

1 **ARIZONA STATE BOARD OF PHARMACY**
2 **4425 W. Olive Avenue, Suite 140**
3 **Glendale, Arizona 85302**
4 **623-463-2727**

5 IN THE MATTER OF :

6 **RICHARD SOLANO**

7 Holder of Pharmacy Technician License No. 7398
8 In the State of Arizona

9 Respondent.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER NO. 06-0022A-PHR**

10 On November 8th, 2006 the Arizona State Board of Pharmacy ("Board") considered the State's
11 Motion to Deem Allegations Admitted at the Arizona State Board of Pharmacy Offices, 4425 W.
12 Olive Avenue, Suite 140, Glendale, Arizona. Dawn Walton Lee, Assistant Attorney General, appeared
13 on behalf of the State. Respondent did not appear. The Board was represented by Assistant Attorney
14 General Chris Munns with the Solicitor General's Section of the Attorney General's Office.
15

16 On November 8th, 2006 the Board granted the State's Motion to Deem Allegations Admitted.
17 Based upon A.R.S. § 32-1927.01(O) and the Complaint and Notice of Hearing No. 06-0022A-PHR
18 filed in this matter, the Board issues the following Findings of Fact and Conclusions of Law, and
19 Order revoking Respondent's license.
20

21 **FINDINGS OF FACT**
22

23 1. The Arizona State Board of Pharmacy ("Board") has the authority to regulate and
24 control the practice of pharmacy in the State of Arizona. A.R.S. §32-1904. The Board also has the
25 authority to impose disciplinary sanctions against the holders of pharmacy technician licenses for
26 violations of the Pharmacy Act. A.R.S. §§ 32-1901 to 1996.
27

28 2. Richard Solano ("Respondent") holds Board issued pharmacy technician license No.
29 7398.

1 3. The Board is the duly constituted authority for the regulation and control of the practice
2 of pharmacy in the State of Arizona.

3 4. The Board possesses jurisdiction over the subject matter and over Respondent as a
4 licensee of the Board, under A.R.S. ' 32-1901, *et seq.*

5 5. Respondent is the holder of Pharmacy Technician License No. 7398 which permits him
6 to work as a pharmacy technician in the State of Arizona.

7 6. During all times relevant to this Complaint, Respondent was employed as a pharmacy
8 technician at CVS Pharmacy #5849 ("Pharmacy") in Chandler, Arizona.

9 7. On December 1, 2005 Respondent admitted to pharmacy officials that he stole the
10 following controlled substance or prescription-only drugs from the Pharmacy: Hydrocodone (C.III).
11 Diazepam (C.IV), Carisoprodol (R_x) and Alprazolam (C.IV). Respondent also told pharmacy officials
12 that he sold the stolen drugs for one dollar per tablet to the boyfriend to his friend's sister.

13 8. The Respondent's friend, Ryan Lodge, held Arizona Pharmacy Technician License
14 Number 5821.¹ During all times relevant to this Complaint, Mr. Lodge was employed as a pharmacy
15 technician at CVS Pharmacy #3965, also in Chandler, Arizona.

16 9. Respondent also admitted that he provided patient and prescribing physician
17 information to Mr. Lodge who created forged prescriptions. Respondent then filled the forged
18 prescriptions that Mr. Lodge presented to him.

19 10. The Pharmacy reported the incident to the Chandler Police Department. On or
20 about December 2, 2005, Respondent was arrested on the following charges: one count of theft
21 in violation of A.R.S. § 13-1802(A)(1); one count of unlawful possession of a narcotic drug for
22

23
24
25
26
27
28
29 ¹ The Board accepted Mr. Lodge's signed consent agreement in which he voluntarily surrendered his license effective September 21, 2006.

1 sale in violation of A.R.S. § 13-3408(A)(2); on count of conspiracy to obtain a narcotic drug
2 by fraud, deceit, misrepresentation or subterfuge in violation of A.R.S. §§ 13-1003(D), -
3 3408(A)(6); one count of conspiracy to commit forgery in violation of A.R.S. §§ 13-1003(D), -
4 2002(A)(1); and one count of conspiracy to obtain a prescription-only drug by fraud, deceit,
5 misrepresentation or subterfuge in violation of A.R.S. §§ 13-1003(D), -3406(A)(6).
6
7

8 CONCLUSIONS OF LAW

9 1. The Board possesses jurisdiction over the subject matter and over Respondent. A.R.S.
10 § 32-1901 et seq.

11 2. The Board may discipline a technician trainee who has engaged in unprofessional
12 conduct. A.R.S. § 32-1927.01(A)(1).

13 3. The conduct and circumstances described above constitute unprofessional conduct
14 pursuant to A.R.S. § 32-1901.01(C)(2) (“Violating a federal or state law or administrative rule relating
15 to the manufacture of distribution of drugs or devices. [Title 32, chapter 18].”).
16

17 4. The conduct and circumstances described above constitute unprofessional conduct
18 pursuant to A.R.S. § 32-1901.01(C)(6) (“Committing a felony, whether or not involving moral
19 turpitude, or a misdemeanor involving moral turpitude or any drug related offense. In either case,
20 conviction by a court of competent jurisdiction or a plea of no contest is conclusive evidence of the
21 commission.”)
22

23 5. The conduct and circumstances described above constitute unprofessional conduct
24 pursuant to A.R.S. § 32-1901.01(C)(8) (“Violating a federal or state law or administrative rule relating
25 to marijuana, prescription-only drugs, narcotics, dangerous drugs, controlled substances or precursor
26 chemicals when determined by the board or by conviction in a federal or state court.”)
27
28
29

1 § 41-1092.09. The petition must set forth legally sufficient reasons for granting a rehearing. A.C.C.
2 R4-23-128. Service of this order is effective five (5) days after date of mailing.

3 If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five (35) days
4 after it is mailed to Respondent.

5 Respondent is further notified that the filing of a motion for rehearing is required to preserve
6 any rights of appeal to the Superior Court.

7 DATED this 11th day of April, 2007.

8
9
10
11 **ARIZONA STATE BOARD OF PHARMACY**

12 SEAL

13
14 

15 _____
16 Hal Wand, RPh
17 Executive Director

18 COPIES mailed this day of April 2007, by
19 Certified Mail Receipt No. 7006 0100 0002 8652 2311
20 to:

21 Richard Solano
22 375 N. Federal Street #136
23 Chandler, Arizona 85226

24 COPIES of the foregoing mailed this 9th day of April 2007, to:

25 Dawn Walton Lee
26 Assistant Attorney General
27 1275 W. Washington, LES Section
28 Phoenix, AZ 85007

29 And

Christopher Munns
Assistant Attorney General

1 Solicitor General's Office
2 1275 W. Washington, LES Section
3 Phoenix, AZ 85007

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29