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

IN THE MATTER OF :

EDWARD ESPINO

Holder of Technician Trainee License No. 7615
In the State of Arizona

Respondent.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER NO. 06-0033-PHR**

On September 21, 2006 the Arizona State Board of Pharmacy ("Board") considered the State's Motion to Deem Allegations Admitted at the Arizona State Board of Pharmacy Offices, 4425 W. Olive Avenue, Suite 140, Glendale, Arizona. Dawn Walton Lee, Assistant Attorney General, appeared on behalf of the State. Respondent did not appear. The Board was represented by Assistant Attorney General Chris Munns, with the Solicitor General's Section of the Attorney General's Office.

On September 21, 2006 the Board granted the State's Motion to Deem Allegations Admitted. Based upon A.R.S. § 32-1927.01(O) and the Complaint and Notice of Hearing No. 06-0033-PHR filed in this matter, the Board issues the following Findings of Fact and Conclusions of Law, and Order revoking Respondent's license.

FINDINGS OF FACT

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

2. Edward Espino ("Respondent") holds Board issued technician trainee license No. 7615.

1 2. On or about July 19, 2003, Respondent was arrested in Pima County for driving
2 a vehicle while impaired in violation of A.R.S. § 28-1381(A)(1) ("It is unlawful for a person to
3 drive or be in actual physical control of a vehicle ... [w]hile under the influence of intoxicating
4 liquor, any drug, a vapor releasing substance containing a toxic substance or any combination
5 of liquor, drugs or vapor releasing substances if the person is impaired to the slightest
6 degree.").

8 3. On or about January 8, 2004, Respondent pled guilty to one count of driving a
9 vehicle while impaired. He was ordered to serve ten days in jail, placed on monitored
10 probation for two years, and fined \$745.

11 4. On or about May 13, 2005, Respondent applied for licensure as an Arizona
12 pharmacy technician trainee. On the application, Respondent was provided with the following
13 information and asked the following question:
14

15 I hereby make application for licensure as a:

16 **Pharmacy Technician** ___ **Pharmacy Technician Trainee** ___ in accordance
17 with A.R.S. § 32-1927.01 and certify that the following statements are true in
18 every respect and understand that false reporting can result in denial or loss of
license.

19 * * * *

20 7. Has the applicant had any convictions involving a misdemeanor, felony
21 offenses or drug-related issues? Note: Even though a conviction has been
22 vacated, pardoned, expunged, dismissed or appealed or your civil rights restored,
you are required to answer "YES." YES ___ NO ___

23 * * * *

24 To the best of my knowledge and belief the foregoing application is true and
25 current in all respects.

26 5. Respondent knowingly, falsely and misleadingly answered "NO" to the question.

27 6. Respondent knowingly and falsely certified that his answer was "true and current
28 in all respects."
29

1 7. Based upon Respondent's knowingly false statement and certification, the Board
2 issued him Technician Trainee License No. 7615 on or about May 17, 2005.

3
4 8. After receiving his license, Respondent applied for employment with a hospital
5 pharmacy. On that employment application, Respondent again falsely stated that he had never
6 been convicted of a felony or misdemeanor offense. The hospital's pre-employment
7 investigation discovered that Respondent had pled guilty to the misdemeanor offense of
8 driving a vehicle while impaired.

9 9. The hospital reported its findings to the Board. The Board's investigation
10 confirmed that Respondent had pled guilty to the misdemeanor offense of driving a vehicle
11 while impaired.

12 10. The Board has attempted to meet with Mr. Espino on three occasions to resolve
13 this matter. Mr. Espino failed to appear at the meeting set for November 16, 2005, January 25,
14 2006 and March 15, 2006.

15 11. On April 5, 2006, the Executive Director of the Board issued Complaint Number
16 06-0033-PHR to Respondent. A copy of the Complaint was sent to the Respondent's last known
17 mailing address of record with the Board by certified mail (Cert No. 7005-1820-0002-8079-4443) on
18 April 6, 2006. The Complaint was delivered to Respondent on April 7, 2006. The Complaint stated
19 that an Answer to the Complaint was required to be filed within thirty (30) days of service of the
20 Complaint. As of May 11, 2006, Respondent has not filed an Answer to the Complaint.
21
22

23 CONCLUSIONS OF LAW

24 1. The Board possesses jurisdiction over the subject matter and over Respondent. A.R.S.
25 § 32-1901 et seq.

26 2. The Board may discipline a technician trainee who has engaged in unprofessional
27 conduct. A.R.S. § 32-1927.01(A)(1).
28
29

1 COPIES mailed this 20th day of October 2006, by
2 Certified Mail Receipt No. _____

3 to:

4 Edward Espino, Jr.
5 8031 East 2nd Street
6 Tucson, AZ 85710

7 COPIES of the foregoing mailed this 20th day of October
8 2006, to:

9 Dawn Walton Lee
10 Assistant Attorney General
11 1275 W. Washington, LES Section
12 Phoenix, AZ 85007

13 Christopher Munns
14 Assistant Attorney General
15 1275 W. Washington, Solicitor General's Office
16 Phoenix, AZ 85007
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