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7 Attorneys for the Arizona State Board of Pharmacy

8 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**  
9

10 In the Matter of

11 **JOHN S. BACOVGIN**

12 Holder of License No. 8306  
For the Practice of Pharmacy  
13 In the State of Arizona

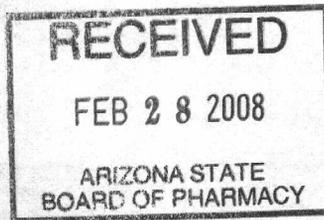
Board Case No. 08-0035-PHR

**CONSENT AGREEMENT  
AND ORDER FOR REVOCATION**

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.*, John S. Bacovcin  
19 ("Respondent"), holder of Pharmacist License Number 8306 in the State of Arizona, and  
20 the Board enter into this Consent Agreement and Order for Revocation ("Consent  
21 Agreement") as a final disposition of this matter.

22 1. Respondent has read and understands this Consent Agreement and has had  
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
24 opportunity to discuss this Consent Agreement with an attorney.  
25  
26



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 Board  
12 Complaint No. 3478 involving allegations of unprofessional conduct against Respondent.  
13 The investigation into these allegations against Respondent shall be concluded upon the  
14 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  
25 proceedings 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  
9 Executive Director. Any modification to this original document is ineffective and void  
10 unless 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.

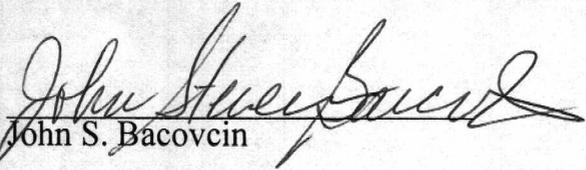
19       13. Respondent understands that this Consent Agreement is a public record that  
20 may be publicly disseminated as a formal action of the Board and may be reported as  
21 required by law to the National Practitioner Data Bank and the Healthcare Integrity and  
22 Protection Data Bank.

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).

26

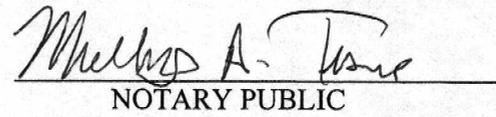
1 15. Respondent understands that this Consent Agreement constitutes  
2 disciplinary action.

3 ACCEPTED AND AGREED BY RESPONDENT

4   
5 John S. Bacovcin

Dated: 26 Feb-08

6 Subscribed and sworn to before me in the County of Maricopa, State of Arizona, this 26<sup>th</sup> day of  
7 February, 2008, by John S. Bacovcin.

8   
9 NOTARY PUBLIC



10 My Commission expires: May 23, 2009

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for licensing and regulating the  
13 practice of pharmacy in the State of Arizona.

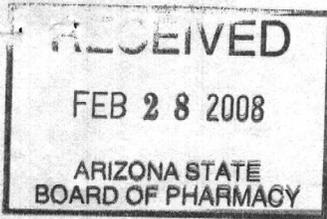
14 2. Respondent is the holder of license number 8306 to practice as a pharmacist  
15 in the State of Arizona.

16 3. On May 17, 2001, the Board issued Findings of Fact, Conclusions of Law  
17 and Board Order in Board Case No. 01-0006-PHR (the "2001 Board Order").

18 4. The 2001 Board Order provided for an initial period of suspension followed  
19 by a probationary term. ( 2001 Board Order at 5). Respondent's probationary term began  
20 in March 2003.

21 5. The 2001 Board Order required that Respondent appear before the Board  
22 on or after May 17, 2006, to request that the probation imposed by the 2001 Board Order  
23 be terminated. ( 2001 Board Order at 6). Respondent never appeared before the Board to  
24 request that the probation imposed by the 2001 Board Order be terminated.





1 3. Respondent's conduct, as described in the Findings of Fact, constitutes  
2 unprofessional conduct pursuant to A.R.S. § 32-1901.01(B)(20) ("Violating a formal  
3 order, terms of probation, a consent agreement, or a stipulation issued or entered into by  
4 the Board or its Executive Director.").

5 4. The conduct and circumstances described above constitutes unprofessional  
6 conduct pursuant to A.R.S. § 32-1901.01(B)(8) ("Committing a felony, whether or not  
7 involving moral turpitude, or a misdemeanor involving moral turpitude or any drug-  
8 related offense. In either case, conviction by a court of competent jurisdiction or a plea  
9 of no contest is conclusive evidence of the commission.").

10 5. The conduct and circumstances described above constitute unprofessional  
11 conduct pursuant to A.R.S. § 32-1901.01(B)(10) ("Violating a federal or state law or  
12 administrative rule relating to marijuana, prescription-only drugs, narcotics, dangerous  
13 drugs, controlled substances or precursor chemicals when determined by the board or by  
14 conviction in a federal or state court.").

15 **ORDER**

16 Based upon the above Findings of Fact and Conclusions of Law, License No.  
17 8306, which was issued to John S. Bacovcin to practice as a pharmacist in the State of  
18 Arizona, is hereby **REVOKED**.

19 DATED this 20<sup>th</sup> day of MARCH, 2008.

20  
21 ARIZONA STATE BOARD OF PHARMACY

22 (Seal)

23 By: Hal Wand  
24 HAL WAND, R.Ph.  
25 Executive Director  
26

1 ORIGINAL OF THE FORGOING FILED  
this 20 day of March, 2008, with:

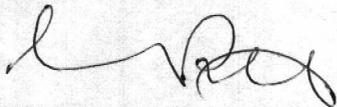
2 Arizona State Board of Pharmacy  
3 1700 West Washington, Suite 250  
4 Phoenix, Arizona 85007

5 EXECUTED COPY OF THE FOREGOING MAILED  
BY CERTIFIED and REGULAR 1<sup>st</sup> CLASS MAIL  
this 20 day of March, 2008, to:

6 John Bacovcin  
7 4230 E. Decatur Street  
8 Mesa, AZ 85205

9 EXECUTED COPY OF THE FOREGOING MAILED  
this 20 day of March, 2008, to:

10 Elizabeth A. Campbell  
11 Assistant Attorney General  
12 1275 W. Washington Street, CIV/LES  
13 Phoenix, Arizona 85007



14 139803

15  
16  
17 **RECEIVED**

18 FEB 28 2008

19 ARIZONA STATE  
20 BOARD OF PHARMACY

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