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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 **JAMES SKOUSEN,**

12 Holder of License No. T018726
As a Pharmacy Technician
13 In the State of Arizona

Board Case No. 12-0039-PHR

**CONSENT AGREEMENT
AND ORDER FOR REVOCATION
OF LICENSE**

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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.*, James Skousen (“Respondent”),
18 holder of Pharmacy Technician License Number T018726 in the State of Arizona, and
19 the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and
20 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.

25 2. Respondent understands that he has a right to a public administrative
26 hearing concerning this matter at which hearing he could present evidence and cross

1 examine witnesses. By entering into this Consent Agreement, Respondent knowingly
2 and voluntarily relinquishes all right to such an administrative hearing, as well as rights
3 of rehearing, review, reconsideration, appeal, judicial review or any other administrative
4 and/or judicial action, concerning the matters set forth herein.

5 3. Respondent affirmatively agrees that this Consent Agreement shall be
6 irrevocable.

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

9 5. Respondent understands this Consent Agreement deals with Board
10 complaint number 4111 involving allegations of unprofessional conduct against
11 Respondent. The investigation into these allegations against Respondent shall be
12 concluded upon the Board's adoption of this Consent Agreement.

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

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

21 8. Respondent acknowledges and agrees that, upon signing this Consent
22 Agreement and returning this document to the Board's Executive Director, he may not
23 revoke his acceptance of the Consent Agreement or make any modifications to the
24 document regardless of whether the Consent Agreement has been signed by the
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1 Executive Director. Any modification to this original document is ineffective and void
2 unless mutually agreed by the parties in writing.

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

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

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

18 12. Respondent understands that any violation of this Consent Agreement
19 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
20 1901.01(C) (16), -1927.01(A) (1).

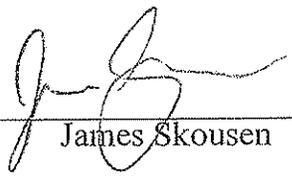
21 13. Respondent agrees that the Board will adopt the following Findings of Fact,
22 Conclusions of Law and Order.

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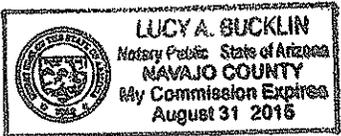
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ACCEPTED AND AGREED BY RESPONDENT


James Skousen

Dated: 8/28/2012

Subscribed and sworn to before me in the County of Navajo, State of Arizona,
this 28 day of August, 2012, by James Skousen.




NOTARY PUBLIC

My Commission expires: 8/31/2015

FINDINGS OF FACT

1. The Board is the duly constituted authority for licensing and regulating the practice of pharmacy in the State of Arizona.
2. Respondent is the holder of license number T018726 to practice as a pharmacy technician in the State of Arizona.
3. During all relevant times to these findings, Respondent worked as a pharmacy technician at Safeway Pharmacy #2069 located at 20 West White Mountain Road, Lakeside, Arizona (the "Pharmacy").
4. On or about November 16, 2011 Respondent was observed on a video camera surveillance tape recording engaging in activity consistent with stealing Cari350m11 (Carisoprodol) or Hydro 103d1 (Hydrocodone/APAP) from the Pharmacy stock shelves.

1 EXECUTED COPY OF THE FOREGOING MAILED
2 BY CERTIFIED MAIL

3 this 21 day of Sept, 2012, to:

4 James Skousen
5 2891 Hansen Lane
6 Lakeside, Arizona 85929
7 Respondent

8 EXECUTED COPY OF THE FOREGOING MAILED
9 this 21 day of Sept, 2012, to:

10 Montgomery Lee
11 Assistant Attorney General
12 1275 W. Washington Street, CIV/LES
13 Phoenix, Arizona 85007
14 Attorney for the Board

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16 Doc # 2799219
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