

\$500.00
8850
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R# 203810

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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 **DAVID SAMPEDRO,**
12 Holder of License No. S016912
13 As a Pharmacist
In the State of Arizona

Board Case No. 11-0048-PHR
**CONSENT AGREEMENT
FOR CIVIL PENALTY**

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.*, David Sampedro
18 ("Respondent"), holder of Pharmacist License Number S016912 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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26

1 2. Respondent understands that he has a right to a public administrative
2 hearing concerning this matter at which hearing he could present evidence and cross
3 examine witnesses. By entering into this Consent Agreement, Respondent knowingly
4 and voluntarily relinquishes all right to such an administrative hearing, as well as rights
5 of rehearing, review, reconsideration, appeal, judicial review or any other administrative
6 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. 3928 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).

22 13. Respondent agrees that the Board will adopt the following Findings of Fact,
23 Conclusions of Law and Order.

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

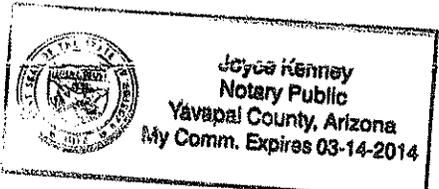
1 ACCEPTED AND AGREED BY RESPONDENT

2 David W Sampedro
3 David Sampedro

Dated: 6-9-11

4 Subscribed and sworn to before me in the County of Yavapai, State of Arizona,
5 this 9th day of June, 2011, by David Sampedro.

6 Joyce Kenney
7 NOTARY PUBLIC



8 My Commission expires: 03-14-2014

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 S016912 to practice as a
- 13 pharmacist in the State of Arizona.
- 14 3. On July 5, 2009, Respondent was charged with driving under the influence,
- 15 a misdemeanor, in Prescott City Court Docket Number 2010050385C.
- 16 4. Respondent failed to report the driving under the influence charge to the
- 17 Board within 10 days.

18 **CONCLUSIONS OF LAW**

- 19 1. The Board possesses jurisdiction over the subject matter and over
- 20 Respondent pursuant to A.R.S. § 32-1901 *et seq.*
- 21 2. The Board may discipline a pharmacist who has engaged in unprofessional
- 22 conduct. A.R.S. § 32-1927(A)(1).
- 23 3. The conduct and circumstances described in the Findings of Fact, constitute
- 24 unprofessional conduct pursuant to A.R.S. §32-3208(A) (a health professional who has
- 25
- 26

1 been charged with a misdemeanor involving conduct that may affect patient safety or a
2 felony after receiving or renewing a license or certificate must notify the health
3 professional's regulatory board in writing within ten working days after the charge is
4 filed). A health professional who does not comply with the notification requirements of
5 A.R.S. § 32-3208(A) commits an act of unprofessional conduct. A.R.S. § 32-3208(D).

6 **ORDER**

7 Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY
8 ORDERED THAT Respondent shall:

9 1. Pay a civil penalty of \$500.00 within **90 days** of the effective date of this
10 Order; and

11 2. Respondent shall pay all costs associated with complying with this Consent
12 Agreement.

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

18 DATED this 8th day of JULY, 2011.

19
20 ARIZONA STATE BOARD OF PHARMACY

21 (Seal)

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

1 ORIGINAL OF THE FOREGOING FILED
this 8 day of July, 2011, with:

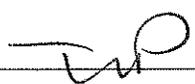
2 Arizona State Board of Pharmacy
3 1700 West Washington, Suite 250
4 Phoenix, Arizona 85007

5 EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL
this 8 day of July, 2011, to:

6 David Sampedro
7 760 Pinon Oak Dr.
8 Prescott, Arizona 86305
Respondent

9 EXECUTED COPY OF THE FOREGOING MAILED
this 8 day of July, 2011, to:

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

14 
#1853739