

Suspend or Place on Probation the
Certificate of Registration Issued
to David Jerome Garden and the
Pharmacy Permit Issued for the
Value Discount Drug Center.

CONCLUSIONS OF LAW AND ORDER

No. 79 - 10 - H

DIRECTED TO: David Jerome Garden
3421 E. Dahlia
Phoenix, AZ 85032

This matter came before the Arizona State Board of Pharmacy for hearing on the 20th day of May, 1980, pursuant to Complaint and Notice of Hearing No. 79-10-H (hereinafter referred to as "Complaint"). Joseph J. Rowan, member, presided, with Bettina D. Lopez, President, Marjorie L. Fleming, Glen E. Crandall and John Burnham, members in attendance and participating therein.

The State was represented by the Office of the Attorney General, Michael W. Sullyman, Assistant Attorney General. The Registrant was represented by Kenneth Winsberg.

The Board heard testimony from the Registrant and others, and examined evidence presented.

FINDINGS OF FACT

I

David Jerome Garden is a pharmacist holding Certificate of Registration No. 4518 issued by the Board under A.R.S. Section 32-1922.

II

David Jerome Garden was also part owner of the Value Discount Drug Center, 13602 North 99th Avenue, Sur City, Arizona, under Permit No. 942, issued by the Board under A.R.S. Section 32-1929.

III

That David Jerome Garden worked at the Value Discount Drug Center, 13602 North 99th Avenue, Sur City, Arizona, under Permit No. 942, issued by the Board under A.R.S. Section 32-1929.

therein.

The State was represented by the Office of the Attorney General, Michael W. Sillyman, Assistant Attorney General. The Registrant was represented by Kenneth Winsberg.

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FINDINGS OF FACT

I

David Jerome Garden is a pharmacist holding Certificate of Registration No. 4518 issued by the Board under A.R.S. Section 32-1922.

II

David Jerome Garden was also part owner of the Value Discount Drug Center, 13602 North 99th Avenue, Sur City, Arizona, under Permit No. 942, issued by the Board under A.R.S. Section 32-1929.

III

That David Jerome Garden worked at the Value Discount Drug Center almost entirely outside the pharmacy department, leaving the management of the pharmacy department including the ordering, dispensing and record keeping of controlled substances to his partner, Sabatino Ciannitti.

That the findings of excessive discrepancies in the records of receipts and disposals of controlled substances between May 1, 1977 and June 22, 1979 constitute violations of A.R.S. Section 36-1009 and 21 CFR 1304.04(d), 1304.21 and 1304.24.

III

That the violations identified above constitute sufficient grounds for revocation, suspension or placement on probation of Certificate of Registration No. 4518 issued to David Jerome Garden in accordance with A.R.S. Section 32-1927.10 and 32-1927.13.

IV

That the violations identified above constitute sufficient grounds for revocation, suspension or placement on probation of Permit No. 942 issued by the Board to Value Discount Drug Center, 13602 North 99th Avenue, Sun City, Arizona, in accordance with A.R.S. Section 32-1932.

ORDER

In view of the above Findings of Fact and Conclusions of Law the Board hereby issues the following Order:

That the Certificate of Registration No. 4518 issued to David Jerome Garden is hereby placed on probation for one year beginning June 16, 1980.

That during the period of probation there shall be an audit at the Value Discount Drug Center every two months of all Schedule II Controlled Substances by or in conjunction with the Board's drug inspector.

That at the end of the year's probationary period, if there has not been any serious shortage of drugs, the Certificate of Registration shall be re-instated in full.

placed on probation for one year beginning June 16, 1960.

That during the period of probation there shall be an audit at the Value Discount Drug Center every six months on all Schedule II controlled substances by or in conjunction with the Board's Drug Inspectors.

That at the end of the year's probationary period, if there has been any serious shortage of drugs, the Permit shall be re-instated to David Jerome Gordon.

David Jerome Gordon is hereby notified he has the right to appeal this Board for a rehearing within ten (10) days after receipt of this order pursuant to the provisions of Administrative Code 44-23-100.5.

DATED this 13th day of June, 1960.

ARIZONA STATE BOARD OF PHARMACY

Alfred J. Duncan
Alfred J. Duncan
Executive Secretary

Copies of the above Findings of Fact, Conclusions of Law and Order mailed by certified mail this 13th day of June, 1960 to

Kenneth A. Winsberg, Esquire
2333 N. Third Street
Phoenix, AZ 85004
Attorney for the Registrant

David Jerome Gordon
3421 E. Dahlia