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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 **HOSSEIN (TONY) AFSHARI,**

12 Holder of License No. S013911
As a Pharmacist
13 In the State of Arizona

Board Case No. 10-0031-PHR

**CONSENT AGREEMENT
FOR SUSPENSION AND
PROBATION**

14
15 In the interest of a prompt and judicious settlement of this case, consistent with the
16 public interest, statutory requirements and the responsibilities of the Arizona State Board
17 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Hossein (Tony) Afshari
18 ("Respondent"), holder of Pharmacist License Number S013911 in the State of Arizona,
19 and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law
20 and Order ("Consent Agreement") as a final disposition of this matter.

21 **RECITALS**

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.
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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 Board
12 Complaint No. 3715 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. Respondent acknowledges and agrees that, upon signing this Consent
24 Agreement and returning this document to the Board's Executive Director, he may not
25 revoke his acceptance of the Consent Agreement or make any modifications to the
26

1 document regardless of whether the Consent Agreement has been signed by the
2 Executive Director. Any modification to this original document is ineffective and void
3 unless mutually agreed by the parties in writing.

4 9. This Consent Agreement is subject to the approval of the Board and is
5 effective only when accepted by the Board and signed by the Executive Director. In the
6 event that the Board does not approve this Consent Agreement, it is withdrawn and shall
7 be of no evidentiary value and shall not be relied upon nor introduced in any action by
8 any party, except that the parties agree that should the Board reject this Consent
9 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the
10 Board was prejudiced by its review and discussion of this document or any records
11 relating thereto.

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

15 11. Respondent understands that this Consent Agreement is a public record that
16 may be publicly disseminated as a formal action of the Board and may be reported as
17 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
18 Protection Data Bank.

19 12. Respondent understands that any violation of this Consent Agreement
20 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
21 1901.01(B)(20), -1927(A)(1).

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23 ...
24 ...
25 ...
26 ...

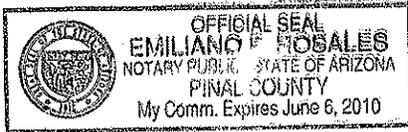
1 ACCEPTED AND AGREED BY RESPONDENT

2 

3 Hossein (Tony) Afshari

Dated: 1/7/2010

4 Subscribed and sworn to before me in the County of Pinal, State of Arizona,
5 this 7th day of January, 2009, ²⁰¹⁰ by Hossein (Tony) Afshari.



6 
7 NOTARY PUBLIC

8 My Commission expires: June 6, 2010

9 **FINDINGS OF FACT**

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

12 2. Respondent is the holder of license number S013911 to practice as a
13 pharmacist in the State of Arizona.

14 3. During all relevant times to these findings, Respondent worked as a
15 pharmacist at Safeway Pharmacy #1566 in Chandler, Arizona.

16 4. In a written statement dated April 1, 2009, Respondent admitted to
17 diverting \$2,000 from Safeway. Respondent fraudulently activated Safeway gift cards
18 for his personal use.
19

20 **CONCLUSIONS OF LAW**

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

23 2. The Board may discipline a pharmacist who has engaged in unprofessional
24 conduct. A.R.S. § 32-1927(A)(1).
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1 4. Within ninety (90) days from the effective date of this Consent Agreement,
2 Respondent shall successfully complete the MPJE examination and provide proof of the
3 successful completion to the Board.

4 5. During the period of suspension and/or probation, Respondent shall
5 complete 200 hours of community service approved by Board staff. Respondent shall
6 obtain the approval of the Board staff prior to beginning the community service.
7 Respondent shall ensure that all entities to which he provides community service verify
8 in writing to the Board the number of hours completed within 30 days of completing the
9 community service.

10 6. Throughout the term of Respondent's probation, Respondent shall furnish
11 all pharmacy employers with a copy of this Consent Agreement. Respondent shall ensure
12 that all pharmacy employers submit to the Board a written acknowledgement that they
13 have received a copy of this Consent Agreement within ten (10) days of entering into an
14 employment relationship with Respondent.

15 7. Throughout the term of Respondent's probation, Respondent shall not serve
16 as a preceptor pharmacist or pharmacist in charge.

17 8. Throughout the term of Respondent's probation, Respondent shall advise
18 the Board within ten (10) days of any change in pharmacy employment status.

19 9. Throughout the term of Respondent's suspension and probation,
20 Respondent shall personally appear before the Board when requested to do so by the
21 Board or Board staff.

22 10. Respondent shall pay all necessary fees and complete all continuing
23 education requirements throughout the term of his suspension and probation to maintain
24 Pharmacist License No. S013911.

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1 ORIGINAL OF THE FORGOING FILED
this 14 day of Jan, 2010, with:

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

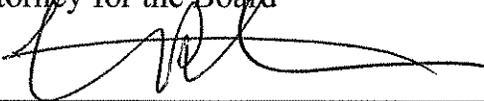
5 EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL

6 this 14 day of Jan, 2010, to:

7 Hossein (Tony) Afshari
1444 W. Crane Drive
8 Chandler, Arizona 85286
Respondent

9 EXECUTED COPY OF THE FOREGOING MAILED
this 14 day of Jan, 2010, to:

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

14 

15 #56972