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7
8 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

9 In the Matter of
10 **ANTHONY BREEDING**
11 Holder of Pharmacy Intern
12 License No. 7859
13 For the State of Arizona

Board Case No. 07-0013-PHR
**CONSENT AGREEMENT
AND ORDER FOR PROBATION**

14
15 **RECITALS**

16 In the interest of a prompt and judicious settlement of this case, consistent with the
17 public interest, statutory requirements and the responsibilities of the Arizona State Board
18 of Pharmacy ("Board") and under A.R.S. §§ 32 1901, *et. seq.* and 41 1092.07(F)(5),
19 Anthony Breeding ("Respondent"), holder of Pharmacy Intern License Number 7859
20 in the State of Arizona, and the Board enter into the following Recitals, Findings of Fact,
21 Conclusions of Law and Order ("Consent Agreement") as a final disposition of this
22 matter.

23 1. Respondent has read and understands this Consent Agreement and has had
24 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
25 opportunity to discuss this Consent Agreement with an attorney.
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1 2. Respondent understands that he has a right to a public administrative
2 hearing concerning the above-captioned matter, at which hearing he could present
3 evidence and cross examine witnesses. By entering into this Consent Agreement,
4 Respondent knowingly and voluntarily relinquishes all right to such an administrative
5 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or
6 any other administrative and/or judicial action, concerning the matters set forth herein.

7 3. Respondent affirmatively agrees that this Consent Agreement shall be
8 irrevocable.

9 4. Respondent understands that this Consent Agreement or any part of the
10 agreement may be considered in any future disciplinary action by the Board against him.

11 5. Respondent understands this Consent Agreement deals with Pharmacy
12 Intern Application for license number 7859Board involving allegations of unprofessional
13 conduct against Respondent. The investigation into these allegations against Respondent
14 shall be concluded upon the Board's adoption of this Consent Agreement.

15 6. Respondent understands that this Consent Agreement does not constitute a
16 dismissal or resolution of any other matters currently pending before the Board, if any,
17 and does not constitute any waiver, express or implied, of the Board's statutory authority
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19 7. Respondent also understands that acceptance of this Consent Agreement
20 does not preclude any other agency, subdivision, or officer of this State from instituting
21 any other civil or criminal proceedings with respect to the conduct that is the subject of
22 this Consent Agreement.

23 8. All admissions made by the Respondent in this Consent Agreement are
24 made solely for the final disposition of this matter, and any related administrative pro-
25 ceedings or civil litigation involving the Board and Respondent. Therefore, any
26

1 admissions made by Respondent in this Consent Agreement are not intended for any
2 other use, such as in the context of another regulatory agency's proceedings, or civil or
3 criminal proceedings, whether in the State of Arizona or in any other state or federal
4 court.

5 9. Respondent acknowledges and agrees that, upon signing this Consent
6 Agreement and returning this document to the Board's Executive Director, he may not
7 revoke his acceptance of the Consent Agreement or make any modifications to the
8 document regardless of whether the Consent Agreement has been signed by the Execu-
9 tive Director. Any modification to this original document is ineffective and void unless
10 mutually agreed by the parties in writing.

11 10. Respondent understands that the Consent Agreement shall not become
12 effective unless and until adopted by the Board and signed by its Executive Director.

13 11. If a court of competent jurisdiction rules that any part of this Consent
14 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
15 shall remain in full force and effect.

16 12. Respondent understands and agrees that if the Board does not adopt this
17 Consent Agreement, he will not assert as a defense that the Board's consideration of this
18 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

19 13. Respondent understands that this Consent Agreement is a public record that
20 may be publicly disseminated as a formal action of the Board and may be reported as
21 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
22 Protection Data Bank.

23 14. Respondent understands that any violation of this Consent Agreement
24 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
25 1901.01(B)(20), -1927(A)(1).

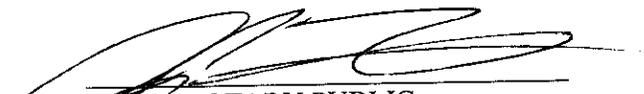
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1 ACCEPTED AND AGREED BY RESPONDENT

2
3 
4 Anthony Breeding

Dated: 11/16/06

5 Subscribed and sworn to before me in the County of MARICOPA, State of ARIZONA,
6 this 6th day of NOVEMBER, 2006, by Anthony Breeding.

7
8 
9 NOTARY PUBLIC



10 My Commission expires: JUNE 28, 2007

11 **FINDINGS OF FACT**

12 1. The Arizona State Board of Pharmacy ("Board") is the duly constituted
13 authority for licensing and regulating pharmacy interns in the State of Arizona.

14 2. Respondent entered into a Consent Agreement in the state of Iowa on
15 July 17, 2006, for a restricted license to practice pharmacy as a result of failing to comply
16 with a previous consent agreement to abstain from drinking alcohol.

17 3. Anthony Breeding applied for licensure as a pharmacy intern with the
18 Board on August 8, 2006.

19 4. The Board voted to issue a pharmacy intern license to Respondent
20 upon signing a Consent Agreement to comply with the terms of a PAPA contract.

21 **CONCLUSIONS OF LAW**

22 1. The Board possesses jurisdiction over the subject matter and over Respondent
23 pursuant to A.R.S. § 32-1901 *et seq.*

24 2. The Board may discipline a pharmacy intern who has engaged in
25 unprofessional conduct. A.R.S. § 32-1927.01(A)(1).
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D. Respondent shall furnish the Board with a list of all jurisdictions in which he maintains or has maintained any type of licensure in the profession of pharmacy along with the registration numbers of said licenses.

E. Respondent shall obey all federal and state laws and rules governing the practice of pharmacy.

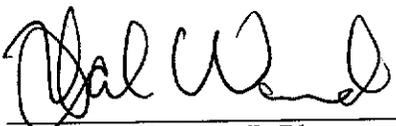
F. If Respondent violates this order in any way or fails to fulfill the requirements of this order, the Board, after giving the respondent notice and the opportunity to be heard, may revoke, suspend or take other disciplinary actions against the Respondent's license. The issue at such a hearing will be limited solely to whether this order has been violated.

G. Respondent shall appear before the Board at a regularly scheduled Board meeting five years after the effective date of this Order to request that the probation imposed by this order be terminated. Respondent's failure to petition the Board to terminate the probation shall extend the probation period.

DATED this 10th day of NOVEMBER, 2006.

ARIZONA STATE BOARD OF PHARMACY

(Seal)

By: 
HAL WAND, R.Ph.
Executive Director

7005 1820 0000 7585 8978

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Total Postage & Fees	\$	

Sent To *Anthony Breeding*
 Street, Apt. No., or PO Box No. *Consent*
 City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

9036 5952 0000 0287 5002

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Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To *Anthony Breeding*
 Street, Apt. No., or PO Box No. *Consent*
 City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
Anthony Breeding Addressee
 B. Received by (Printed Name) *Anthony Breeding* C. Date of Delivery *10/31/06*
 D. Is delivery address different from item 1? Yes No
 If so, state delivery address below:
RECEIVED
 NOV 3 2006
 ARIZONA STATE
 PHARMACY
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
 4. Restricted Delivery? (Extra Fee) Yes No

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
Anthony Breeding
2273 East North Dr.
Phoenix AZ 85028

2. Article Number
 (Transfer from service label) *7005 1820 0000 7585 8978*

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
 Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
 Print your name and address on the reverse so that we can return the card to you.
 Attach this card to the back of the mailpiece, or on the front if space permits.

2. Article Number
 (Transfer from service label) *7005 1820 0000 7585 8978*

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
Anthony Breeding Addressee
 B. Received by (Printed Name) *Anthony Breeding* C. Date of Delivery *NOV 2 2006*
 D. Is delivery address different from item 1? Yes No
 If so, state delivery address below:
RECEIVED
 NOV 2 2006
 ARIZONA STATE
 PHARMACY
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
 4. Restricted Delivery? (Extra Fee) Yes No