU ZEMENFES Probation Conditions: Stay Away From: Special Conditions: 2400 MINNESOTA AVENUE SE WASHINGTON DC Probation Conditions: Maintain or Seek Employment Probation Conditions: Other conditions: Probation Conditions: Community Service Probation Revocation: 09/20/2013, Probation Reinstatement: 09/20/2013 Sentencing Comments: THE SENTENCE RUNS CONSECUTIVE AND THE PROBATION RUNS CONCURRENT WITH THE SENTENCE AND PROBATION IMPOSED IN 2013 CMD8338	
09/20/2013	Judgment and Commitment Order Filed Judgment and Probation Order Sent on: 09/20/2013 12:10:25.27	Image
09/20/2013	Sentence Sentence for Charge # 1, Simple Assault Sentence Date: 09/20/2013 Confinement Type: Confinement Time: 0 years, 0 months, 90 days. Time Susp: 0 years, months, 90 days. Amount To Serve: 0 years, 0 months, 0 days. VVCA Amount: 50.00 , Due: 04/30/2013 Probation Type: SUPVP, Start Date: , End Date: Probation Time: 0 years, 12 months, 0 days Probation Conditions: Stay Away From: Special Conditions: ANTONIO DACOSTA AND TAMERU ZEMENFES Probation Conditions: Stay Away From: Special Conditions: 2400 MINNESOTA AVENUE SE WASHINGTON DC Probation Conditions: Maintain or Seek Employment Probation Conditions: Drug Testing Probation Conditions: Drug Treatment Program Special Conditions: as deemed appropriate by CSOSA Probation Revocation: 09/20/2013, Probation Reinstatement: Sentencing Comments: THE SENTENCE RUNS CONSECUTIVE AND THE PROBATION RUNS CONCURRENT WITH THE SENTENCE AND PROBATION IMPOSED IN 2013 CMD8338	
09/20/2013	Event Resulted - Release Status: Bond remains in not applicable pending Probation Hearing. Probation Officer Riley is present with representations. The defendant's probation is revoked and the defendant is resentenced. The case is continued to check on the progress and compliance. The following event: Probation Show Cause Hearing scheduled for 09/20/2013 at 11:00 am has been resulted as follows: Result: Probation Revoked Judge: MCCABE, JOHN Location: Courtroom 311	

<u>Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>	
	BERNARD BROOKS (Defendant (Criminal)); ; AMINATA FULANI IPYANA (Attorney) on behalf of BERNARD BROOKS (Defendant (Criminal)); Judge JOHN MCCABE		
10/29/2013	Event Resulted - Release Status: N/A - Defendant is in compliance with the special conditions and remains on Probation. No further hearing date set. The following event: Probation Review Hearing scheduled for 10/29/2013 at 11:00 am has been resulted as follows: Result: Hearing Held Judge: MCCABE, JOHN Location: Courtroom 311 BERNARD BROOKS (Defendant (Criminal)); ; AMINATA FULANI IPYANA (Attorney) on behalf of BERNARD BROOKS (Defendant (Criminal)); Judge JOHN MCCABE		
Receipts			
<u>Receipt Number</u>	<u>Receipt Date</u>	<u>Received From</u>	<u>Payment Amount</u>
190982	03/04/2013	BROOKS, BERNARD	\$50.00
Total	Total	Total	\$50.00

Financial Docket Information	
<u>Date</u>	<u>Description</u>
11/05/2012	Charge Filed
11/05/2012	Proposed Release Order
11/05/2012	Event Scheduled
11/05/2012	Gerstein Affidavit Filed
11/05/2012	CJA Eligibility
11/05/2012	Attorney Appointed/Dismissed
11/05/2012	Event Resulted - Release Status:
11/05/2012	Event Scheduled
11/05/2012	Initial Discovery Request Filed
11/05/2012	Pre Trial Report
11/05/2012	Release Conditions
11/05/2012	Release Conditions Ordered
11/05/2012	Pretrial Stay Away Order Filed
11/30/2012	Notice to Return to Court Filed
11/30/2012	Event Resulted - Release Status:
11/30/2012	Event Scheduled
12/20/2012	Notice to Return to Court Filed
12/20/2012	Event Scheduled
12/20/2012	Event Resulted - Release Status:
01/22/2013	Waiver of Trial (Plea Form) Filed
01/22/2013	Charge Disposed - Dismissed as Part of Plea Agreement
01/22/2013	Charge Disposed - Plea Judgment Guilty
01/22/2013	Case Disposed - Plea Judgment Guilty
01/22/2013	Sentence
01/22/2013	Notice to Return to Court Filed
01/22/2013	Event Scheduled
01/22/2013	Judgment and Commitment Order Filed
Total	Total

<u>Date</u>	<u>Description</u>
01/22/2013	Event Resulted - Release Status:
04/26/2013	Request for In House Record
05/10/2013	Event Resulted - Release Status:
06/10/2013	Probation Violation Report
06/11/2013	Order to Show Cause Entered on the Docket
06/11/2013	Event Scheduled
08/13/2013	Notice to Return to Court Filed
08/13/2013	Event Scheduled
08/13/2013	Event Resulted - Release Status:
08/15/2013	Notice to Return to Court Filed
08/15/2013	Event Scheduled
08/15/2013	Notice to Return to Court Filed
08/15/2013	Event Scheduled
08/15/2013	Event Resulted - Release Status:
08/15/2013	Event Resulted - Release Status:
09/20/2013	Notice to Return to Court Filed
09/20/2013	Event Scheduled
09/20/2013	Sentence
09/20/2013	Judgment and Commitment Order Filed
09/20/2013	Sentence
09/20/2013	Event Resulted - Release Status:
10/29/2013	Event Resulted - Release Status:
Total	Total

Case Disposition

<u>Disposition</u>	<u>Date</u>
Guilty- Plea Judgment Guilty	01/22/2013

2013 CMD 008338 United States Vs. BROOKS, BERNARD J JM

- Case Type:
Misdemeanor
- Case Status:
Closed
- File Date:
05/18/2013
- Status Date:
05/18/2013
- Next Event:

All Information Party Docket Financial Dockets Disposition

Docket Information

<u>Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
05/18/2013	Charge Filed Charge #1: Simple Assault	Image
05/18/2013	Event Scheduled Event: Arraignment Date: 05/18/2013 Time: 1:00 pm Judge: BURGESS JR, A FRANKLIN Location: Courtroom C-10	
05/18/2013	CJA Eligibility	Image
05/18/2013	Attorney Appointed Attorney IPYANA, AMINATA FULANI representing Defendant (Criminal) BROOKS, BERNARD J as of 05/18/2013	Image
05/18/2013	Event Resulted - Release Status: No Bond The following event: Arraignment scheduled for 05/18/2013 at 1:00 pm has been resulted as follows: A1A Granted; 2012 CF2 21508 Result: Defendant Pled Not Gilty Trial Rights Were Asserted Judge: BURGESS JR, A FRANKLIN Location: Courtroom C-10 BERNARD J BROOKS (Defendant (Criminal)); ; AMINATA FULANI IPYANA (Attorney) on behalf of BERNARD J BROOKS (Defendant (Criminal)); Judge A FRANKLIN BURGESS JR on behalf of Judge JOHN MCCABE	
05/18/2013	Event Scheduled Event: Detention Hearing Date: 05/24/2013 Time: 9:00 am Judge: SULLIVAN, FREDERICK Location: Courtroom 301	
05/18/2013	Event Scheduled Event: Misdemeanor Initial Status Hearing Date: 06/10/2013 Time: 9:30 am Judge: MCCABE, JOHN Location: Courtroom 311	
05/18/2013	Commitment Pending Disposition Filed	Image
05/18/2013	Pre Trial Report	Image
05/24/2013	Release Order Filed Release Order - Jail Sent on: 05/24/2013 11:28:23.48	Image
05/24/2013	High Intensity Supervision Contract Filed	Image
05/24/2013	Event Resulted - Release Status: PR-HISP. Sergeant BRETT PARSON, MPD, testified for the Government. The Court found Probable Cause. The Court then granted the Defense's oral Bond Review Motion and released the Defendant into HISP. The scheduled Misdemeanor Initial Status Hearing for 6/10/2013 before Judge JOHN MCCABE remains. AUSA REBEKAH HOLMAN appeared for the Government. Pretrial Services Representative KRIS SMITH was present. The following event: Detention Hearing scheduled for 05/24/2013 at 9:00 am has been resulted as follows: Result: Hearing Held Judge: NOOTER, WILLIAM Location: Courtroom 301	

<u>Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
	BERNARD J BROOKS (Defendant (Criminal)); ; AMINATA FULANI IPYANA (Attorney) on behalf of BERNARD J BROOKS (Defendant (Criminal)); Judge WILLIAM NOOTER on behalf of Judge JOHN MCCABE	
05/24/2013	Stay Away Order Filed	Image
06/10/2013	Notice to Return to Court Filed Notice to Return to Court Sent on: 06/10/2013 09:54:40.47	Image
06/10/2013	Event Scheduled Event: Status Hearing Date: 08/13/2013 Time: 9:30 am Judge: MCCABE, JOHN Location: Courtroom 311	
06/10/2013	Event Resulted - Release Status: PR HISP. Case continued to for possible global disposition; defendant is to enter into inpatient treatment. The following event: Misdemeanor Initial Status Hearing scheduled for 06/10/2013 at 9:30 am has been resulted as follows: Result: Hearing Held Judge: MCCABE, JOHN Location: Courtroom 311 BERNARD J BROOKS (Defendant (Criminal)); ; AMINATA FULANI IPYANA (Attorney) on behalf of BERNARD J BROOKS (Defendant (Criminal)); Judge JOHN MCCABE	
08/13/2013	Notice to Return to Court Filed Notice to Return to Court Sent on: 08/13/2013 13:58:56.22	Image
08/13/2013	Event Scheduled Event: Status Hearing Date: 08/15/2013 Time: 9:30 am Judge: MCCABE, JOHN Location: Courtroom 311	
08/13/2013	Event Resulted - Release Status: Personal Recognizance / HISP - The Court grants a mutual continuance to a date agreed upon by both parties to allow the defense to review the plea offer. The following event: Status Hearing scheduled for 08/13/2013 at 9:30 am has been resulted as follows: Result: Mutual Continuance Possible Disposition Judge: MCCABE, JOHN Location: Courtroom 311 BERNARD J BROOKS (Defendant (Criminal)); ; AMINATA FULANI IPYANA (Attorney) on behalf of BERNARD J BROOKS (Defendant (Criminal)); Judge JOHN MCCABE	
08/15/2013	Waiver of Trial Filed	Image
08/15/2013	Event Scheduled Event: Sentencing Date: 09/13/2013 Time: 9:30 am Judge: MCCABE, JOHN Location: Courtroom 311	
08/15/2013	Notice to Return to Court Filed Notice to Return to Court Sent on: 08/15/2013 10:41:31.05	
08/15/2013	Event Scheduled Event: Sentencing Date: 09/13/2013 Time: 11:00 am Judge: MCCABE, JOHN Location: Courtroom 311	
08/15/2013	Event Resulted - Release Status: The following event: Sentencing scheduled for 09/13/2013 at 9:30 am has been resulted as follows: Result: Hearing Vacated Judge: MCCABE, JOHN Location: Courtroom 311	
08/15/2013	Notice to Return to Court Filed Notice to Return to Court Sent on: 08/15/2013 11:31:51.47	Image
08/15/2013	Event Scheduled Event: Sentencing Date: 09/20/2013 Time: 11:00 am Judge: MCCABE, JOHN Location: Courtroom 311	
08/15/2013	Charge Disposed - Plea Judgment Guilty	
08/15/2013	Event Resulted - Release Status: Personal Recognizance / HIPS - Pre-Sentence Investigation waived. Defendant Pled Guilty to the charge of Simple Assault. Case continued for Sentencing.	

<u>Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
	The following event: Status Hearing scheduled for 08/15/2013 at 9:30 am has been resulted as follows: Result: Change of Plea to Guilty Judge: MCCABE, JOHN Location: Courtroom 311 BERNARD J BROOKS (Defendant (Criminal)); ; AMINATA FULANI IPYANA (Attorney) on behalf of BERNARD J BROOKS (Defendant (Criminal)); Judge JOHN MCCABE	
08/15/2013	Event Resulted - Release Status: The following event: Sentencing scheduled for 09/13/2013 at 11:00 am has been resulted as follows: Result: Hearing Vacated Judge: MCCABE, JOHN Location: Courtroom 311	
08/15/2013	Case Disposed - Plea Judgment Guilty	
09/20/2013	Sentence Sentence for Charge # 1, Simple Assault Sentence Date: 09/20/2013 Confinement Type: Confinement Time: 0 years, 0 months, 180 days. Time Susp: 0 years, months, 180 days. Amount To Serve: 0 years, 0 months, 0 days. VVCA Amount: 50.00 , Due: 12/31/2013 Probation Type: SUPVP, Start Date: , End Date: Probation Time: 0 years, 12 months, 0 days Probation Conditions: Other conditions: Special Conditions: Supervised under the Mental Health Unit Probation Conditions: Other conditions: Special Conditions: Mental Health Treatment Probation Conditions: Drug Testing Probation Conditions: Drug Treatment Program Special Conditions: as deemed appropriate by CSOSA Probation Conditions: Stay Away From: Special Conditions: Mebrahtialen Gebrekidan Probation Conditions: Stay Away From: Special Conditions: 3542 E. Capitol St SE WDC Sentencing Comments: THE SENTENCE RUNS CONSECUTIVE AND THE PROBATION RUNS CONCURRENT WITH THE SENTENCE AND PROBATION IMPOSED IN 2012 CMD 19000	
09/20/2013	Judgment and Commitment Order Filed	Image
	Judgment and Probation Order Sent on: 09/20/2013 12:23:59.90	
09/20/2013	Notice to Return to Court Filed	Image
	Notice to Return to Court Sent on: 09/20/2013 12:54:47.94	
09/20/2013	Event Scheduled Event: Probation Review Hearing Date: 10/29/2013 Time: 11:00 am Judge: MCCABE, JOHN Location: Courtroom 311	
09/20/2013	Event Resulted - Release Status: Bond status is no longer applicable. The defendant was sentenced today. The following event: Sentencing scheduled for 09/20/2013 at 11:00 am has been resulted as follows: Result: Hearing Held Judge: MCCABE, JOHN Location: Courtroom 311 BERNARD J BROOKS (Defendant (Criminal)); ; AMINATA FULANI IPYANA (Attorney) on behalf of BERNARD J BROOKS (Defendant (Criminal)); Judge JOHN MCCABE	
09/20/2013	Crime Victims Compensation Fund	
10/29/2013	Event Resulted - Release Status: N/A - Defendant is in compliance with the special conditions and remains on Probation. No further hearing date set. The following event: Probation Review Hearing scheduled for 10/29/2013 at 11:00 am has been resulted as follows: Result: Hearing Held Judge: MCCABE, JOHN Location: Courtroom 311 BERNARD J BROOKS (Defendant (Criminal)); ; AMINATA FULANI IPYANA (Attorney) on behalf of BERNARD J BROOKS (Defendant (Criminal)); Judge JOHN MCCABE	
01/08/2014	Order signed by Judge McCabe Granting CSOSA's request that Mr. Brooks probation be terminated unsuccessful. Order Entered on the Docket. Copies of order mailed to parties from chambers. KJ	Image

Wis. Stat. § 125.07 Underage and Intoxicated Persons; Presence On Licensed Premises; Possession; Penalties

Library: Wisconsin Statutes & Annotations
Edition: 2025
Currency: Current through Acts 2025-2026, ch. 16
Citation: Wis. Stat. § 125.07
Year: 2025

Id. vLex Fastcase: VLEX-1066283924

Link: <https://fastcase.vlex.com/vid/wis-stat--125-1066283924>

exhibit B

(1) ALCOHOL BEVERAGES; RESTRICTIONS RELATING TO UNDERAGE PERSONS.

(a) Restrictions.

1. No person may procure for, sell, dispense or give away any alcohol beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
2. No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
3. No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on property, including any premises, owned and occupied by the adult or occupied by the adult and under the adult's control. This subdivision applies at a lodging establishment, as defined in s. 106.52(1) (d), only if the adult has furnished payment or security for lodging. This subdivision does not apply to alcohol beverages used exclusively as part of a religious service.
4. No adult may intentionally encourage or contribute to a violation of sub. (4) (a) or (b).

(b) Penalties.

1. In this paragraph, "violation" means a violation of this subsection or of a local ordinance that strictly conforms to par. (a) if the violation results in an imposition of a forfeiture or a conviction. For purposes of determining previous violations under subd. 2., the 30-month period shall be measured from the dates of violations that resulted in an imposition of a forfeiture or a conviction. For the purpose of determining whether or not a previous violation has occurred, if more than one violation occurs at the same time all those violations shall be counted as one violation.
2. A person who commits a violation may be:
 - a. Required to forfeit not more than \$500 if the person has not committed a previous violation within 30 months of the violation.
 - b. Fined not more than \$500 or imprisoned for not more than 30 days or both if the person has committed a previous violation within 30 months of the violation.
 - c. Fined not more than \$1,000 or imprisoned for not more than 90 days or both if the person has committed 2 previous violations within 30 months of the violation.
 - d. Fined not more than \$10,000 or imprisoned for not more than 9 months or both if the person has committed 3 or more previous violations within 30 months of the violation.
3. A court shall suspend any license or permit issued under this chapter to a person for:
 - a. Not more than 3 days, if the court finds that the person committed a violation within 12 months after committing one previous violation;
 - b. Not less than 3 days nor more than 10 days, if the court finds that the person committed a violation within 12 months after committing 2 other violations; or
 - c. Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing 3 other violations.
4. The court shall promptly mail notice of a suspension under this paragraph to the division and to the clerk of each municipality which has issued a license or permit to the person.
5. A person who holds a Class "A" license, a Class "B" license or permit, a "Class A" license or a "Class B" license or permit who commits a violation is subject to subd. 3. but is not subject to subd. 2. or s. 125.11.
- 6.

- a. Notwithstanding subd. 1., in this subdivision, "violation" means a violation of par. (a) or of a local ordinance that strictly conforms to par. (a).
- b. Subject to subd. 6. c., only one penalty may be imposed under this paragraph for each underage person who is provided alcohol beverages contrary to this section or a local ordinance in conformity with this section.
- c. If a violation occurs on licensed premises and the violation is detected by means of an undercover underage person employed by or assisting a law enforcement agency, only the individual responsible for providing the alcohol beverages to the underage person may be issued a citation for, or charged with, the violation.

(2) SALES OF ALCOHOL BEVERAGES TO INTOXICATED PERSONS.

(a) Restrictions.

1. No person may procure for, sell, dispense or give away alcohol beverages to a person who is intoxicated.
2. No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.

(b) Penalties. Any person who violates par. (a) shall be fined not less than \$100 nor more than \$500 or imprisoned for not more than 60 days or both.

(3) PRESENCE IN PLACES OF SALE; PENALTY.

(a) Restrictions. An underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age may not enter, knowingly attempt to enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his or her employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. This paragraph does not apply to:

1. An underage person who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part.
2. An underage person who enters or is on a Class "A" or "Class A" premises for the purpose of purchasing items other than alcohol beverages. An underage person so entering the premises may not remain on the premises after the purchase.
3. Hotels, drug stores, grocery stores, bowling centers, movie theaters, painting studios, billiards centers having on the premises 12 or more billiards tables that are not designed for coin operation and that are 8 feet or longer in length, indoor golf simulator facilities, indoor golf and baseball facilities on premises for which the only alcohol beverage license issued is a Class "B" license, axe throwing facilities on premises operated under Class "B" or "Class B" licenses, service stations, vessels, cars operated by any railroad, regularly established athletic fields, outdoor volleyball courts that are contiguous to a licensed premises, stadiums, music festival venues during an event with a projected attendance of at least 2,500 persons, public facilities as defined in s. 125.51(5) (b) 1 d. which are owned by a county or municipality or centers for the visual or performing arts.
- 3m. Premises having an indoor volleyball court that measures at least 9 meters by 18 meters in area. The exception under this subdivision does not authorize an underage person to loiter in any room that is primarily used for the sale or consumption of alcohol beverages.

- 3r. Any privately owned business that exists to provide recreational fishing opportunities to the public for a fee and that is registered under s. 95.60(3m) if the sale of alcohol beverages accounts for less than 30 percent of the business's gross receipts.
4. Premises in the state fair park, concessions authorized on state-owned premises in the state parks and state forests as defined or designated in chs. 27 anchs. 27 and 28s owned or operated by agricultural societies.
5. Ski chalets, golf courses and golf clubhouses, racetracks licensed under ch. 562, cch. 562clubs, private soccer clubs and private tennis clubs.
6. Premises operated under both a Class "B" or "Class B" license or permit and a license under s. 97.30 for a restaurant where the principal business conducted is that of a restaurant. If the premises are operated under both a Class "B" or "Class B" license or permit and a license under s. 97.30 for a restaurant, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.
- 6m. Premises operating under both a "Class C" license and a license under s. 97.30 for a restaurant.
7. An underage person who enters or remains on a Class "B" or "Class B" premises for the purpose of transacting business at an auction or market, if the person does not enter or remain in a room where alcohol beverages are sold, furnished or possessed.
8. An underage person who enters or remains in a room on Class "B" or "Class B" licensed premises separate from any room where alcohol beverages are sold or served, if no alcohol beverages are furnished or consumed by any person in the room where the underage person is present and the presence of underage persons is authorized under this subdivision. An underage person may enter and remain on Class "B" or "Class B" premises under this subdivision only if the municipality which issued the Class "B" or "Class B" license adopts an ordinance permitting underage persons to enter and remain on the premises as provided in this subdivision and the law enforcement agency responsible for enforcing the ordinance issues to the Class "B" or "Class B" licensee a written authorization permitting underage persons to be present under this subdivision on the date specified in the authorization. Before issuing the authorization, the law enforcement agency shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises.
9. A person who is at least 18 years of age and who is working under a contract with the licensee, permittee or corporate agent to provide entertainment for customers on the premises.
10. An underage person who enters or remains on Class "B" or "Class B" licensed premises on a date specified by the licensee or permittee during times when no alcohol beverages are consumed, sold or given away. During those times, the licensee, the agent named in the license if the licensee is a corporation or limited liability company or a person who has an operator's license or operator's permit shall be on the premises unless all alcohol beverages are stored in a locked portion of the premises. The licensee shall notify the local law enforcement agency, in advance, of the times underage persons will be allowed on the premises under this subdivision.
11. An underage person who enters or remains in a dance hall or banquet or hospitality room attached to Class "B" or "Class B" licensed premises for the purpose of attending a banquet, reception, dance, or other similar event.
12. An underage person who enters and remains on premises for which a temporary

Class "B" license is issued under s. 125.26(6) if the licensee is authorized by the official or body of the municipality that issued the license to permit underage persons to be on the premises under s. 125.26(6) and if the licensee permits underage persons to be on the premises.

12m. An underage person who enters and remains on premises covered by a temporary "Class B" license issued as provided in s. 125.51(10) (b) if all of the following apply:

- a. The municipal governing body issuing the license, or an official or body authorized by the municipal governing body, authorizes the licensee to permit underage persons to be on the licensed premises for the purpose of acting as designated drivers.
- b. The licensee permits, on the licensed premises, unaccompanied underage persons to be present only for the purpose of acting as designated drivers and the licensee provides a means of identification, such as a wrist band, to identify these underage persons as designated drivers.
- c. The underage person is present on the licensed premises to act as a designated driver and displays the means of identification specified in subd. 12m. b.

13. An underage person who enters or remains in a banquet or hospitality room on brewery premises for the purpose of attending a brewery tour.

14. An underage person who enters or remains on licensed premises at the Eagle Ridge Festival Grounds in the city of Chippewa Falls.

15. An underage person employed by or assisting a law enforcement agency in carrying out enforcement activities to determine compliance with, or investigate potential violations of, the provisions of this section.

16. An underage person who enters or remains in a banquet or hospitality room on winery premises for the purpose of attending a winery tour.

17. Premises for which a Class "B" permit is issued under s. 125.27(5) or a "Class B" permit is issued under s. 125.51(5) (f).

(b) Penalties. A licensee or permittee who directly or indirectly permits an underage person to enter or be on a licensed premises in violation of par. (a) is subject to a forfeiture of not more than \$500.

(4) UNDERAGE PERSONS; PROHIBITIONS; PENALTIES.

(a) Any underage person who does any of the following is guilty of a violation:

1. Procures or attempts to procure alcohol beverages from a licensee or permittee.
2. Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, possesses or consumes alcohol beverages on licensed premises.
3. Enters, knowingly attempts to enter or is on licensed premises in violation of sub. (3) (a).
4. Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.

(b) Except as provided in par. (bm), any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes alcohol beverages is guilty of a violation.

(bg) Paragraphs (a) and (b) do not apply to an underage person employed by or assisting a law enforcement agency in carrying out enforcement activities to determine compliance with, or investigate potential violations of, the provisions of this section.

(bm) An underage person may possess alcohol beverages in the course of employment during his or her working hours if employed by any of the following:

1. A brewer or brewpub.
2. A fermented malt beverages wholesaler.
3. A permittee other than a Class "B" or "Class B" permittee.
4. A facility for the production of alcohol fuel.
5. A retail licensee or permittee under the conditions specified in s. 125.32(2) or 125.68(2) or for delivery of unopened containers to the home or vehicle of a customer.
6. A campus, if the underage person is at least 18 years of age and is under the immediate supervision of a person who has attained the legal drinking age.

(bs) Subject to sub. (5), any person violating par. (a) is subject to the following penalties:

1. For a first violation, a forfeiture of not less than \$250 nor more than \$500, suspension of the person's operating privilege as provided under s. 343.30(6) (b)1, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties.
2. For a violation committed within 12 months of one previous violation, either a forfeiture of not less than \$300 nor more than \$500, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30(6) (b)2, except that if the violation of par. (a) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30(6) (b)2
3. For a violation committed within 12 months of 2 previous violations, either a forfeiture of not less than \$500 nor more than \$750, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30(6) (b)3, except that if the violation of par. (a) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30(6) (b)3
4. For a violation committed within 12 months of 3 or more previous violations, either a forfeiture of not less than \$750 nor more than \$1,000, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30(6) (b)3, except that if the violation of par. (a) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30(6) (b)3

(c) Subject to sub. (5), any person violating par. (b) is subject to the following penalties:

1. For a first violation, a forfeiture of not less than \$100 nor more than \$200, suspension of the person's operating privilege as provided under s. 343.30(6) (b)1, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties.
2. For a violation committed within 12 months of one previous violation, either a forfeiture of not less than \$200 nor more than \$300, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30(6) (b)2, except that if the violation of par. (b) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30(6) (b)2
3. For a violation committed within 12 months of 2 previous violations, either a forfeiture of not less than \$300 nor more than \$500, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s.

343.30(6) (b)3, except that if the violation of par. (b) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30(6) (b)3

4. For a violation committed within 12 months of 3 or more previous violations, either a forfeiture of not less than \$500 nor more than \$1,000, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30(6) (b)3, except that if the violation of par. (b) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30(6) (b)3

(cd) For purposes of par. (bs) or (c), all violations arising out of the same incident or occurrence shall be counted as a single violation.

(cg)

1. A supervised work program ordered under par. (bs) or (c) shall be administered by the county department under s. 46.215 or 46.22 or by a community agency approved by the court. The court shall set standards for the supervised work program within the budgetary limits established by the county board of supervisors. The supervised work program may provide the person with reasonable compensation reflecting the market value of the work performed or it may consist of uncompensated community service work. Community service work ordered under par. (bs) or (c), other than community service work performed under a supervised work program, shall be administered by a public agency or nonprofit charitable organization approved by the court. The court may use any available resources, including any community service work program, in ordering the person to perform community service work under par. (bs) or (c).

2. The supervised work program or other community service work shall be of a constructive nature designed to promote the person's rehabilitation, shall be appropriate to the person's age level and physical ability and shall be combined with counseling from a member of the staff of the county department, community agency, public agency or nonprofit charitable organization or other qualified person. The supervised work program or other community service work may not conflict with the person's regular attendance at school. The amount of work required shall be reasonably related to the seriousness of the person's offense.

(cm) When a court revokes or suspends a person's operating privilege under par. (bs) or (c), the department of transportation may not disclose information concerning or relating to the revocation or suspension to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency, driver licensing agency of another jurisdiction, or the person whose operating privilege is revoked or suspended. A person entitled to receive information under this paragraph may not disclose the information to any other person or agency.

(d) A person who is under 17 years of age on the date of disposition is subject to s. 938.344 unless proceedings have been instituted against the person in a court of civil or criminal jurisdiction after dismissal of the citation under s. 938.344(3).

(e)

1. In this paragraph, "defendant" means a person found guilty of violating par. (a) or (b) who is 17, 18, 19 or 20 years of age.

2. After ordering a penalty under par. (bs) or (c), the court, with the agreement of the defendant, may enter an additional order staying the execution of the penalty order and

suspending or modifying the penalty imposed, except that the court may not stay, suspend or modify the suspension of a person's operating privilege required under par. (bs) or (c). The order under this subdivision shall require the defendant to do any of the following:

- a. Submit to an alcohol abuse assessment that conforms to the criteria specified under s. 938.547(4) and that is conducted by an approved treatment facility. The order shall designate an approved treatment facility to conduct the alcohol abuse assessment and shall specify the date by which the assessment must be completed.
 - b. Participate in an outpatient alcohol abuse treatment program at an approved treatment facility, if an alcohol abuse assessment conducted under subd. 2. a. recommends treatment.
 - c. Participate in a court-approved alcohol abuse education program.
3. If the approved treatment facility, with the written informed consent of the defendant, notifies the agency primarily responsible for providing services to the defendant that the defendant has submitted to an assessment under subd. 2. a. and that the defendant does not need treatment or education, the court shall notify the defendant of whether or not the penalty will be reinstated.
4. If the defendant completes the alcohol abuse treatment program or court-approved alcohol abuse education program, the approved treatment facility or court-approved alcohol abuse education program shall, with the written informed consent of the defendant, notify the agency primarily responsible for providing services to the defendant that the defendant has complied with the order and the court shall notify the defendant of whether or not the penalty will be reinstated. If the court had ordered the suspension of the defendant's operating privilege under par. (bs) or (c), the court may order the secretary of transportation to reinstate the operating privilege of the defendant if he or she completes the alcohol abuse treatment program or court-approved alcohol abuse education program.
5. If an approved treatment facility or court-approved alcohol abuse education program, with the written informed consent of the defendant, notifies the agency primarily responsible for providing services to the defendant that the defendant is not participating in the program or that the defendant has not satisfactorily completed a recommended alcohol abuse treatment program or an education program, the court shall hold a hearing to determine whether the penalties under par. (bs) or (c) should be imposed.

(f)

1. Except as provided in subd. 2., and subject to subds. 3. to 5., if an underage person engages in conduct that violates par. (a) on the premises of a licensee, the licensee may bring a civil action against the underage person. If judgment is entered in favor of the licensee, the court shall award to the licensee damages in the amount of \$1,000 and, notwithstanding s. 814.04(1), the costs of the action. A licensee may bring an action under this paragraph regardless of whether the underage person has been convicted of, or received a citation for, the violation of par. (a), but the licensee has the burden of proving, by a preponderance of the evidence, that the underage person's conduct was in violation of par. (a).
2. If the underage person who engages in conduct that violates par. (a) on the licensee's premises is less than 18 years of age and is not an emancipated minor, the licensee may bring the civil action against the underage person's parent, as defined in s. 46.56(1) (j).
3. A licensee may not bring a civil action under this paragraph unless the licensee has first provided notice to the underage person or the underage person's parent, as applicable, of the licensee's intent to bring the action. The notice shall be mailed to the last-known

address of the underage person or underage person's parent, as applicable, at least 15 days prior to filing the action and shall include a demand for the relief described in subd.

1. The division may, by rule, prescribe a form for this notice.

4. A licensee may not bring a civil action under this paragraph if the licensee has been convicted of, or received a citation for or been charged with, a violation of sub. (1) or (3) related to the same incident, occurrence, or conduct giving rise to the underage person's violation of par. (a), unless the licensee is entitled to a defense under sub. (6). A licensee that asserts a defense under sub. (6) has the burden of proving the defense by a preponderance of the evidence.

5. A licensee may not bring a civil action under this paragraph unless the licensee or the licensee's employee reports to law enforcement the conduct suspected to be in violation of par. (a) at or near the time that the conduct occurs or is first discovered.

(5) REQUESTS FOR EMERGENCY ASSISTANCE.

(a) In this subsection:

1. "Bystander" means a person who is present with a crime victim at the time of or immediately following the alleged crime.

2. "Crime victim" means a person who claims to have been the victim of a crime constituting a violation under s. 940.22(2), 940.225, 940.302, 948.02(1) or (2), 948.025, or 948.05 to 948.095.

(b) Subject to par. (c), an underage person may not be issued a citation for, or convicted of, a violation of sub. (4) (a) or (b) if all of the following apply:

1. The underage person is a crime victim or bystander and either the crime victim or the bystander requested emergency assistance, by dialing the telephone number "911" or by other means, in connection with the alleged crime or the underage person encountered a law enforcement officer at a medical facility at which the crime victim received treatment in connection with the alleged crime.

2. The underage person remains at the scene until emergency assistance arrives and thereafter cooperates with providers of emergency assistance, including furnishing any requested information, unless the underage person lacks capacity to cooperate when emergency medical assistance arrives. If the underage person encounters a law enforcement officer at a medical facility, the underage person cooperates with the officer and furnishes any requested information, unless the underage person lacks capacity to cooperate with the officer.

(c) Paragraph (b) does not apply to an underage person who requests emergency assistance, by dialing the telephone number "911" or by other means, with an intention to claim the protections under par. (b) and knowing that the fact situation that he or she reports does not exist.

(6) DEFENSES. In determining whether or not a licensee or permittee has violated subs. (1) (a) and (3) (a), all relevant circumstances surrounding the presence of the underage person or the procuring, selling, dispensing or giving away of alcohol beverages may be considered, including any circumstance under pars. (a) to (d). In addition, proof of all of the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of this section:

(a) That the purchaser falsely represented that he or she had attained the legal drinking age.

(b) That the appearance of the purchaser was such that an ordinary and prudent person would

believe that the purchaser had attained the legal drinking age.

(c) That the sale was made in good faith and in reliance on the representation and appearance of the purchaser in the belief that the purchaser had attained the legal drinking age.

(d) That the underage person supported the representation under par. (a) with documentation that he or she had attained the legal drinking age.

(7) BOOK KEPT BY LICENSEES AND PERMITTEES.

(a) Every retail alcohol beverage licensee or permittee may keep a book for the purposes of sub. (6). The licensee or permittee or his or her employee may require any of the following persons to sign the book:

1. A person who has shown documentary proof that he or she has attained the legal drinking age, if the person's age is in question.
2. A person who alleges that he or she is the underage person's parent, guardian or spouse and that he or she has attained the legal drinking age, if the licensee or permittee or his or her employee suspects that he or she is not the underage person's parent, guardian or spouse or that he or she has not attained the legal drinking age.

(b) The book may show the date of the purchase of the alcohol beverages, the identification used in making the purchase or the identification used to establish that a person is an underage person's parent, guardian or spouse and has attained the legal drinking age, the address of the purchaser and the purchaser's signature.

History: Amended by Acts 2023 ch, 73,s 24s, eff. 1/1/2025.

Amended by Acts 2023 ch, 73,s 24u, eff. 5/1/2024.

Amended by Acts 2023 ch, 73,s 24t, eff. 5/1/2024.

Amended by Acts 2023 ch, 73,s 24r, eff. 5/1/2024.

Amended by Acts 2023 ch, 73,s 24q, eff. 5/1/2024.

Amended by Acts 2021 ch, 39,s 1, eff. 6/21/2021.

Amended by Acts 2017 ch, 126,s 1, eff. 12/10/2017.

Amended by Acts 2017 ch, 7,s 1, eff. 5/26/2017.

Amended by Acts 2015 ch, 279,s 5, eff. 3/26/2016.

Amended by Acts 2015 ch, 339,s 2, eff. 4/1/2016.

Amended by Acts 2015 ch, 339,s 1, eff. 4/1/2016.

Amended by Acts 2015 ch, 279,s 4, eff. 3/26/2016.

Amended by Acts 2015 ch, 221,s 1, eff. 3/3/2016.

Amended by Acts 2015 ch, 88,s 1, eff. 11/13/2015.

Amended by Acts 2015 ch, 62,s 1g, eff. 10/23/2015.

Amended by Acts 2015 ch, 55,s 3428, eff. 7/1/2016.

Amended by Acts 2015 ch, 55,s 3427, eff. 7/1/2016.

Amended by Acts 2015 ch, 8,s 2, eff. 4/10/2015.

Amended by Acts 2013 ch, 249,s 1, eff. 4/10/2014.

Amended by Acts 2013SP1 ch, 65,s 3, eff. 12/14/2013.

Amended by Acts 2013SP1 ch, 65,s 2, eff. 12/14/2013.

Amended by Acts 2013SP1 ch, 65,s 1, eff. 12/14/2013.

1981 c. 79, 202, 391; 1983 a. 74, 472, 538; 1985 a. 28, 29, 47, 120, 176, 221, 317, 337; 1987 a. 51, 354; 1989 a. 31, 121, 135, 253, 336, 359; 1991 a. 28, 39, 171, 269; 1993 a. 112, 472; 1995 a. 77,

Cite as: Wis. Stat. § 125.07

Case note:

A vendor who negligently sells to an underage person may be liable for acts of the intoxicated underage person. *Sorensen v. Jarvis*, 119 Wis. 2d 627, 350 N.W.2d 108 (1984).

A host who negligently furnished alcohol to an underage guest was negligent per se and liable for injuries to a 3rd party arising out of the guest's intoxication. *Koback v. Crook*, 123 Wis. 2d 259, 366 N.W.2d 857 (1985).

Sub. (1) (a) prohibits underage persons, as well as adults, from providing alcoholic beverages to underage persons. *Smith v. Kappel*, 147 Wis. 2d 380, 433 N.W.2d 588 (Ct. App. 1988).

The purpose of sub. (3) is not to avoid the likelihood that a minor who enters a licensed premises will subsequently commit an off-premises assault; a licensee who violates sub. (3) is not negligent per se if such an assault occurs. *Symes v. Milwaukee Mut. Ins. Co.* 178 Wis. 2d 564, 505 N.W.2d 143 (Ct. App. 1993).

Sub. (6) provides two lines of defense: the defendant can produce any factors believed relevant including those listed in pars. (a) to (d) or can produce evidence meeting all four elements of pars. (a) to (d), which if proven constitutes an absolute defense. *City of Oshkosh v. Abitz*, 187 Wis. 2d 202, 522 N.W.2d 258 (Ct. App. 1994).

In order to "knowingly permit" consumption by an underage person under sub. (1) (a) 3., there must be evidence, or a reasonable inference from evidence, that the person knew or should have known that drinking would occur. *Miller v. Thomack*, 204 Wis. 2d 242, 555 N.W.2d 130 (Ct. App. 1996), 95-1684.

An individual who contributes money for the intent of purchasing alcohol knowing that it will be consumed by an underage person "procures" alcohol for the underage person. *Miller v. Thomack*, 210 Wis. 2d 650, 563 N.W.2d 891 (1997), 95-1684.

Underage drinkers are not accompanied by a parent for the purposes of sub. (1) (a) merely because the parent and child are on the same premises. Parents who held a party and told their son not to drink where he could be observed by the other guests and who did not know how much their son drank were neither supervising nor otherwise controlling their son when he was drinking and were thus not accompanying him. *Mueller v. McMillian Warner Insurance Company*, 2005 WI App 210, 287 Wis. 2d 154, 704 N.W.2d 613, 05-0121.

Affirmed on other grounds. 2006 WI 54, 290 Wis. 2d 571, 714 N.W.2d 183, 05-0121.

A county's social host ordinance did not strictly comply with this section because it applied to the host's residence. Under sub. (1) (a) 3., "No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control." "Premises" is defined under s. 125.02(14m) as "the area described in a license or permit." The definition limits sub. (1) (a) 3. to areas described in a license or permit not a private residence. There is no textual basis to depart from basic statutory construction: the

defined term must be given effect. *County of Fond du Lac v. Muche*, 2016 WI App 84, 372 Wis. 2d 403, 888 N.W.2d 12, 15-2223.

Liquor liability and blame-shifting defenses: Do they mix? Kelly. 69 MLR 217 (1986).

Imposition of liability on social hosts in drunk driving cases: A judicial response mandated by principles of common law and common sense. Goldberg. 69 MLR 251 (1986).

Social Host Liability for Underage Drinking. Hinkston. Wis. Law. June 2008.

Exhibit C

To whom it may concern;

10/10/2025

My name is Melissa Guerrero. I was hired at Walgreens, store 2474, October 6, 2023. When I was hired the pharmacy was managed by Bernard Brooks, RPH (Bernie). To become a certified technician you need 1500 hours. I worked 1300 hours throughout the year and a couple of months he was there. I really enjoyed working with Bernie and Wendy along with Sarah, and McKayla (sp). When I first started it was fun and everyone was happy. At the beginning of 2024 our hours were cut and I was having issues with my attendance so I was suspended from the store for the greater part of 6 months so I worked at the MaeAnne store. When I returned the whole dynamic of the pharmacy had changed and there was no longer laughing and chatter. If there was chatter it was whispers or instruction and no gave instructions or was helpful with a smile. This is not the same team I left. I assume that is when Bernie and Wendy's relationship took a turn. They both were very short with each other and it was rather unpleasant. Undermining each other. It made it hard to ask our management team anything. Sometimes they would yell at each other.

When I passed my PTCB Bernie and Wendy were the first to know. They had helped me and gave me the confidence to take it and knowledge to pass it.

Sarah, McKayla, and Wendy had worked with Bernie longer than I and they told me that in the beginning years Bernie would show up still intoxicated or hung over. Personally, I never saw him intoxicated or drunk at work. There were days he was sick, could have had a hangover, but he never said that drank the night before and he didn't smell like booze. Towards the end of the time Bernie managed the pharmacy he was experiencing some issues with his esophagus and he was coughing a lot. Strange because when anyone stood at the two pharmacist stations they would cough and develop throat issues.

Overall, I enjoyed working with Bernie. He provided me with feedback and taught different things. If I said I wanted to learn it he would teach me. He is competent as a pharmacist and manager.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 10, 2025

Melissa Guerrero

Melissa Guerrero



Exhibit D

Business Name:

Walgreens

Contact Name:**License Type:**

Technician Dispensing

**License Number:****Address and Contacts:****Street Line 1:**

3000 vista blvd

Street Line 2:**City:**

Sparks

State:

Nevada

**Zip:**

89436

Phone:

(775) 359-7044

Email:

joe@email.com

Complaint

Incident Date:

01/24/2025

Statement of Complaint:

I would like to remain anonymous please. I know some people that are involved are on the board and that causes a problem. My complaint is that Walgreens has allowed a Pharmacy Manager to work who shows up drunk 50% of the time. All leadership above the store manager is all aware of this as well as every team member in the pharmacy. He had been so drunk at work that they put him in taxi to go home and they bring him back to the store because he can't remember where he lives. This is a very dangerous situation and I can't believe that he still works at the company and is allowed to dispense and review medications while he is intoxicated. Its more concerning that this leadership team has basically covered up for this pharmacist. This could lead to some serious issues if mistakes happen, even death.

25-031-RPH-N. Brooks024

The following people are involved.'

Pharmacy Manager- Bernard Brooks (Main complaint)

Store Manager- Gonzalo Hernandez

District Manager- Craig Kump

Area Pharmacy manager- Melissa Shake

Area Manager Brian Lutchman

Staff Pharmacist Sara Hale-Byron

Tech- Wendy Berryman

Please provide all supporting documentation

Related Documents

Drop file(s) here to upload or click here to browse and select file(s) to upload.

Reset

Exhibit E

Digestive Health
Associates of Reno5250 KIETZKE LANE
RENO, NV 89511
(775) 829-7600**Patient: BROOKS, BERNARD****Accession: WAN24-4165****DOB:** [REDACTED] **Age:** [REDACTED] **Gender: M****MRN:** [REDACTED] **Chart:****Client Acc #:** **Visit #:****Other Phys(s): THOMAS D. O'GARA, MD****Collected: 06/07/2024 Time 13:08 Client: DIGESTIVE HEALTH CENTER****Received: 06/10/2024 Time 171 Physician: THINH TIEN TANG, DO****Reported: 06/12/2024 Time: 09:10 5250 KIETZKE LN**

RENO, NV 89511

SURGICAL PATHOLOGY REPORT**FINAL DIAGNOSIS:****A. BIOPSY (PC), ESOPHAGUS**SQUAMOCOLUMNAR JUNCTIONAL MUCOSA WITH NO SIGNIFICANT ABNORMALITIES.
NEGATIVE FOR INTESTINAL METAPLASIA OR DYSPLASIA.**B. BIOPSY (PC), GASTRIC**MILD CHRONIC GASTRITIS.
NO ACUTE INFLAMMATION OR INTESTINAL METAPLASIA SEEN.
NO HELICOBACTER ORGANISMS IDENTIFIED ON ROUTINE H&E EXAMINATION.**C. BIOPSY (PC), DUODENUM**CHRONIC PEPTIC DUODENITIS.
NO ACUTE INFLAMMATION, DYSPLASIA OR EVIDENCE OF CELIAC SPRUE SEEN.

Michael S Powell M.D.

Pathologist

(Case signed 06/12/2024)

MICROSCOPIC:

A. -C. Microscopic examination performed. Please see diagnosis.

SPECIMEN (s) and CLINICAL INFORMATION:**SPECIMEN(s):**

A. BIOPSY (PC), ESOPHAGUS; B. BIOPSY (PC), GASTRIC; C. BIOPSY (PC), DUODENUM

SPECIMEN CLINICAL INFORMATION:

A. - C. CLINICAL HISTORY: Hematemesis, melena, nausea with vomiting

FINDINGS: LA Grade A (one or more mucosal breaks less than 5 mm, not extending between tops of 2 mucosal folds) esophagitis with no bleeding was found in the distal esophagus. Biopsies were taken with a cold forceps for histology. Estimated blood loss was minimal. The entire examined stomach was normal. Biopsies were taken with a cold forceps for Helicobacter pylori testing. Estimated blood loss was minimal. Localized mild inflammation characterized by erosions was found in the duodenal bulb. Biopsies for histology were taken with a cold forceps for evaluation of celiac disease. Estimated blood loss was minimal.

ICD-10 CODE(S): K21.00, K29.80, K92.0, K92.1, R11.2

GROSS DESCRIPTION

A. Received a request from Digestive Health Associates for professional interpretation on material received.

1 stained slide(s).

Received is a formalin-filled specimen container labeled with the patient name, medical record number and further labeled as "esophagus." It contains 2 portions of light tan mucosal tissue measuring 3 x 3 x 2 mm in aggregate. The specimen is entirely submitted in one cassette. (MM/pk)

25-031-RPH-N
Exhibit E

(continued)

B. Received a request from Digestive Health Associates for professional interpretation on material received.

1 stained slide(s).

Received is a formalin-filled specimen container labeled with the patient name, medical record number and further labeled as "gastric." It contains 2 portions of light tan mucosal tissue measuring 3 x 3 x 2 mm in aggregate. The specimen is entirely submitted in one cassette. (MM/pk)

C. Received a request from Digestive Health Associates for professional interpretation on material received.

1 stained slide(s).

Received is a formalin-filled specimen container labeled with the patient name, medical record number and further labeled as "duodenum." It contains 1 portion of light tan mucosal tissue measuring 4 mm in greatest dimension. The specimen is entirely submitted in one cassette. (MM/pk)

Specimen	ICD10	ICD10 Description
A	K22.9	Disease of esophagus, unspecified
B	K29.30	Chronic superficial gastritis without bleeding
C	K29.80	Duodenitis without bleeding

Technical component and interpretation was performed at DIGESTIVE HEALTH ASSOCIATES 5250 KIETZKE LN, RENO, NV 89511, CLIA 29D1107777, CHRISTY PEREZ VALLES MEDICAL DIRECTOR.,



Digestive Health
Center of Reno

Digestive Health Center

Reno, Nevada 89511-2036 (775) 829-8855 Fax: (775) 829-3752

Patient Name: Bernard Brooks

MRN: [REDACTED]

Age: [REDACTED]

Note Status: Finalized

Procedure Date: 6/7/2024 1:08 PM

Date of Birth: [REDACTED]

Gender:

Male

Attending MD: Thinh Tang, DO

Procedure: Upper GI endoscopy

Indications: Hematemesis, Melena, Nausea with vomiting

Providers: Thinh Tang, DO (Doctor)

Referring MD: Thomas D. O'Gara, Dr.

Medicines: Diprivan (Propofol) IV 250 mgs, Lidocaine IV 100 mgs

Complications: No immediate complications. Estimated blood loss: Minimal.

Procedure: Pre-Anesthesia Assessment:

- Prior to the procedure, a History and Physical was performed, and patient medications and allergies were reviewed. The patient's tolerance of previous anesthesia was also reviewed. The risks and benefits of the procedure and the sedation options and risks were discussed with the patient. All questions were answered, and informed consent was obtained. Prior Anticoagulants: The patient has taken no anticoagulant or antiplatelet agents. ASA Grade Assessment: II - A patient with mild systemic disease. After reviewing the risks and benefits, the patient was deemed in satisfactory condition to undergo the procedure.

- Sedation was administered by an anesthesia professional. Deep sedation was attained.

- The heart rate, respiratory rate, oxygen saturations, blood pressure, adequacy of pulmonary ventilation, and response to care were monitored throughout the procedure.

After obtaining informed consent, the endoscope was passed under direct vision. Throughout the procedure, the patient's blood pressure, pulse, and oxygen saturations were monitored continuously. The endoscope 2000197 was introduced through the mouth, and advanced to the second part of duodenum. The upper GI endoscopy was accomplished without difficulty. The patient tolerated the procedure well.

Findings:

- LA Grade A (one or more mucosal breaks less than 5 mm, not extending between tops of 2 mucosal folds) esophagitis with no bleeding was found in the distal esophagus. Biopsies were taken with a cold forceps for histology. Estimated blood loss was minimal.

- The entire examined stomach was normal. Biopsies were taken with a cold forceps for Helicobacter pylori testing. Estimated blood loss was minimal.

- Localized mild inflammation characterized by erosions was found in the duodenal bulb. Biopsies for histology were taken with a cold forceps for evaluation of celiac disease. Estimated blood loss was minimal.

Impression:

- LA Grade A reflux esophagitis with no bleeding. Biopsied.
- Normal stomach. Biopsied.
- Duodenitis. Biopsied.

Recommendation:

- Patient has a contact number available for emergencies. The signs and symptoms of potential delayed complications were discussed with the patient. Return to normal activities tomorrow. Written discharge instructions were provided to the patient.
- Discharge patient to home.
- Resume previous diet.
- No aspirin, ibuprofen, naproxen, or other non-steroidal anti-inflammatory drugs for 5 days.
- Await pathology results.
- Return to GI clinic as previously scheduled.
- Use Protonix (pantoprazole) 40 mg PO daily for 3 months.



Digestive Health
Center of Reno

Digestive Health Center

Reno, Nevada 89511-2036 (775) 829-8855 Fax: (775) 829-3752

Patient Name: Bernard Brooks

MRN: [REDACTED]

Age: [REDACTED]

Note Status: Finalized

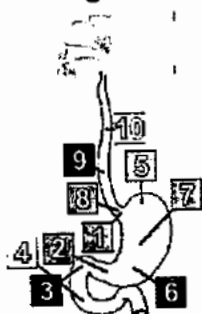
Procedure Date: 6/7/2024 1:08 PM

Date of Birth: [REDACTED]

Gender: Male

Attending MD: Thinh Tang, DO

Add'l Images:



Upper Gastrointestinal Tract



41 Gastroesophageal
Junction : Esophagitis



3 Duodenal Bulb :
*Inflammation



21 Pre-pyloric Stomach



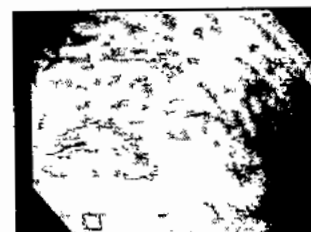
41 3rd Portion of the
Duodenum



5 Gastric Fundus



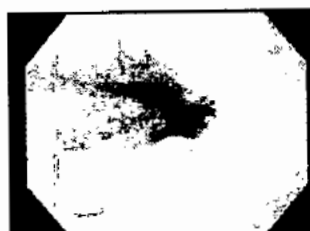
6 Gastric Body



12 Gastric Body



3 Gastroesophageal
Junction



9 Lower Third of the
Esophagus



10 Middle Third of the
Esophagus

W2

Thinh Tang, DO

Finalized Date: 6/7/2024 1:36:40 PM

This report has been signed electronically.

Number of Addenda: 0

Note Initiated On: 6/7/2024 1:08:00 PM

Exhibit F

Annual Performance Review (FY21) for Retail Management

Review Period 9/1/2020 - 8/31/2021



REVIEWER
SHELLEY MAGLALANG (Manager)

BERNARD BROOKS

Pharmacy Manager
Position



User ID

Overview

Task Instructions

Welcome! The Annual Performance Review (APR) is a pivotal process for fostering a winning culture where people are inspired and motivated to deliver great results for our customers and stakeholders.

What to Expect:

- Self -Review: For team members, this is an opportunity to reflect on demonstration of the leadership behaviors for their role this year, bring awareness to the contributions they have made and identify opportunities for improvement and future success in the new performance year.
- Manager Review: Manager rates team member's demonstration of the Leadership Behaviors at the level that aligns to their role and is able to view any comments completed as a part of the Self-Review step. The performance goal rating (provided by Finance) will be uploaded into the system after calibration.
- Calibration: Managers will be required to get input on team member's leadership behavior ratings. This step should confirm that the manager has held or participated in a calibration AND that the rating provided is final. Managers will not be able to make changes to the rating after this point.
- Discussions & Acknowledgement: During this step, the manager will view the final overall performance rating with the performance goal rating (from Finance) included. The submission of this step closes out the process and confirms that team member and manager had a conversation around the final performance rating.

I'm ready to get started!

SCROLL DOWN and click on **GET STARTED** to proceed. Note that the sections to the left may help you navigate through the task. Once all sections have been completed, and you hit SUBMIT, the overall performance review score will be recorded.

Rate Leadership Behaviors

Directions

Performance Review for **BERNARD BROOKS**

This section addresses Walgreens' Purpose-Driven Leadership Behaviors – Care, Win Together and Inspire. Please rate the team member's demonstration of the Leadership Behaviors at the level that aligns to their role.

To Do:

1. [Click Here](#) to retrieve the Leadership Behavior rating scale for each level.
2. **Rate** each of the leadership behaviors using the rating scale in the drop down.
3. Click **Save and Continue** to move onto the next section or click **Save and Exit** to exit the review and come back later.
4. When you are ready to finalize the ratings, click the **Submit** button to complete this portion of the review.

Rating Scale

Score	Description
1	Not Achieving Expectations
2	Partially Achieving Expectations
3	Achieving Expectations
4	Exceeding Expectations
5	Outstanding

"Care"

Caring genuinely for everyone by connecting personally

(Please refer to the appropriate [Leadership Behavior Descriptions](#))

Reviewer	Rating Scale
BERNARD BROOKS (Self)	4
SHELLEY MAGLALANG (Manager)	3

Comments:

BERNARD BROOKS (Self) :

Putting customers first is important to me. In order to have a fun and well-thriving pharmacy, I need to create a caring environment that can translate out to the patient population. I believe I have done well with this over the past year while

getting to know my patients.

SHELLEY MAGLALANG (Manager) :

Bernie does a great job at putting customers first and shows customer appreciation and makes them feel good. He is always willing to help the customers and he interacts with them with a positive attitude. Bernie makes lasting personal connection with his team, he works on trust in the RX, and lifts up the team. With all the turnover happening at once Bernie handled it with care and grace and worked and provided a fun and uplifting environment while dealing with all the struggles.

I would like to see Bernie work on coaching the team more on these areas with the customers and when he hears something that is not showing care with the customers holding the team member accountable,

"Inspire"

Empowering each other to continuously raise the bar and fulfill our purpose

(Please refer to the appropriate [Leadership Behavior Descriptions](#))

Reviewer	Rating Scale
BERNARD BROOKS (Self)	2
SHELLEY MAGLALANG (Manager)	3

Comments:

BERNARD BROOKS (Self) :

I can work on inspiring the team more. When things get very busy, I tend to not be the most inspirational person in the pharmacy. I will work on self-reflecting on this behavior and improve to always have a positive mindset no matter the situation.

SHELLEY MAGLALANG (Manager) :

Bernie is doing a amazing job, he took to the RXM role and learned from all areas and has taken to it with ease.

Bernie does a good job and having a great attitude when the pharmacy is running smooth but when things get stressful Bernie tends to not be at his best. But he does always recognize this and talks with the team.

I would like to see Bernie work on coaching and helping others have creativity and joy to the workplace by shutting down negativity when heard and encouraging others to take ownership from both success and failures.

"Win Together"

Winning together by collaborating to deliver our best work with simplicity and ease

(Please refer to the appropriate [Leadership Behavior Descriptions](#))

Reviewer	Rating Scale
BERNARD BROOKS (Self)	3
SHELLEY MAGLALANG (Manager)	3

Comments:

BERNARD BROOKS (Self) :

Our team has gone through a lot of changes the past 8 months including turnover and the addition of new services. We are at a comfortable point now and I can see the team working well together in their communication and transfer of responsibilities. I'm happy with where we are at, but we can always improve. Metrics will be stressed even harder once the RXoM comes over - this team can no doubt be the best Walgreens team in the state.

SHELLEY MAGLALANG (Manager) :

With all the changes the RX has had in the last 8 months, Bernie did a great job at keeping patients happy and working with we had during the difficult times. With a new RXM and new SM both new to Walgreens we learned together and worked as a team and being supportive in all areas of the store. No matter how busy or behind or for any reason Bernie always worked with ethical and was all compliant in all policies and procedures.

Bernie has done a great job at working with a team in the RX and would like to see him coach and model this with the rest of the team. Set expectations and stick to them.

Calibration - RATING NOT INCLUDED IN OVERALL SCORE - '1' INDICATES CALIBRATION HAS BEEN COMPLETED

Directions

Performance Review for BERNARD BROOKS

This is the calibration step of the Performance Review process. As part of the calibration step, District, Area and Region Leaders review ratings for fairness and consistency.

To Do:

1. Consult with District/Area/Region Leaders and Field HR partners during the calibration meeting to agree upon any rating changes that should be made. Ratings should not be changed prior to calibration meetings taking place.
2. Once you have participated in the calibration session, re-enter the task to make the calibrated adjustments. Note: You will need to click through all the sections of the review, even if you are not making adjustments.
3. Select **Yes** (below) to acknowledge that the calibration meeting has taken place.
4. Click the **Submit** button to complete the calibration step.

Have you completed the calibration step, and finalized your ratings for this team member?

Note: This step is required so you must select "Yes" and "Submit" even if you did not make calibrated adjustments. Once submitted, the step will move under your completed/expired tasks until the calibration step due date.

Reviewer	Rating Scale
SHELLEY MAGLALANG (Manager)	1

Performance Goal Rating

Directions

Performance Review for BERNARD BROOKS

The **Performance Goals** section establishes one overall rating of performance against established goals.

1. The Performance Goal Rating is based on Improve Scorecard metrics, and is automatically uploaded to the system.
2. In addition to the overall rating, information regarding targets/actuals for each measure has been included. These metrics are not intended to be edited.
3. Click the **Submit** button to progress through this portion of the review.

Additional Information

Position Reviewed As

See Comments Below

One overall Performance Goal Rating is automatically loaded to the review.

Reviewer	Rating Scale	Weight
SHELLEY MAGLALANG (Manager)	2.3	100 %

Standardized Metrics:

SHELLEY MAGLALANG (Manager) : **Please note:** only those metrics applicable to your position(s) and location(s) were utilized to calculate your performance goal score, however, you may see additional metric details included for reference.

Store #: 2474 -- Position: RXM -- Score: 2.3

- **Total Payroll Hours (% Variance to Budget)** -- Score: 3.7
Target: 0.00%; Actual: -3.95%; Variance: -3.95%
Monthly Results: Sep: 3 / Oct: 2 / Nov: 2 / Dec: 4 / Jan: 3 / Feb: 4 / Mar: 4 / Apr: 5 / May: 5 / Jun: 5 / Jul: 2 / Aug: 5
- **Self Service Sales** -- Score: 3
Target: 3.50%; Actual: 2.51%; Variance: -0.99%
- **Total Script Count (90 Day & Control Adjusted)** -- Score: 2
Target: 4.10%; Actual: -0.03%; Variance: -4.13%
- **Patient Promise (% Eligible Rx Verified By Promise Time, No Controls)** -- Score: 1
Target: 84.00%; Actual: 73.71%; Variance: -10.29%
- **Adherence (PDC80) Period 1: 09/2020 to 12/2020** -- Score: 3
Target: 85.42%; Actual: 86.72%; Variance: 1.30%
- **Adherence (PDC80) Period 2: 01/2021 to 08/2021** -- Score: 2
Target: 93.35%; Actual: 90.88%; Variance: -2.47%

Summary

Overall Rating

Annual Performance Review (FY21) for Retail Management
BERNARD BROOKS

2.7 - Partially Achieving Expectations

	Team Member Self-Review	Finalized Manager Review
Rate Leadership Behaviors	3.0 / 5.0	3.0 / 5.0
Performance Goal Rating		2.3 / 5.0
Overall	3.0 / 5.0	2.7 / 5.0

Acknowledgement of Annual Performance Review Conversation

Directions

Acknowledgement of the Annual Review Performance Conversation for BERNARD BROOKS

This is an acknowledgement that **BERNARD BROOKS** and his/her manager have met and discussed **BERNARD BROOKS's** performance. To finalize the performance review, both the manager and the team member need to acknowledge that they have met to discuss the Annual Performance Review.

To Do:

1. After the Annual Review Discussion, **type your name below** and click the **Sign** button to acknowledge that BERNARD BROOKS and his/her manager have met and reviewed BERNARD BROOKS's performance.
2. Click **Save and Continue** to go on to the Summary or click **Save and Exit** to exit the review and come back later.
3. When you are ready to submit the review, click the **Submit** button to complete this task.

Note: This acknowledgement only indicates that the employee and manager have met and reviewed BERNARD BROOKS's performance review. It does not indicate an employee's agreement with the content of the performance review.

X	X shelley Maglalang
_____	Manager
Team Member	10/27/2021
_____	Date
Date	

Annual Performance Review (FY22) for Retail Management

Review Period 9/1/2021 - 8/31/2022



REVIEWER
JORDAN TINKLER (Manager)

BERNARD BROOKS

Pharmacy Manager
Position



User ID

Overview

Task Instructions

Welcome! The Annual Performance Review (APR) is a pivotal process for fostering a winning culture where people are inspired and motivated to deliver great results for our customers and stakeholders.

What to Expect:

- Self -Review: For team members, this is an opportunity to reflect on demonstration of the leadership behaviors for their role this year, bring awareness to the contributions they have made and identify opportunities for improvement and future success in the new performance year.
- Manager Review: Manager rates team member's demonstration of the Leadership Behaviors at the level that aligns to their role and is able to view any comments completed as a part of the Self-Review step. The performance goal rating (provided by Finance) will be uploaded into the system after calibration. NOTE The leadership behaviors will not show up on the summary page until the retail goal rating upload has been completed
- Calibration: Managers will be required to get input on team member's leadership behavior ratings and finish writing their manager review. This step should confirm that the manager has held or participated in a calibration AND that the rating provided is final. Managers will not be able to make changes to the rating after this point.
- Discussions & Acknowledgement: During this step, the manager will view the final overall performance rating with the performance goal rating (from Finance) included. The submission of this step closes out the process and confirms that team member and manager had a conversation around the final performance rating.

I'm ready to get started!

SCROLL DOWN and click on **GET STARTED** to proceed. Note that the sections to the left may help you navigate through the task. Once all sections have been completed, and you hit **SUBMIT**, the overall performance review score will be recorded.

Rate Leadership Behaviors

Directions

Performance Review for **BERNARD BROOKS**

This section addresses Walgreens' Purpose-Driven Leadership Behaviors – Care, Win Together and Inspire. Please rate the team member's demonstration of the Leadership Behaviors at the level that aligns to their role.

To Do:

1. [Click Here](#) to retrieve the Leadership Behavior rating scale for each level.
2. **Rate** each of the leadership behaviors using the rating scale in the drop down.
3. Click **Save and Continue** to move onto the next section or click **Save and Exit** to exit the review and come back later.
4. When you are ready to finalize the ratings, click the **Submit** button to complete this portion of the review.

Rating Scale

Score	Description
1	Not Achieving Expectations
2	Partially Achieving Expectations
3	Achieving Expectations
4	Exceeding Expectations
5	Outstanding

"Care"

Caring genuinely for everyone by connecting personally

(Please refer to the appropriate [Leadership Behavior Descriptions](#))

Reviewer	Rating Scale
BERNARD BROOKS (Self)	3
SHELLEY MAGLALANG (Manager - Co-Planner)	3

Comments:

SHELLEY MAGLALANG (Manager - Co-Planner) :

Bernie is very customer oriented and puts them first, he is always looking for ways to make them feel important. When

Bernie interacts with the customer he does so with a smile and encourages the team to do so also. We have grown in the last year with our team and connecting personally.

I would like Bernie to continue to work on coaching and training with the RXOM on building a better customer service all around.

"Inspire"

Empowering each other to continuously raise the bar and fulfill our purpose

(Please refer to the appropriate [Leadership Behavior Descriptions](#))

Reviewer	Rating Scale
BERNARD BROOKS (Self)	3
SHELLEY MAGLALANG (Manager - Co-Planner)	3

Comments:

SHELLEY MAGLALANG (Manager - Co-Planner) :
Bernie embraces changes and plans ahead for the changes and the coaching and training. Bernie encourages others to take ownership to learn and grow. He provides opportunities to learn and grow. Bernie is growing in his role of RXM and learns as much as he can to share his knowledge to improve and be our best.
I would like to see Bernie push RXOM to take more ownership of areas to learn and grow from both failure and success.

"Win Together"

Winning together by collaborating to deliver our best work with simplicity and ease

(Please refer to the appropriate [Leadership Behavior Descriptions](#))

Reviewer	Rating Scale
BERNARD BROOKS (Self)	4
SHELLEY MAGLALANG (Manager - Co-Planner)	3

Comments:

SHELLEY MAGLALANG (Manager - Co-Planner) :
Bernie does a great job at explaining the "why's" with all the team, he takes the time to explain and answer all questions. Bernie is works with ethical and compliant manner and adheres to all policies and procedures and motivates others to do the same.
I would like to see Bernie partner more with RXOM to explore ways to partner across all teams to and other pharmacies for problem solving.

Calibration - RATING IS NOT INCLUDED IN OVERALL SCORE - '1' INDICATES CALIBRATION HAS BEEN COMPLETED

Directions

Performance Review for BERNARD BROOKS

This is the calibration step of the Performance Review process. As part of the calibration step, District, Area and Region Leaders review ratings for fairness and consistency. After the calibration meeting, adjustments to the review can be made and the manager will finish writing the manager review.

To Do:

1. Consult with your District Leader, Area Leader, Region Leader or RHRM to determine if any changes need to be made after the calibration meeting.
2. Select **Yes** (below) to acknowledge that the Calibration meeting has taken place.
3. Click **Save and Continue**.
4. Move through each section one at a time, making any necessary changes provided by your District/Area/Region Leader or RHRM and finish writing the review.
Note: You will need to click through all sections of the review even if changes are required only in one section.
5. Click the **Submit** button to complete this portion of the review.

Have you completed the calibration step, and finalized your ratings for this team member?

Note: Once you click "Yes," you will be able to go back through the performance review and make changes to your ratings, if needed, based on the calibration meeting.

Reviewer	Rating Scale
SHELLEY MAGLALANG (Manager - Co-Planner)	1

Performance Goal Rating

Directions

Performance Review for BERNARD BROOKS

The **Performance Goals** section establishes one overall rating of performance against established goals.

1. The Performance Goal Rating is based on Improve Scorecard metrics, and is automatically uploaded to the system.
2. In addition to the overall rating, information regarding targets/actuals for each measure has been included. These metrics are not intended to be edited.
3. Click the **Submit** button to progress through this portion of the review.

Additional Information

Position Reviewed As

See Comments Below

One overall Performance Goal Rating is automatically loaded to the review.

Reviewer	Rating Scale	Weight
JORDAN TINKLER (Manager)	3.5	100 %

Standardized Metrics:

JORDAN TINKLER (Manager) :

Please note: only those metrics applicable to your position(s) and location(s) were utilized to calculate your performance goal score, however, you may see additional metric details included for reference.

Store #: 2474 -- Position: RXM -- Score: 3.5 (100.0%)

- **Total Script Count (90 Day & Control Adjusted)** -- Score: 3
Target: 6.00%; Actual: 5.46%; Variance: -0.54%
--> Exception: COVID Tests Included in LY Actuals & Operating Hour Changes Negatively Impacted YoY Results
- **Delayed Pick Up Sold %** -- Score: 4
Target: 49.50%; Actual: 49.61%; Variance: 0.11%
- **% Refilled via SATR** -- Score: 4
Target: 17.00%; Actual: 19.31%; Variance: 2.31%
- **% Refilled via Digital** -- Shared Goal, District Result -- Score: 3
Target: 34.04%; Actual: 35.58%; Variance: 1.54%

Summary

Overall Rating

Annual Performance Review (FY22) for Retail Management

BERNARD BROOKS

3.3 - Achieving Expectations

	Team Member Self-Review	Finalized Manager Review
Rate Leadership Behaviors	3.3 / 5.0	3.0 / 5.0
Performance Goal Rating		3.5 / 5.0
Overall	3.3 / 5.0	3.3 / 5.0

Acknowledgement of the Annual Performance Review Conversation

Directions

Acknowledgement of the Annual Review Performance Conversation for BERNARD BROOKS

This is an acknowledgement that **BERNARD BROOKS** and their manager have met and discussed **BERNARD BROOKS's** performance. To finalize the performance review, both the manager and the team member need to acknowledge that they have met to discuss the Annual Performance Review.

To Do:

- After the Performance Review Discussion, **type your name below** and click the **Sign** button to acknowledge that BERNARD BROOKS and their manager have met and reviewed BERNARD BROOKS's performance
- When you are ready to submit the review, click the **Submit** button to complete the task. If you are not ready to submit click **Save and Exit** to exit the review and come back later.

X Bernard Brooks
Team Member

10/28/2022
Date

X Jordan Tinkler
Manager

10/27/2022
Date

FY23 Reflect Form D for Bernard J Brooks

Instructions

In Reflect Conversations, team members and managers will discuss what the team member accomplished and how the team member has demonstrated our values (4Cs) during the year. Enter a rating on each element of the [4Cs Leadership Model](#), including comments explaining the behaviors of the team member that contributed to the ratings.

Values Ratings (100.0%)

Courageous: We are bold, honest and decisive

Team Member Rating	Select a rating...	Team Member Comment
	He is constantly coming up with ideas and new ways to help improve the pharmacy. He is also very vocal about the ways the company does certain things and gives his honest opinion about it. He is also good at expressing himself towards myself and the techs. If he notices something that we can improve on he lets the techs and myself know. Now that we have Victor back there, he has embraced him and is helping him as much as possible.	
Manager Comment		Co-Planner Comments (if applicable)

Rating

4-Exceeding Expectations

Connected: We are working together to create more joyful lives

Team Member Rating	Select a rating...	Team Member Comment
	He is great when it comes to interacting with the patients. He goes out of his way to help them in any way possible. If they have a question related to something over the counter, he has no problem coming onto the floor and helping the customers out. He has been here long enough that the patients feel comfortable with him. This is the same with the techs. He gets along with them all back there and knows the boundaries of personal and professional. He sometimes struggles with the techs but it is nothing bad.	
Manager Comment		Co-Planner Comments (if applicable)

Rating

3-Achieving Expectations

Committed: We are determined to do right by our customers, patients and each other

Team Member Rating	Select a rating...	Team Member Comment

Manager Comment	He is a great role model for the team when it comes to taking care of the patients and giving them the best care possible. Like stated before he goes out of his way to help the patients. He goes out of his way to find out the new goals the company has and tries to get the team to meet those goals. The only issue is his tardiness and attendance at times he struggles with them, but it is nothing that affects the store negatively.	Co-Planner Comments (if applicable)
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Rating

3-Achieving Expectations

Curious: We are continuously exploring and re-inventing our future

Team Member Rating	Select a rating...	Team Member Comment
Manager Comment	He is always asking questions to see if there is any new news that they should be aware of in the pharmacy. He is always trying to have us meet and discuss what we are doing well in and where we can improve. He is good at passing information onto myself and the RxOm both on the techs performance as well as the pharmacy in general.	Co-Planner Comments (if applicable)

Rating

3-Achieving Expectations

Optional Team Member Reflections

What were your 3 most significant accomplishments this year?

What would you do differently if you had it to do over again?

Reflect Summary

Overall Rating

Achieving Expectations

Overall Rating:

Achieving Expectations

Calculated Rating:

3.3

Name	Rating	Weight
Values Ratings	3.25	100.0% of total score
Courageous: We are bold, honest and decisive	4-Exceeding Expectations	
Connected: We are working together to create more joyful lives	3-Achieving Expectations	
Committed: We are determined to do right by our customers, patients and each other	3-Achieving Expectations	
Curious: We are continuously exploring and re-inventing our future	3-Achieving Expectations	

Calibration Acknowledgement

Have you completed the calibration step and finalized your ratings for this team member?



Yes, the team member has been calibrated

Manager Acknowledgment

This is an acknowledgement that the team member and manager have met to discuss the team member's performance. To finalize this review, enter your name and date in the fields below and click Submit.

Note: Submitting this acknowledgement does not indicate an employee's agreement with the content of the performance review.

Manager/Co-Planner Signature

Gonsalo Hernandez

Date

11/06/2023

Team Member Acknowledgement

This is an acknowledgement that the team member and manager have met to discuss the team member's performance. To finalize this review, enter your name and date in the fields below and click Submit.

Note: Submitting this acknowledgement does not indicate an employee's agreement with the content of the performance review.

Team Member Signature

Bernard Brooks

Date

11/30/2023

FY24 Reflect Form D for Bernard J Brooks

Instructions

In Reflect Conversations, team members and managers will discuss:

- **What** the team member accomplished (goals)
- **How** the team member has demonstrated our values (4Cs) during the year

Rate each element of the [4Cs Leadership Model](#). Enter comments explaining the behaviors of the team member that contributed to the ratings, including their demonstration of 4Cs.

Values Ratings (100.0%)

Curious: We are continuously exploring and re-inventing our future

Team Member Rating	5-Outstanding	Team Member Comment
Manager Comment	Bernie likes to be knowledgeable and be aware of any changes that are happening within the company. He could be more forward thinking in accepting the changes that happen within the pharmacy. He will listen to knew ideas that the techs have and give them a try, but for the most part he likes to go back and do things the way they normally get done. He does make sure that the techs teach the newer techs all that they can, so that the pharmacy can run as smoothly as possible. If he sees any room for improvement in one of the techs he will bring it up to the Rxom in order for her to follow up with them and assist them with anything they need.	Co-Planner Comments (if applicable)

Rating

3-Achieving Expectations

Courageous: We are bold, honest and decisive

Team Member Rating	5-Outstanding	Team Member Comment
	He does a good job on sharing the feedback that he has with the team and with myself. If he identifies an issue he will bring it to my attention a long with a couple of solutions for us to choose the best outcome. We were having an issue with one of our techs, where the stress of the job was affecting her performance and her attitude at work. He brought it up to my attention, so we decided to speak with the tech to find out how we could help. We learned that the tech took Bernie's feedback as being a criticism so it got to her in a bad way. He owned up to the	Co-Planner

Manager Comment	situation and apologized to the tech and now they work very well together. There are some instances where he could do this a bit more, and stop to recognize the team's efforts no matter how small they may seem. There are certain things where he does challenge what the company wants which he does not agree on. For example the company wants us to focus on so much lately that it is hard for them to decide which one is more important. He decided to focus on VBPT since it was something we were struggling with, and once we improved on that we can shift our focus on something else.	Comments (if applicable)
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Rating

3-Achieving Expectations

Committed: We are determined to do right by our customers, patients and each other

Team Member Rating	5-Outstanding	Team Member Comment
	Bernie is really good when it comes to showing his commitment to the customers. He goes out of his way to ensure that the patients are taken care of. When he is here he sets the tone of urgency on all the tasks and the techs know that and work to the best of their abilities to show him that. When it comes to making sure that the techs are working to the best of their abilities he is good at letting them know areas where they can improve. He has had some health issues as of late that have led to him calling out more than we expect from him. He is seeking help to address the issue, but in the meantime it has hindered our performance. This has been going on for a few months and when it seems like we are out of the mud we fall back in. For the most part he brings a good attitude to the work place, but like every human there are days where he needs to be more aware of his mood. When techs are doing a good job he makes sure that he lets the RXOM know and same thing if there is room for improvement.	Co-Planner Comments (if applicable)

Rating

3-Achieving Expectations

Connected: We are working together to create more joyful lives

Team Member Rating	5-Outstanding	Team Member Comment
	Bernie has been at this pharmacy for four years and for the most part has the same core of techs working here. This being said he has formed a great relationship with them. Like every relationship they have there ups and downs but at the end of the day they respect each other and know each other very well. Every one is comfortable in speaking their mind to him and knowing	

Manager Comment	that they can trust him. When it comes to the patients he does a really good job at making sure they get the best possible help. He is always leaving the pharmacy to come out onto the sales floor and answer any OTC questions that the patients have. If we are out of a medication he makes sure that we can interstore the med so that the patient does not have to go to another location, and if that's not possible he will find where the medication is in stock for the patient.	Co-Planner Comments (if applicable)
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Rating

3-Achieving Expectations

Optional Team Member Reflections

What were your 3 most significant accomplishments this year?

What would you do differently if you had it to do over again?

Reflect Summary

Overall Rating

Achieving Expectations

Overall Rating:

Achieving Expectations

Calculated Rating:

3.0

Name	Rating	Weight
Values Ratings	3.0	100.0% of total score
Curious: We are continuously exploring and re-inventing our future	3-Achieving Expectations	
Courageous: We are bold, honest and decisive	3-Achieving Expectations	
Committed: We are determined to do right by our customers, patients and each other	3-Achieving Expectations	
Connected: We are working together to create more joyful lives	3-Achieving Expectations	

Calibration Acknowledgement

Have you completed the calibration step and finalized your ratings for this team member?



Yes, the team member has been calibrated

Manager Acknowledgment

This is an acknowledgement that the team member and manager have met to discuss the team member's performance. To finalize this review, enter your name and date in the fields below and click Submit.

Note: Submitting this acknowledgement does not indicate an employee's agreement with the content of the performance review.

Manager/Co-Planner Signature	Gonsalo Hernandez
Date	10/17/2024

Team Member Acknowledgement

This is an acknowledgement that the team member and manager have met to discuss the team member's performance. To finalize this review, enter your name and date in the fields below and click Submit.

Note: Submitting this acknowledgement does not indicate an employee's agreement with the content of the performance review.

Team Member Signature	Bernard Brooks
Date	12/27/2024

50

Exhibit 1

ORIGINAL

D.3.d

BEFORE THE NEVADA STATE BOARD OF NURSING

IN THE MATTER OF
FESTUS EBONKA
ADVANCED PRACTICE REGISTERED
NURSE
NEVADA LICENSE NO. APRN000902
RESPONDENT

COMPLAINT AND NOTICE
OF HEARING

CASE NO. 2024100049

The Nevada State Board of Nursing (Board), by and through counsel, Kimberly A. Arguello, hereby notifies Respondent FESTUS EBONKA (Respondent) of an administrative hearing, which is to be held pursuant to Chapters 233B and 632 of the Nevada Revised Statutes and Chapter 632 of the Nevada Administrative Code. The purpose of the hearing is to consider the allegations stated below and to determine if the Respondent should be subject to an administrative penalty as set forth in NRS 632.347 and/or NRS 632.325 and/or NAC 632.926-.927, if the stated allegations are proven at the hearing by the evidence presented.

Respondent was at the time of the allegations stated below, licensed as an Advanced Practice Registered Nurse in the State of Nevada, and is, therefore, subject to the jurisdiction of the Board and the provisions of NRS Chapter 632 and NAC Chapter 632.

IT IS HEREBY ALLEGED AND CHARGED AS FOLLOWS:

I.

On or about June 15, 2006, Respondent was granted a permanent Advanced Practice Registered Nurse's license (APRN) in the State of Nevada.

On or about May 5, 2025, before the United States District Court, District of Nevada, Respondent, after a plea of guilty, was adjudicated guilty of one count of Conversion of Government Property, a violation of 18 U.S.C. Section 641.

1 II.

2 The foregoing conduct constitutes grounds for disciplinary action pursuant to NRS
3 632.347(1)(b) unprofessional conduct, because Respondent is guilty of any offense (2) related to
4 the qualifications, functions or duties of a licensee or holder of a certificate, in which case the
5 record of conviction is conclusive evidence thereof.

6 Based on the foregoing:

7 PLEASE TAKE NOTICE, that a disciplinary hearing has been set to consider this
8 Administrative Complaint against the above-named Respondent in accordance with Chapters
9 233B and 632 of the Nevada Revised Statutes and Chapter 632 of the Nevada Administrative
10 Code.
11

12 THE HEARING WILL TAKE PLACE on Thursday, September 18, 2025,
13 commencing at 09:00 a.m., or as soon thereafter as the Board is able to hear the matter, at the
14 Office of the Nevada State Board of Nursing, 6005 Plumas Street, Room 101, Reno, NV
15 89519. This case and other matters are scheduled to be heard by the Board.

16 This Nevada State Board of Nursing meeting will also be held virtually via Microsoft
17 Teams. The link to the Teams meeting is:

18
19 **To join by VIDEO/TELECONFERENCE**

20 **[https://teams.microsoft.com/l/meetup-](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZjY3MDc5MTUtODRmNi00NWl2LWJlNmN2YwMTBhZTZhMDU5%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%2243df6cf6-38b0-4aad-b524-d5e9ab50ece4%22%7d)**

21 **join/19%3ameeting_ZjY3MDc5MTUtODRmNi00NWl2LWJlNmN2YwMTBhZTZhMD**
22 **U5%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-**
23 **1544d2703980%22%2c%22Oid%22%3a%2243df6cf6-38b0-4aad-b524-**
24 **d5e9ab50ece4%22%7d**

25
26 **To join by meeting ID through Microsoft Teams:**

27 **Meeting ID: 283 625 547 899 7**

28 **Passcode: Tj6Di9Tf**

To join by telephone:

Audio Conference Number: +1 775-321-6111

Phone Conference ID: 704 745 453#

This case and other matters are scheduled to be heard by the Board.

PURSUANT TO NRS 632.350, Respondent may request, in writing, that the Board furnish copies of communications, reports, and affidavits in its possession, regarding the above-referenced matter.

As the Respondent, you are specifically informed that you have the right to appear, either in person at the physical address listed above, or virtually, at the log-in address listed above, and be heard in your defense, either personally or through counsel of your choice. You have the right to respond and to present relevant evidence and argument on all issues involved. You have the right to call and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter relevant to the issues involved.

You have the right to request that the Board issue subpoenas to compel witnesses to testify and/or evidence to be offered on your behalf. In making this request, you may be required to demonstrate the relevancy of the witness' testimony and/or evidence.

The purpose of the hearing is to determine if the Respondent has violated NRS 632.347(1)(b), and if the allegations contained herein are substantially proven by the evidence presented to further determine what administrative penalty is to be assessed against the Respondent, if any, pursuant to NRS 632.347 and/or NRS 632.325 and/or NAC 632.926-.927.

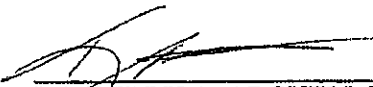
Should the Respondent fail to appear at the hearing, a decision may still be reached by the Board. As the Respondent, you are further advised that you may be charged with cost associated with the hearing pursuant to NRS 622.400.

Pursuant to NRS 233B.121(5), informal disposition of this case may be made by stipulation, agreed settlement, consent order, or default. Any attempt to negotiate this case

1 should be made through Kimberly A. Arguello, General Counsel, Nevada State Board of
2 Nursing.

3 Pursuant to NRS 241.033(2)(b), the Nevada State Board of Nursing may, without further
4 notice, take administrative action against your license and/or certificate to practice within the
5 State of Nevada if the Board determines that such administrative action is warranted after
6 considering your character, alleged misconduct, professional competence, or physical or mental
7 health.

8 DATED this 22nd day of August 2025.

9
10 By: 

KIMBERLY A. ARGUELLO, ESQ.
General Counsel
Nevada State Board of Nursing
4220 S. Maryland Parkway, Suite B300
Las Vegas, Nevada 89119
(702) 668-4534

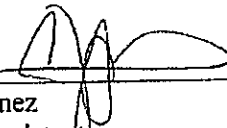
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Nursing, and that on this 22nd day of August 2025, I served a copy of the foregoing COMPLAINT AND NOTICE OF HEARING, by placing said document in the U.S. Mail by first class mail and by the U.S. Mail, certified, return receipt requested and postage prepaid, addressed to:

Festus Ebonka
[REDACTED]

By Email to: [REDACTED]



Corina Jimenez
Executive Assistant
Nevada State Board of Nursing

Exhibit 2

JOE LOMBARDO
Governor



HELEN PARK
President

J. DAVID WUEST
Executive Secretary

STATE OF NEVADA
BOARD OF PHARMACY

985 Damonte Ranch Pkwy, Ste 206
Reno, NV 89521

October 9, 2025

VIA U.S. CERTIFIED MAIL AND ELECTRONIC MAIL TO: libolaw@vahoo.com & agwalaw@vahoo.com

Festus Ebonka, APRN
c/o Liborius Agwara, Esq.
2785 E. Desert Inn Road, Ste. 270
Las Vegas, NV 89121

Re: Notice of Suspension of Registration No. CS23430 (Case Nos. 19-012-CS-S/25-215-CS-S)

Dear Mr. Ebonka:

The Nevada State Board of Pharmacy (Board) has been notified that the Nevada State Board of Nursing (NSBN) entered an order on October 6, 2025, suspending your License No. APRN000902 for 6 months effective November 9, 2025. Pursuant to NRS 639.2107, when the suspension of your License No. APRN000902 takes effect on November 9, 2025, this will operate as an immediate suspension of your Certificate of Registration No. CS23430 with the Board.

Once the suspension of your Certificate of Registration No. CS23430 takes effect you may not possess (except pursuant to the lawful order of a practitioner), administer, prescribe or dispense any controlled substance or dangerous drug until you petition the Board for reinstatement pursuant to NRS 639.2565 and the Board reinstates your registration. Your PMP account will also be suspended pursuant to NAC 453.078. You may request a hearing before the Board to contest the suspension of your registration by submitting a written request to the Board's Reno office, located at 985 Damonte Ranch Parkway – Suite 206, Reno, NV 89521.

This will also confirm that through your counsel you are stipulating to a continuance of the hearing noticed for October 15, 2025, in Case No. 25-215-CS-S, during your suspension period; the hearing will be re-noticed for March 4, 2026. Please be advised that the district court entered an order in Case No. A-24-902608-J denying your petition for judicial review and affirming the Board's order entered September 4, 2024, in Case No. 19-012-CS-S; any failure to comply with that order will result in the issuance of an order to show cause pursuant to NAC 639.965.

Regards,

A blue ink signature of Brett Kandt, written in a stylized, cursive manner.

Brett Kandt
General Counsel
Nevada State Board of Pharmacy

Tele: 775-850-1440 • Fax: 775-850-1444 • Web: bop.nv.gov
• E-mail: pharmacy@pharmacy.nv.gov

9489 0178 9820 3042 2653 26

exhibit 2

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y.

NOTICE OF INTENDED ACTION AND ACCUSATION

Case No. 09-029-RPH-S

Case No. 09-029-PH-S

Respondents.

1.

III.

-1-

prescriptions for Methadone and Oxycodone on September 15, 2008 by Respondent Quan Haduong, M.D., that were filled at Walgreens Pharmacy #6545. Mrs. Fodell claimed that her husband had the exact same prescriptions that were filled at Walgreens Pharmacy #6545 on September 15, 2008, also filled at Evergreens Drug on November 6, 2008. Mrs. Fodell concluded that her husband, Gregory, died on November 11, 2008 as a result of opiate intoxication.

III.

On August 24, 2009, the Board was provided by the staff of Respondent Evergreens Drug copies of the front of the two prescriptions that were filled on November 6, 2008 as well as the patient profile of Gregory Fodell from its computer system. These documents were provided by the staff of Respondent Evergreens Drug at Respondent Tran's direction. These prescriptions were faxed and the fax showed a time and date stamp of August 24, 2009. The prescriptions that were faxed to the Board on August 24, 2009 were issued by Respondent Haduong and showed an issue date of November 6, 2008.

IV.

On September 2, 2009, Board staff contacted Walgreens Pharmacy #6545 and requested patient records for Gregory Fodell. Walgreens #6545 provided Gregory Fodell's patient profile as well as copies of the Methadone and Oxycodone prescriptions that were filled on September 15, 2008.

V.

On September 4, 2009, Respondent Tran, who is the owner of and pharmacy manager for Respondent Evergreens Drug, stated that on November 6, 2008 he had received a telephone call from Jennifer Palmer, a medical assistant from Respondent

Haduong's office, advising him that she had a patient (Gregory Fodell) for whom Respondent Haduong had approved a one week emergency fill for Methadone and Oxycodone, but because Respondent Haduong was performing a procedure, he was unable to write the prescriptions at that time. Respondent Tran stated that Ms. Palmer told him that Gregory Fodell had an appointment to be seen by Respondent Haduong the following week but was not able to come to the office at this time. Ms. Palmer faxed Respondent Tran a copy of the prescriptions that had been written by Respondent Haduong on September 15, 2008. Respondent Tran said that he told Ms. Palmer that the original prescriptions would need to be mailed within 72 hours. Respondent Tran stated that on November 6, 2008 he filled the prescriptions for the Methadone and Oxycodone off of the faxed copies of the September 15, 2008 prescriptions and then dispensed the medication to Gregory Fodell. Both Methadone and Oxycodone are CII controlled substances.

VI.

On September 8, 2009, in her oral interview, Eleanor Fodell stated that her husband had suffered a back injury and was referred to pain management physician Respondent Haduong. Eleanor Fodell stated that on September 15, 2008, her husband Gregory Fodell was seen by Respondent Haduong and was issued a prescription for Methadone 10 mg. #140 and for Oxycodone 30 mg. immediate release #28. Mrs. Fodell stated that these prescriptions were filled at Walgreens that same day. Mrs. Fodell stated that her husband died on November 11, 2008 and it was determined by the Clark County Coroner's Office that he died as a result of coronary atherosclerosis and a significant contributing condition was opiate intoxication. Mrs. Fodell explained that when she was going through her husband's things after his death,

she found two prescription bottles that were filled by Evergreens Drug on November 6, 2008. One bottle was for Methadone 10 mg. # 140 and the other was for Oxycodone 30 mg. immediate release #28. Mrs. Fodell counted the pills and found that 29 of the Methadone were missing and eight and-a-half of the Oxycodone tablets were missing. Mrs. Fodell was unaware that her husband had the prescriptions filled at Evergreens Drug. Mrs. Fodell believed that Mr. Fodell had consumed the medication he received from Evergreens Drug and he was hiding them from her. Mrs. Fodell went to Walgreens and was given her husband's prescription records without problem. But when she tried to obtain her husband's information from Respondent Evergreens Drug, she was initially refused. When Mrs. Fodell returned one week later, she was given a copy of the prescriptions on file and his patient profile. Mrs. Fodell reviewed the Walgreen's prescriptions and the Evergreens Drug prescriptions and found that they were exactly the same. Additionally, Mrs. Fodell reviewed a copy of the Nevada Controlled Substances Task Force patient profile for her husband and found that the prescriptions that had been filled by Respondent Evergreens Drugs were not listed on the report.

VII.

On October 1, 2009, Respondent Tran was interviewed and admitted that he had provided Mrs. Fodell a copy of the prescriptions on April 7, 2009 that had been faxed to him by Respondent Haduong's office on November 6, 2008. When questioned about why the prescriptions that had been faxed to the Board of Pharmacy on August 24, 2009 were dated November 6, 2008, Respondent Tran admitted that he could not find the original prescriptions and as a result of this investigation contacted Respondent Haduong's office to have the original prescriptions re-written and that is what was

provided to the Board for its investigation. Respondent Tran did not have an explanation as to why he did not contact Respondent Haduong for the prescriptions when Mrs. Fodell first contacted him. Respondent Tran admitted that he was aware that only a physician may call in an emergency prescription fill. When asked why Respondent Tran would fill a prescription for two CII prescriptions based on a fax that was written three months earlier and then not follow-up with a hard copy prescription, Respondent Tran stated that he filled the prescriptions in good faith but now realizes that his actions did not comply with Nevada law.

VIII.

On November 9, 2009, Respondent Haduong stated in his oral interview that he had seen Gregory Fodell one time, on September 15, 2008, and after examining him had issued him a prescription for Methadone 10 mg. #140 and Oxycodone 30 mg. immediate release #28. Both prescriptions were for a seven-day supply. Respondent Haduong stated that Gregory Fodell was to follow up in one week but failed to make his appointment. Respondent Haduong maintains that he only had contact with Gregory Fodell that one time and that his medical assistant Jennifer Palmer, who left his practice in January 2009, was the one who made contact with Respondent Tran at Evergreens Drug and faxed the copy of the September 15, 2008 prescriptions to Evergreens Drug to be filled for Gregory Fodell. Respondent Haduong stated and maintained that he did not authorize the prescriptions for Gregory Fodell that were filled by Respondent Tran at Evergreens Drug. He did admit that he has on occasion authorized his staff to call in prescriptions for patients, but again stated he did not believe he authorized the prescriptions for Gregory Fodell on November 6, 2008. Respondent Haduong stated that his office had been contacted by Respondent Tran in August of 2009 to have the

prescriptions re-written for November 6, 2008. Respondent Haduong admitted that he rewrote the prescriptions without looking at Gregory Fodell's chart, believing that Respondent Tran must have lost or misplaced the prescriptions. When asked why Respondent Haduong had rewritten prescriptions ten months later for prescriptions he claimed he never issued in the first place, Respondent Haduong stated he did it in good faith.

IX.

On November 24, 2009, Respondent Haduong submitted a written response to the Board in which he stated in part:

"The investigation I undertook after you contacted me, has lead me to conclude that on November 6, 2008, my office staff contacted Walgreens and approved the transfer of the September 15, 2008 prescription Mr. Fodell had filled at the pharmacy to Evergreen Pharmacy; that my staff authorized the pharmacist at Evergreen Pharmacy to refill the prescriptions and told him that a hard copy would follow. In addition, my office staff made a follow-up appointment for Mr. Fodell for November 11, 2008. I later learned that the patient died on the date he was to have come and see me."

FIRST CAUSE OF ACTION

X.

For dispensing an oral order for the CII controlled substances namely, Methadone 10 mg. #140 and Oxycodone 30 mg. immediate release #28, without an emergency circumstance that would have justified the filling of an orally issued CII prescription, Respondents Tran and Evergreens Drug have violated NRS 453.256(2)(a) and/or NRS 639.210(4) and/or NAC 453.010(2) and/or NAC 453.420 and/or 453.450(1)(b) and/or NAC 639.945(1)(i).

SECOND CAUSE OF ACTION

XI.

For dispensing an order for the CII controlled substances namely, Methadone 10 mg. #140 and Oxycodone 30 mg. immediate release #28, without a legally sufficient written prescription of a practitioner, Respondents Tran and Evergreens Drug have violated NRS 453.256(1) and/or NRS 453.377(1) and/or NRS 639.210(4) and/or NAC 453.450(1)(a) and/or NAC 639.945(1)(i).

THIRD CAUSE OF ACTION

XII.

For dispensing faxed prescriptions for the CII controlled substances, namely Methadone 10 mg. #140 and Oxycodone 30 mg. immediate release #28, that were not compounded for the direct administration to a patient by parenteral, intravenous, intramuscular, subcutaneous or intraspinal infusion, issued to a resident of a facility for long-term care, or issued to a patient enrolled in a licensed program that provides hospice care, Respondents Tran and Evergreens Drug have violated NRS 453.256(2)(b) and/or NRS 639.210(4) and/or NAC 639.711(1)(a), (b) and (c) and/or NAC 639.945(1)(i).

FOURTH CAUSE OF ACTION

XIII.

For dispensing CII controlled substances, namely Methadone 10 mg. #140 and Oxycodone 30 mg. immediate release #28, more than 14 days after the date of issue of the prescriptions filled, Respondents Tran and Evergreens Drug have violated NRS 453.431(4) and/or NRS 639.210(4) and/or NAC 639.945(1)(i).

FIFTH CAUSE OF ACTION

XIV.

For soliciting and obtaining the CII controlled substance prescriptions from Dr. Haduong, namely the Methadone 10 mg. #140 and Oxycodone 30 mg. immediate release #28 prescriptions with the issue date of November 6, 2008, under circumstances in which the prescriptions were false, deceitful, or fraudulent, Respondents Tran and Evergreens Drug have violated NRS 453.331(1)(d) and/or NRS 639.210(4),(9),(15) and/or (17) and/or NAC 639.945(1)(h) and/or (i).

SIXTH CAUSE OF ACTION

XV.

For participating in a course of action that assisted in the fraudulent and deceitful dispensing of controlled substances, or under circumstances that Respondents Tran and Evergreens Drug should have reasonably known that the dispensing of the controlled substances was unlawful, questionable, or illegal, Respondents Tran and Evergreens Drug violated NRS 639.210(4) and/or (12) and/or NAC 945(1)(h), and/or (i). Pursuant to NAC 639.955(7), both orders that were dispensed to Gregory Fodell by Respondents Tran and Evergreens Drug are grouped in this Cause of Action for the Board's administrative convenience, but the Board may impose separate discipline for both the drug orders.

SEVENTH CAUSE OF ACTION

XVI.

For violating the corresponding duty stated in 21 CFR §1306.04(a) by dispensing controlled substance prescriptions for Mr. Fodell that were not issued by a practitioner, namely Respondent Haduong, acting in the usual course of his professional practice,

Respondents Tran and Evergreens Drug, violated NRS 639.210(11) and/or NAC 639.945(1)(i).

EIGHTH CAUSE OF ACTION

XVII.

In owning and operating the pharmacy in which the above acts and violations occurred, Respondent Evergreens Drug, violated NRS 639.210(4) and/or NAC 639.945(1)(i) and/or (2).

NINTH CAUSE OF ACTION

XVIII.

For his office's issuance of the oral order for the CII controlled substances for Mr. Fodell, namely Methadone 10 mg. #140 and Oxycodone 30 mg. immediate release #28, placed by his staff to Respondents Tran and Evergreens Drug on November 6, 2008, which oral prescriptions were for CII controlled substances under non-emergency circumstances, Respondent Haduong has violated NRS 639.2355 and/or NRS 453.256(2)(a) and/or NRS 639.210(4) and/or NAC 453.010(2) and/or NAC 453.450(1)(b) and/or NAC 639.945(1)(i).

TENTH CAUSE OF ACTION

XIX.

For issuing oral orders on November 6, 2008 for the CII controlled substances for Mr. Fodell, namely Methadone 10 mg. #140 and Oxycodone 30 mg. immediate release #28, without an emergency that would justify the oral prescriptions, Respondent Haduong has violated NRS 453.256(2)(a) and/or NRS 639.210(4) and/or NAC 453.010(2) and/or NAC 639.945(1)(i).

ELEVENTH CAUSE OF ACTION

XX.

For issuing the false or fraudulent CII controlled substance prescriptions with a purported issuance date of November 6, 2008 for Mr. Fodell, namely Methadone 10 mg. #140 and Oxycodone 30 mg. immediate release #28, but which were actually written in August 2009, ten months after the date of the purported issuance date, Respondent Haduong has violated NRS 453.331(1)(i) and/or NRS 639.210(4) and/or (9) and/or NAC 639.945(1)(h) and/or (i).

TWELFTH CAUSE OF ACTION

XXI.

For violating the his duty stated in 21 CFR §1306.04(a) to assure that his CII controlled substances prescriptions for Mr. Fodell were issued in the regular course of his practice and for a legitimate medical purpose under circumstances which were not in the usual course of his practice and could not be known by him to be for a legitimate medical purpose by issuing prescriptions for CII controlled substances for Mr. Fodell on November 6, 2008, Respondent Haduong, violated 21 CFR § 1306.04(a) and/or NRS 639.210(4) and/or (11) and/or NAC 639.945(1)(i).

THIRTEENTH CAUSE OF ACTION

XXII.

For prescribing an order for the CII controlled substances for Mr. Fodell, namely Methadone 10 mg. #140 and Oxycodone 30 mg. immediate release #28, without a legally sufficient written prescription, Respondent Haduong has violated NRS 453.256(1) and/or NRS 639.210(4) and/or NAC 639.945(1)(i).

FOURTEENTH CAUSE OF ACTION

XXIII.

For authorizing a refill for the CII controlled substance prescriptions for Mr. Fodell, namely Methadone 10 mg. #140 and Oxycodone 30 mg. immediate release #28, Respondent Haduong has violated 21 CFR §1306.12(a) and/or NRS 453.256(2)(b) and/or NRS 639.210(4) and/or (11) and/or NAC 639.945(1)(i).

FIFTEENTH CAUSE OF ACTION

XXIV.

For participating in a course of action that assisted in the fraudulent and deceitful dispensing of controlled substances to Mr. Fodell, or under circumstances that Respondent Haduong should have reasonably known that the dispensing controlled substances was unlawful, questionable, or illegal, Respondent Haduong violated NRS 639.210(4) and/or (12) and/or NAC 945(1)(h), and/or (i). Pursuant to NAC 639.955(7), both orders that were dispensed to Gregory Fodell by Respondents Tran and Evergreens Drug are grouped in this cause of action for the Board's administrative convenience, but the Board may impose separate discipline for both of the drug orders.

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the certificates of registration of the Respondents.

Signed this 11th day of December, 2009.


Larry L. Pinson, Executive Secretary
Nevada State Board of Pharmacy

10B

NEVADA STATE BOARD OF PHARMACY

985 Damonte Ranch Parkway, Suite 206 - Reno, NV 89521 - (775) 850-1440

Pharmacy Application Non-Refundable \$500.00 Fee

Rev (6/11/2024)

Y

Facility Location	Application Type (check all applicable)	Pharmacy Type (check all applicable)	Services the Pharmacy will Provide (check all applicable)
☐ Nevada ☒ Out-of-Nevada	☒ New Pharmacy ☐ Ownership Change* ☐ Location Change * ☐ Service Modification* ☐ Name Change* (if only a Name Change occurred, submit a \$50.00 fee with the application.) * Current license #: PH _____	☐ Retail/Community ☐ Hospital (# beds _____) ☐ Internet ☐ Nuclear ☒ Other: see description of services attached	☐ Retail/Community ☐ Dangerous drugs ☐ Controlled substances DEA #: _____ ☐ Non-sterile Compounding ☐ Sterile Compounding ☒ Mail-Order Service ☐ Off-site Cognitive Services ☐ Long Term Care ☐ Hospital ☐ Other:
Days of Operation		Ownership Type (check applicable box)	
☒ Monday ☒ Tuesday ☒ Wednesday ☒ Thursday	☒ Friday ☐ Saturday ☐ Sunday ☐ Holidays	☒ Publicly Traded (complete sections 1, 2, 3, 4, 5, 9, 10, 11, 12) ☐ Non-Publicly Traded (complete sections 1, 2, 3, 4, 6, 9, 10, 11, 12) ☐ Partnership (complete sections 1, 2, 3, 4, 7, 9, 10, 11, 12) ☐ Sole Owner (complete sections 1, 2, 3, 4, 8, 9, 10, 11, 12)	

Section 1: General Information

Pharmacy Name: Walgreens Specialty Pharmacy, LLC d/b/a Walgreens HUB Solutions #21609

Physical Address: 120 Enterprise Drive

City: Pittsburgh State: PA Zip: 15275

Mailing Address (if different from physical address): PO Box 901

City: Deerfield State: IL Zip: 60015

Telephone: 412-439-6543 Toll Free # (NAC 639.708, NRS 639.23286): 800-756-6616

Fax: 855-397-0417 Contact Email: slowe@flaherty-ohara.com

Website: walgreenshubsolutions@walgreens.com

Nevada Business License # (if applicable) N/A

Supervising/Managing Pharmacist Name (NRS 639.220): Ashley Patrick

Supervising/Managing Pharmacist NV Pharmacist Registration # (if applicable): 24529

Section 2: List the name(s) of at least one NEVADA registered pharmacist who practices at the pharmacy, who may be the managing pharmacist or another pharmacist, who will be responsible for any prescriptions dispensed to a patient located in Nevada and responsible for any acts or omissions of pharmacy personnel who are not registered with the Board. NRS 639.2328. (Use a separate piece of paper if additional space is needed.)

Name: <u>Ashley Patrick</u>	NV Pharmacist Registration #: <u>24529</u>
Name: _____	NV Pharmacist Registration #: _____
Name: _____	NV Pharmacist Registration #: _____
Name: _____	NV Pharmacist Registration #: _____
Name: _____	NV Pharmacist Registration #: _____
Name: _____	NV Pharmacist Registration #: _____
Name: _____	NV Pharmacist Registration #: _____
Name: _____	NV Pharmacist Registration #: _____
Name: _____	NV Pharmacist Registration #: _____

Section 3: History of Company

	Yes	No
1. Has the corporation, any owner(s), shareholder(s) or partner(s) 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)?		✓
2. Has the corporation, any owner(s), shareholder(s) or partner(s) with any interest, ever been denied a license, permit or certificate of registration from any jurisdiction?		✓
3. Has the corporation, any owner(s), shareholder(s) or partner(s) with any interest, ever been subject of an administrative action, board citation, cite fine, or proceeding relating to the pharmaceutical industry?	✓	
4. Has the corporation, any owner(s), shareholder(s) or partner(s) 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?		✓
5. Has the corporation, any owner(s), shareholder(s) or partner(s) with any interest, ever surrendered a license, permit or certificate of registration voluntarily or otherwise (other than upon voluntary close of a facility)?		✓

If you marked YES to any of the number questions (1-5) above, a signed statement of explanation must be attached. Copies of any documents that identify the circumstance or contain an order, agreement or other disposition is required.

Section 4: Are any of the owners a health professional (i.e. Practitioner as defined by NRS 639.0125, Advanced Practice Registered Nurse, Physician's Assistant, Physical Therapist, Occupational Therapist, Registered Nurse, Respiratory Therapist, etc.)? If yes, please provide the name(s) of the owner(s), their credentials and their percent ownership. Write NA if not applicable. NRS 639.232. (Use a separate piece of paper if additional space is needed.)

Name: <u>N/A</u>	Credentials: <u>N/A</u>	%: <u>N/A</u>
Name: _____	Credentials: _____	%: _____
Name: _____	Credentials: _____	%: _____
Name: _____	Credentials: _____	%: _____
Name: _____	Credentials: _____	%: _____

1. The Board shall not issue a license to conduct a pharmacy:
 - a) To any practitioner; or
 - b) To any partnership, corporation, or association in which a practitioner has a controlling interest or owns more than 10 percent of the available stock.
2. This section does not:
 - a) Apply to a hospital pharmacy or a health maintenance organization which holds a certificate of authority under chapter 695C of NRS.
 - b) Prohibit ownership by a practitioner of a building in which a pharmacy is located, if space for the pharmacy is rented at the prevailing rate.

Section 5: Publicly Traded Corporation		
State of Incorporation: <u>Delaware</u>		
Parent Company (if any): <u>Walgreens Specialty Pharmacy Holdings, LLC is parent company of Walgreens Specialty Pharmacy, LLC</u>		
Corporation Name: <u>Walgreens Boots Alliance, Inc.</u> See attached organizational chart		
Mailing Address: <u>PO Box 901</u>		
City: <u>Deerfield</u>	State: <u>IL</u>	Zip: <u>60015</u>
Telephone: <u>847-315-2500</u>	Email: <u>slowe@flaherty-ohara.com</u>	
Contact Person Name: <u>Sara Lowe, Outside Counsel</u>		
Date of SEC Registration: <u>12/31/2014</u>	SEC Registration Number: <u>0001618921</u>	Stock Exchange Symbol: <u>WBA</u>
Does the number of stockholders/shareholders of the corporation exceed four? NRS 639.231 ☒ Yes ☐ No		

Section 6: Non-Publicly Traded Corporation or Company		
State of Incorporation/Organization: _____		
Parent Company (if any): _____		
Corporation/Organization Name: _____		
Mailing Address: _____		
City: _____	State: _____	Zip: _____
Telephone: _____	Email: _____	
Contact Person Name: _____		
Does the number of stockholders/shareholders of the corporation or members exceed four? NRS 639.231 ☐ Yes ☐ No		

Section 7: Partnership		
Partnership Name: _____		
Mailing Address: _____		
City: _____	State: _____	Zip: _____
Telephone: _____	Email: _____	
Contact Person Name: _____		
Please check type of partnership (NAC 639.214) ☐ General ☐ Limited		
Does the number of partners or members of the partnership exceed four? NRS 639.231 ☐ Yes ☐ No		

Section 8: Sole Owner		
Owner's Name: _____		
Business Name: _____		
Business Address: _____		
City: _____	State: _____	Zip: _____
Telephone: _____	Email: _____	

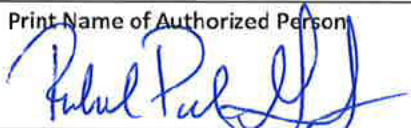
Section 9: Statement of Responsibility - MUST BE COMPLETED by an Authorized Person (NAC 639.945)

Statement of Responsibility

1. I am the President (title) for WALGREENS HUB SOLUTIONS #21609 (name of Pharmacy) and in that capacity, I am authorized to speak on the Pharmacy's behalf.
2. I understand and acknowledge that any owner(s), shareholder(s), member(s), or partner(s) may be responsible for any violations of pharmacy law that may occur in the Pharmacy owned by such owner(s), shareholder(s), member(s), or partner(s).
3. I further understand and acknowledge that any owner(s), shareholder(s), member(s), or partner(s) may be named in any action taken by the Nevada State Board of Pharmacy against the Pharmacy.
4. I further understand and acknowledge that any owner(s), shareholder(s), member(s), or partner(s) cannot require or permit the pharmacist(s) in said Pharmacy to violate any provision of local, state, or federal laws or regulations pertaining to the practice of pharmacy.
5. I further understand and acknowledge that Nevada law requires that each pharmacy located inside the State of Nevada employ only pharmacists, intern pharmacists, pharmaceutical technicians, and technicians in training that are licensed by the Nevada State Board of Pharmacy. (NRS 639.100).
6. I further understand and acknowledge that Nevada law requires that each pharmacy located outside the State of Nevada engaged in providing pharmacy services into Nevada employs at least one pharmacist licensed by the Nevada State Board of Pharmacy who will be responsible for any prescription dispensed to a patient located in Nevada and responsible for any acts or omissions of pharmacy personnel who are not registered with the Board. (NRS 639.2328).

Richard Gates

Print Name of Authorized Person



Original signature of Authorized Person (copies or stamps not accepted)

10.8.2025.

Date

Section 10: Affidavit for Pharmacies- MUST BE COMPLETED by pharmacies NOT CURRENTLY PERFORMING Sterile Compounding

Affidavit for Pharmacy License

I, Richard Gates hereby certify that the assertions in this Affidavit are true and correct to the best of my knowledge and belief, and state as follows:

1. I am the President (title) for WALGREENS HUB SOLUTIONS #21609 (name of Pharmacy) and in that capacity, I am authorized to speak on the Pharmacy's behalf.
2. I certify that upon licensure, the Pharmacy will not perform sterile compounding or ship sterile compounds into Nevada.
3. I understand and acknowledge that the Pharmacy and any of its staff members may be subject to discipline by the Board if the Pharmacy performs sterile compounding or ships any sterile compounds into Nevada without first obtaining written authorization from the Board to do so.
4. I certify that if the Pharmacy makes the decision to perform sterile compounding or to ship any sterile compounds into Nevada, the Pharmacy, through an authorized representative, will first notify the Board via a written request, and obtain written approval to perform sterile compounding or to ship any sterile compounds into Nevada.
5. I understand that if the Pharmacy seeks approval to perform sterile compounding or to ship any sterile compounds into Nevada, an authorized representative of the Pharmacy may be required to appear before the Board to answer questions before such approval is granted.

FURTHER YOUR AFFIANT SAYETH NAUGHT.


Signature

SUBSCRIBED AND SWORN TO
Before me, a notary public this 8th day of October, 2025

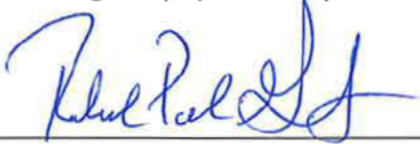
Zeljka Borosa - Rajcevic
Notary Public



I certify under penalty of perjury that the information contained in this application is accurate, true and complete in all material respects. I understand that making any false representation in this application is a crime under NRS 639.281. I understand that, pursuant to NRS 239.010, this entire application and any portion thereof is a public record unless otherwise declared confidential by law, and will be considered by the Nevada State Board of Pharmacy at a public meeting pursuant to NRS 241.020. In the event this application is approved I agree to comply with all applicable federal and state statutes and regulations governing this license or registration and understand that any violation may result in discipline.

Richard Gates

Print Name of Authorized Person Submitting Application (If the applicant is a partnership or corporation, the application must be signed by a partner or by an officer of the corporation). NAC 639.215



10. 8. 2025.

Original signature of Authorized Person (copies or stamps not accepted)

Date

Board Use Only

Date Received: _____

Amount: _____

Ownership Information

Ownership & Leadership of Applicant Entity

Applicant: **Walgreen Specialty Pharmacy, LLC**
108 Wilmot Rd., Deerfield, IL 60015

Ownership: The Applicant entity is wholly owned (100%) by Walgreens Specialty Pharmacy Holdings, LLC

Officers of Walgreens Specialty Pharmacy, LLC.

Richard Gates - President

Tracey James - COO

Matthew Spina - CFO

John Colaizzi - Secretary and Treasurer

Brittany Mack - Assistant Treasurer

Michael Emerson - Vice President, Tax

Michael Handal - Senior Director & Licensing and Provider Enrollment Officer

Ownership & Leadership of Walgreens Specialty Pharmacy Holdings, LLC

Ownership: Walgreens Specialty Holdings, LLC is owned by (45%) WBA Acquisition 6, LLC and (55%) Walgreen Co.

Officers of Walgreens Specialty Pharmacy Holdings, LLC.

Richard Gates - President

Tracey James - COO

Matthew Spina - CFO

John Colaizzi - Secretary and Treasurer

Brittany Mack - Assistant Treasurer

Michael Emerson - Vice President, Tax

Michael Handal - Licensing and Provider Enrollment Officer

Ownership & Leadership of WBA Acquisition 6, LLC

Ownership: WBA Acquisition 6, LLC is wholly owned (100%) by Walgreens Boots Alliance, Inc.

Officers of WBA Acquisition 6, LLC

Mark Weisz - President

Cherita Thomas - Vice President and Secretary

Michael Emerson - Vice President, Tax

Todd Heckman - Treasurer

Brittany Mack - Assistant Treasurer

***CONFIDENTIAL/EXEMPT FROM
FREEDOM OF INFORMATION ACT AND
SIMILAR STATE REQUESTS***

Ownership & Leadership of Walgreen Co.

Ownership: Walgreen Co. is wholly owned (100%) by Walgreens Boots Alliance, Inc.

Officers of Walgreen Co.

Michael Motz - CEO

Richard Gates - Senior Vice President and Chief Pharmacy Officer

Cherita Thomas - Secretary

Matthew Spina - CFO

Michael Handal - Licensing and Provider Enrollment Officer

Ownership & Leadership of Walgreens Boots Alliance, Inc.

Ownership: Walgreens Boots Alliance, Inc. is wholly owned (100%) by Blazing Star Parent, LLC

Officers of Walgreens Boots Alliance, Inc.

Temporarily vacant - CEO

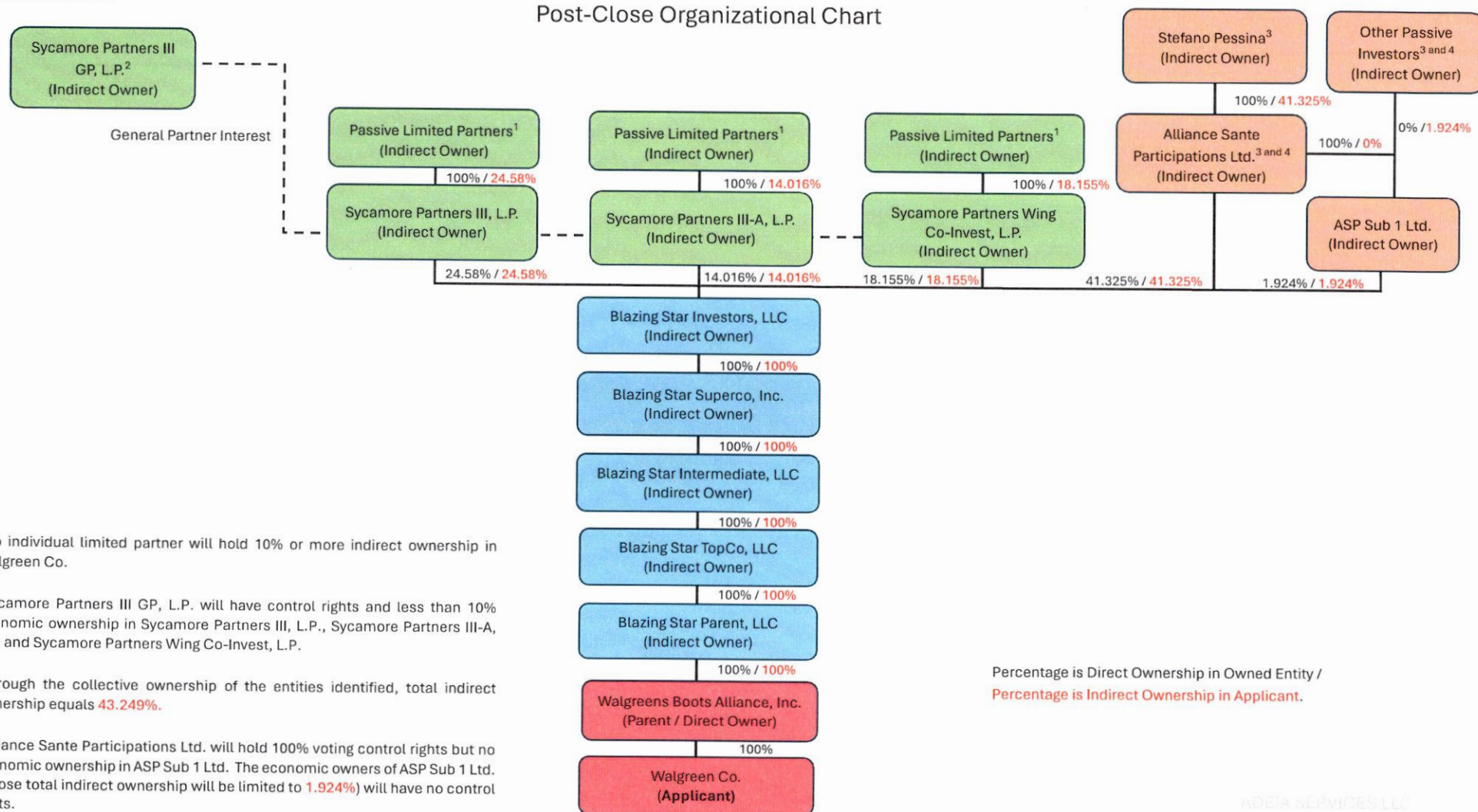
Mark Weisz - Sr VP, Global Tax

Manmohan Mahajan - Sr VP, Global Controller, CFO

Lanesha Minnix - Corporate Secretary

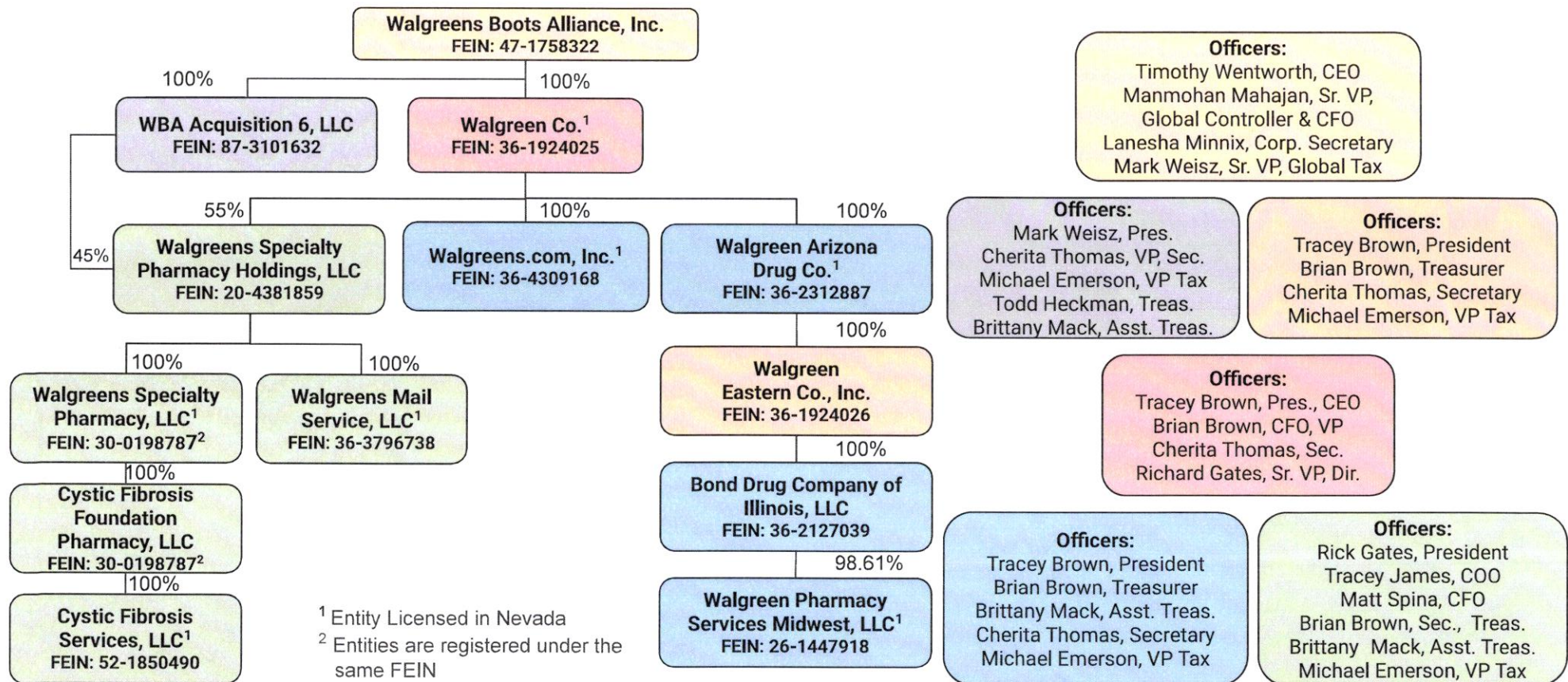
Please see the attached pre- and post-closing Corporate Organization chart for reference.

Walgreen Co.
Post-Close Organizational Chart



Walgreen Co.

Post-Close Organizational Chart (cont.)



17A

From: [Lori Ortale](#)
To: [Board Coordination](#)
Subject: October 16th Proposed Regulations
Date: Tuesday, October 14, 2025 12:01:02 PM

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To Whom It May Concern,

As an owner of an independent pharmacy, I am very vested in the outcome of the current proposed regulations. I agree public safety is of the utmost importance, but this needs to be balanced with the staffing demands and financial implications to the pharmacy, especially for an independent pharmacy. In my opinion, these regulations fail to address the elephant in the room, which is the ridiculously low reimbursements and abuses by PBMs. Failure to regulate PBMs is a threat to public safety, period.

What I would like to be considered in these regulations are exceptions to the strict 200 prescriptions per day limit IF the pharmacy uses a robotic prescription dispensing system such as Parata, ScriptPro, etc., and/or IF the pharmacy does not provide non-dispensing services, such as vaccinations, etc. Perhaps the limit should then be in the 250 to 300 scripts per day range?

I appreciate your consideration of my opinions, and I am anxiously awaiting the outcome.

Sincerely,

[Lori Ortale, RPh](#)
[Las Vegas Pharmacy](#)
[5470 W. Sahara Ave., Ste.120](#)
[Las Vegas, NV 89146](#)
[p: 702-220-3906](#)
[f: 702-220-3919](#)

From: [Yenh Long](#)
To: [Darlene Nases](#)
Cc: [Jesette Phaynarikone](#); [Erin Miller](#); [David Wuest](#)
Subject: Fw: Alternative Language for Staffing Requirements
Date: Thursday, October 2, 2025 2:12:11 PM
Attachments: [Outlook-1w1qirch.png](#)
[Nevada Proposed Staffing Rules CS Amendments.pdf](#)

Hi Darlene,

Attached is public comment for the workshop.

Thank you,

Yenh Long, Pharm.D., BCACP
Nevada State Board of Pharmacy
775-850-1440
Email: ylong@pharmacy.nv.gov

NOTICE: This information is provided as a courtesy on behalf of the Nevada State Board of Pharmacy. This information does not constitute legal advice and does not establish an attorney-client relationship. This information does not override the specific provisions of Nevada law as applied to a particular set of facts.

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From: Walmsley, Lorri <lorri.walmsley@walgreens.com>
Sent: Thursday, September 18, 2025 2:43 PM
To: David Wuest <dwuest@pharmacy.nv.gov>; Yenh Long <ylong@pharmacy.nv.gov>
Cc: Kroeger, Victoria <victoria.kroeger@walgreens.com>; Liz MacMenamin <lizm@rannv.org>
Subject: Alternative Language for Staffing Requirements

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Dave and Yenh,

I apologize for not getting this to you sooner. During our public testimony, we mentioned that centralized services were not taken into account in the current version of the rules. I have been thinking about some alternative ways to approach the regulation to address this concern. Please see our attached suggested language for the Board's consideration. I know the board is still working on potentially amending the volume in subsection 4, which we would also be supportive of.

I'm looking forward to continuing to collaborate to find a workable solution.

Warm Regards,

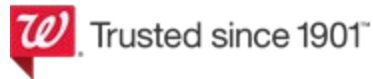
Lorri

Lorri Walmsley, RPh, FAzPA

Director, Pharmacy Affairs

Walgreen Co.

She/Her [why this matters](#)



Member of Walgreens Boots Alliance

[Book time with Walmsley, Lorri: Meeting with Lorri Walmsley](#)

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Blue italics - new proposed language.

Red italics - new proposed language

AUTHORITY: §§ 1 and 2, NRS 639.070; §§ 3-5, NRS 639.070 and 639.1371.

A REGULATION relating to pharmacy; establish standards for licensees relating to staffing, supervision, duties of a pharmacy, duties of a pharmacist and requirements related to the timing of dispensing prescription drugs and devices.

Section 1. Chapter 639 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3, 4, 5, 6, 7 and 8 of this regulation.

Sec. 2.

1. *Except as otherwise provided in subsections 4 and 5, a pharmacy that dispenses controlled substances or dangerous drugs must be staffed with at least two pharmacists, who are fully dedicated to performing dispensing services, 80% of the time of each day the pharmacy is opened to the public or 65% of the time of each day the pharmacy is opened to the public if the pharmacy is open to the public 24 hours a day; and*
2. *During all other times when only one pharmacist is staffed, the pharmacy must be staffed with at least one pharmaceutical technician or intern pharmacist fully dedicated to performing dispensing services or at least two pharmaceutical technicians or two intern*

pharmacists or one pharmaceutical technician and one intern pharmacist dedicated to performing dispensing services if the pharmacy also operates a drive through window; and

- 3. If the pharmacy is performing non-dispensing services, the pharmacy must be staffed with an additional pharmacist designated to provide the non-dispensing services. This pharmacist may assist in providing dispensing services, including the dispensing of controlled substances or dangerous drugs, if, the professional judgement of the pharmacist, patient care and safety are not compromised.*
- 4. The requirements of subsection 1 do not apply on the days the pharmacy fills fewer than 100 prescriptions which is based the number of prescriptions filled on the same day in the previous annum.*
- 5. The requirements of subsection 1 do not apply if the pharmacy has additional pharmacist support for dispensing activities provided, such as central fill, data entry, data review, and clinical review from another offsite located pharmacist.*

From: [Kenneth Kunke](#)
To: [Board Coordination](#)
Cc: [David Wuest](#); [Yenh Long](#); [Jeani Smith](#); [Evan Williams](#); [Amy Hale](#); [Zach Rosko](#)
Subject: Written Public Comment Submission for Agenda Item 17 – October 15–16 Board of Pharmacy Meeting
Date: Monday, October 13, 2025 10:49:00 AM
Attachments: [Nevada Pharmacy Alliance - Feedback on proposed regulation.pdf](#)

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello,

Attached is written public comment from the Nevada Pharmacy Alliance for **Agenda Item 17** of the October 15–16 Board of Pharmacy meeting.

One topic we discussed, but did not include in the formal letter, involves the **use of off-site facilities** under this proposal. We would appreciate clarification on how these scenarios would be addressed:

1. When part of the pharmacy team performs functions remotely, such as off-site verification of prescription information or patient/provider communication.
2. When prescriptions are filled at an off-site location and subsequently delivered to the pharmacy for sale.

There appears to be some uncertainty regarding **current laws, accountability for errors**, and how such prescriptions would be **counted toward the daily prescription total**.

If you have any questions or need additional context, please don't hesitate to reach out. We appreciate your continued efforts and thoughtful consideration of these issues.

Thank you for your hard work and dedication.

Sincerely,

The Nevada Pharmacy Alliance

Ken Kunke, PharmD

Nevada Pharmacy Alliance

Executive Director

1575 W. Horizon Ridge Pkwy #530792 Henderson, NV 89012

Office: 702-714-1931

info@nevadapharmacyalliance.com

A Successful Alliance Begins With You!

www.nevadapharmacyalliance.com



10/13/2025

Nevada State Board of Pharmacy
985 Damonte Ranch Parkway, Suite 206
Reno, NV 89521

Re: Proposed Regulations Concerning Pharmacist Workplace and Patient Safety

Dear Members of the Nevada State Board of Pharmacy,

On behalf of the Nevada Pharmacy Alliance, I would like to thank the Board for its continued leadership in addressing pharmacist workplace conditions and patient safety.

Acknowledgement of the BOP Survey

The results of the Board's survey of Nevada pharmacists, as published in the *Nevada Pharmacist Workplace and Patient Safety Survey Results* ([link](#)), underscore the seriousness of patient safety concerns in our state. Pharmacists across practice settings reported significant stress, excessive workloads, and unsafe environments that can directly impact patient outcomes. We share the Board's view that these findings must be addressed through thoughtful regulatory action. We looked for solutions that other states have put into place and compiled the results into this letter ([link](#)).

Appreciation for Proposed Regulation R113-24

We thank the Board for advancing proposed regulation R113-24 ([link](#)) as an initial step toward improving working conditions and enhancing patient safety in retail pharmacy practice.

Nevada Pharmacy Alliance Public Comment

In addition to the Board's work, the Nevada Pharmacy Alliance conducted our own survey regarding the proposed regulation. We submitted the following written public comment to the Board of Pharmacy for its consideration: [link](#).

We also raised additional questions concerning the regulation and submitted a second written public comment: [link](#).

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Henderson, NV 89012
702-714-1931
info@nevadapharmacyalliance.com



Following these submissions, the Board introduced a new draft regulation ([link](#)), which was discussed in detail during the September 4, 2025 meeting.

Public Comment Summary from September 4th, 2025, Board of Pharmacy Meeting

Major Themes

1. Workforce Shortages – Many testified that there are not enough pharmacists available to meet the proposed staffing mandates. Concerns included national workforce shortages and declining pharmacy school enrollment.
2. Patient Access Concerns – The proposed rule could result in reduced pharmacy hours, loss of important services such as vaccinations and contraceptive prescribing, or even pharmacy closures, particularly in rural or underserved areas.
3. Operational Variability – Pharmacies vary widely in their location, patient population, prescription volume, and scope of services offered. A uniform staffing model was viewed as impractical.
4. Pharmacist & Technician Roles – Requiring more pharmacists was seen as overlooking the significant role of technicians, who are trained to handle vaccinations, screenings, and technical tasks. Concern was expressed that additional staffing requirements would divert pharmacists into technician-level duties, undermining both roles.
5. Administrative Burden – Provisions requiring documentation of why prescriptions were not filled within 72 hours were described as unnecessary and burdensome.
6. Alternative Solutions Suggested – Recommendations included:
 - Reducing the overlap requirement from 80% to a lower percentage.
 - Measuring overlap on a weekly rather than daily basis.
 - Raising the prescription volume threshold from 100 per day to 300–500 per day.
 - Creating exemptions for rural or independent pharmacies.

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- Allowing flexibility through centralized fill, remote verification, and expanded technician responsibilities.
- Eliminating the requirement for an additional pharmacist to provide non-dispensing clinical services.
- Looking to other states' models for guidance.

Specific Points Raised

- Some stated that compliance would require more pharmacist hires than the number of new graduates available, making the rule impossible to meet.
- Others warned that mandates could accelerate closures, reduce access to care, and place communities at risk.
- Several commenters proposed concrete revisions such as reducing overlap percentages, raising thresholds, extending compliance timelines, and removing documentation requirements.
- Independent pharmacies emphasized that they would be disproportionately impacted, with closures a likely outcome if flexibility was not included.
- Student pharmacists opposed counting interns toward staffing requirements, arguing their purpose is education, not quota fulfillment.
- Academic voices agreed with the intent of the regulation but argued that the prescription threshold was set too low.
- Industry associations described the rule as an unfunded mandate that would particularly harm rural areas, noting they had provided alternative language to policymakers for consideration.

Summary: Testimony consistently supported the goal of improving pharmacist working conditions and patient safety, but opposed the specific staffing mandates as written. The consistent message was that the rule is not feasible, risks worsening shortages, and may reduce access to care unless thresholds, overlap rules, and documentation provisions are revised.



Board of Pharmacy Discussion Summary

Opening Observations

- It was noted that testimony did not sufficiently address the results of the board's survey of practicing pharmacists.
- Members questioned why adding pharmacists would not improve safety.
- Concern was raised that testimony focused on adding technicians, which would still leave lone pharmacists with unsafe burdens.

Criticism of Current Practices

- Objections were characterized as vague, with little supporting evidence.
- Although shortages were cited, thousands of pharmacists remain licensed in Nevada, many of whom left retail practice due to poor conditions.
- Declining enrollment in pharmacy schools was attributed to the negative retail environment.
- Practices intended to increase prescription volume, including assigning non-dispensing duties and pressuring staff with quotas, were described as unsafe.

Why Regulation Is Needed

- Employers have not made voluntary corrections despite years of engagement.
- Survey data from hundreds of pharmacists showed:
 - Over 90% believed additional pharmacists would improve patient safety.
 - A majority felt employer metrics interfered with safe practice.
 - A majority said that non-dispensing duties harmed safe practice.
 - An estimated 1,000–2,000 errors per month leave retail pharmacies.
- Pharmacists explicitly asked the board to intervene.
- Legal liability was highlighted: the board now has “foreseeability” of harm if it does not act.
- Examples of tragic errors in Nevada and other states were referenced as warnings.



- Other states have already passed regulations to restrict quotas and mandate safer staffing.

Board Member Perspectives

- Members broadly supported overlap requirements, while recognizing the need for flexibility for rural and independent pharmacies.
- There was consensus that a minimum of two pharmacists at high-volume sites is appropriate, but mandating a third pharmacist for clinical services may be excessive.
- The 100 prescription/day threshold was widely criticized as too low, with suggestions of 200–300 or more.
- There was support for measuring prescriptions on a weekly basis instead of daily.
- Agreement that unpaid student interns should not count toward ratios, though there was discussion about distinguishing paid interns.
- Documentation requirements were seen as overly burdensome and in need of revision.
- The argument that additional technicians are more affordable than pharmacists was rejected as prioritizing profits over safety.

Key Themes of Consensus

- A staffing regulation is necessary to protect patient safety.
- Flexibility should be built in for rural and independent pharmacies.
- Two pharmacists minimum at busy sites is broadly supported.
- Student interns should not be used to inflate staffing counts.
- Documentation provisions should be simplified.
- Inaction is not an option given the board's duty to protect the public.

Next Steps

- Staff will revise the regulatory language to:
 - Raise prescription thresholds.
 - Adjust from daily to weekly measurements.
 - Remove or simplify documentation requirements.

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- Clarify intern roles.
- Provide flexibility for rural and independent pharmacies.
- Another workshop will be scheduled for further review.

Summary: The board strongly supported moving forward with a staffing regulation but acknowledged the need for refinements. Members agreed that the regulation must balance patient safety with operational realities, especially for smaller and rural pharmacies. The message was clear: Nevada must act, as failure to regulate would put patients at risk and expose the state to liability.

Nevada Pharmacy Alliance

The Nevada Pharmacy Alliance appreciates the continued efforts of the Nevada State Board of Pharmacy to strengthen patient safety and support the pharmacy workforce through thoughtful regulatory updates. We also appreciate the Board's consideration of prior stakeholder feedback and its effort to revise the proposed regulations into a version that appears more digestible and workable for Nevada pharmacies. While our members have expressed concerns regarding potential access issues, store closures, and other unintended consequences, we value the opportunity to continue collaborating with the Board to advance our shared goals of patient safety and a sustainable pharmacy workforce.

We thank the Board for incorporating feedback and taking the following positive actions in the current proposal:

- **Raising prescription thresholds** to better reflect the realities of pharmacy operations and workflow.
- **Removing or simplifying documentation requirements**, thereby reducing administrative burden and allowing more time for direct patient care.
- **Clarifying intern roles** to ensure that student pharmacists can meaningfully contribute to pharmacy services under appropriate supervision.
- **Providing flexibility for rural pharmacies**, helping sustain access to care for patients in underserved communities.

As the Board continues its review process, we respectfully encourage members to **listen carefully to and take into account the public comments shared during the upcoming workshop**, as the Board has done in past discussions. These insights will be important to identify any additional issues or unintended consequences that may not yet be fully addressed in the current draft and to ensure that future revisions

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remain balanced, practical, and reflective of the full range of pharmacy practice settings across Nevada.

Looking toward the **future**, we respectfully encourage the Board to:

- Ensure pharmacists and pharmacy technicians are able to **practice at the top of their license**, enabling efficient use of the entire pharmacy team.
- Support and permit **technology-driven solutions**, including automation, remote verification, and workflow innovations, that enhance patient safety, optimize care, and sustain access to pharmacy services.
- **Identify, track, and evaluate key metrics** that assess the real-world impact of regulatory changes, ensuring a data-driven approach to future modifications. Suggested metrics include:
 - Year-over-year trends in **medication dispensing error rates**.
 - Volume of **patient safety-related complaints**.
 - Frequency of **Board disciplinary actions** tied to safety concerns.
 - Rates of **pharmacy closures or service reductions**, and their related impact on patient access.
 - **Pharmacist workload and fatigue indicators**, such as prescriptions filled per shift and the ability to take uninterrupted breaks.

By continuing to engage with public input and monitoring these data points over time, the Board will be well-positioned to evaluate how the regulations affect patient care, operational sustainability, and workforce well-being, and to make informed, evidence-based adjustments that strengthen both patient safety and the long-term stability of Nevada's pharmacy system.

We remain committed to working collaboratively with the Board, policymakers, and all stakeholders to ensure that Nevada pharmacists can practice in safe environments while maintaining patient access to care. Thank you again for your leadership in addressing this critical issue.

Jeani Smith

Jeani Smith, PharmD, MBA, BCACP, BCADM, CDCES
President

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19

SFY26 BUDGET REPORT
NEVADA STATE BOARD OF PHARMACY
CURRENT MONTH: 09/30/2025

REVENUES	APPROVED BUDGET	BUDGET AMMENDMENTS	REVISED BUDGET	CURRNET MONTH REVENUE/EXPENSE	YTD REVENUE/EXPENSE	PROJECTIONS THROUGH 6/30/2026	TOTAL REVENUE/EXPENSE SFY26	DIFFERENCE
Beginning Balance	\$ 7,680,671		\$ 7,680,671	\$ -	\$ -	\$ 7,680,671	\$ 7,680,671	\$ -
Renewal Fees	\$ 1,800,000		\$ 1,800,000	\$ 850,020	\$ 5,690	\$ 944,290	\$ 1,800,000	\$ -
Registration Fees	\$ 1,209,020		\$ 1,209,020	\$ 145,790	\$ 246,190	\$ 817,040	\$ 1,209,020	\$ -
Recovered Costs	\$ 30,000		\$ 30,000	\$ 500	\$ 9,500	\$ 20,000	\$ 30,000	\$ -
CC Processing Fees	\$ 155,000		\$ 155,000	\$ 45,223	\$ 6,695	\$ 103,081	\$ 155,000	\$ -
Change MGR RPh	\$ 22,800		\$ 22,800	\$ 1,900	\$ 2,700	\$ 18,200	\$ 22,800	\$ -
Inspections	\$ 5,000		\$ 5,000	\$ 754	\$ 2,996	\$ 1,250	\$ 5,000	\$ -
Interest Income	\$ 20,000		\$ 20,000	\$ 11,324	\$ 25,560	\$ -	\$ 36,885	\$ 16,885
Late Fees	\$ 15,000		\$ 15,000	\$ 1,710	\$ 2,945	\$ 10,345	\$ 15,000	\$ -
Total Revenues	\$ 10,937,491	\$ -	\$ 10,937,491	\$ 1,057,221	\$ 302,276	\$ 9,594,877	\$ 10,954,375	\$ 16,885

EXPENSES								
Payroll	\$ 4,299,317		\$ 4,299,317	\$ 329,225	\$ 673,258	\$ 3,296,834	\$ 4,299,317	\$ -
Operating	\$ 1,442,170		\$ 1,442,170	\$ 86,244	\$ 199,220	\$ 1,156,706	\$ 1,442,170	\$ -
Equipment	\$ 25,000		\$ 25,000	\$ 1,411	\$ 805	\$ 22,784	\$ 25,000	\$ -
In-State Travel	\$ 110,000		\$ 110,000	\$ 3,055	\$ 15,402	\$ 91,543	\$ 110,000	\$ -
Out-of-State Travel	\$ 65,000		\$ 65,000	\$ -	\$ -	\$ 65,000	\$ 65,000	\$ -
DAG Cost	\$ 40,000		\$ 40,000	\$ -	\$ 5,544	\$ 34,456	\$ 40,000	\$ -
Reserve	\$ 4,956,004		\$ 4,956,004	\$ -	\$ -	\$ -	\$ 4,972,889	\$ 16,885
Total Expenses	\$ 10,937,491	\$ -	\$ 10,937,491	\$ 419,935	\$ 894,228	\$ 4,667,323	\$ 10,954,375	\$ 16,885
Balance	\$ -	\$ -	\$ -				\$ -	\$ -