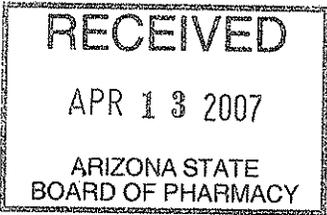


07-0104



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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 **VENKATESWARA MALLADI**  
12 Holder of License No. 12355  
For the Practice of Pharmacy  
13 In the State of Arizona

Board Case No. 07F-0040-PHR  
**CONSENT AGREEMENT  
AND ORDER FOR PROBATION**

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.* and 41-1092.07(F)(5),  
19 Venkateswara Malladi ("Respondent"), holder of Pharmacist License Number 12355 in  
20 the State of Arizona, and the Board enter into the following Recitals, Findings of Fact,  
21 Conclusions of Law and Order ("Consent Agreement") as a final disposition of this  
22 matter.

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

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. 3201 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).

1 ACCEPTED AND AGREED BY RESPONDENT

2  
3 Venkateswara Malladi  
Venkateswara Malladi

Dated: 4-6-2007

4 Subscribed and sworn to before me in the County of Maricopa, State of Arizona,  
5 this 6<sup>th</sup> day of April, 2007, by Venkateswara Malladi.

6 Miriam L. Thacker  
NOTARY PUBLIC



7  
8 My Commission expires: 9-30-2009

9  
10 **FINDINGS OF FACT**

11 1. The Arizona State Board of Pharmacy (“Board”) is the duly constituted  
12 authority for licensing and regulating the practice of pharmacy in the State of Arizona.

13 2. Venkateswara Malladi (“Respondent”) is the holder of license number  
14 12355 to practice as a pharmacist in the State of Arizona.

15 3. During all times relevant to these Findings, Respondent worked as a  
16 pharmacist at CVS Pharmacy #7837 in Mesa, Arizona (“Pharmacy”).

17 4. On or about July 3, 2006, the Board received a consumer complaint  
18 alleging that Respondent had physically assaulted him at the Pharmacy on or about May  
19 9, 2006. According to the complaint, the customer went to the Pharmacy to have a  
20 prescription filled and found Respondent in the process of closing the Pharmacy at 3:15  
21 p.m.. When the customer went to the front of the store to complain to a manager that the  
22 Pharmacy was closing early, Respondent followed the customer and got into an  
23 altercation where Respondent punched the customer.

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1 facilitating and improving coping skills; including anger management.  
2 Respondent shall furnish the psychotherapist with a copy of this Board Order and  
3 shall authorize and require the psychotherapist to submit quarterly progress reports  
4 to the Board addressing compliance and progress.

5 3. Respondent shall abstain from psychoactive substance use unless  
6 prescribed for medical purposes.

7 4. In the event that the incident described in paragraph 4 of the  
8 Findings of Fact is adjudicated and results in a judgment against Respondent, as  
9 terms of this Probation, Respondent shall be required to comply with any and all  
10 probationary terms or conditions of said adjudication. In the event that the length  
11 of any adjudication probation exceeds the length of the Probation set forth in this  
12 Order, the Board Probation length shall automatically be extended to concur with  
13 any Court Ordered Probation.

14 5. Respondent shall furnish all pharmacy employers with a copy of this  
15 Board Order throughout the term of his probation.

16 6. Respondent shall not serve as a preceptor pharmacist or pharmacist  
17 in charge throughout the term of his probation.

18 7. Respondent shall advise the Board immediately of any change in  
19 pharmacy employment status throughout the term of his probation.

20 8. Respondent shall furnish the Board with a list of all jurisdictions in  
21 which he maintains or has maintained licensure in the profession of pharmacy  
22 along with the registration numbers of said licenses.

23 9. Respondent shall obey all federal and state laws and rules governing  
24 the practice of pharmacy.  
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10. If Respondent violates this order in any way or fails to fulfill the requirements of this order, the Board, after giving the respondent notice and the opportunity to be heard, may revoke, suspend or take other disciplinary actions against the Respondent's license. The issue at such a hearing will be limited solely to whether this order has been violated.

11. Except as otherwise extended by paragraph 4 of this Order, Respondent shall appear before the Board at a regularly scheduled Board meeting three years after the effective date of this Order to request that the probation imposed by this order be terminated. Respondent's failure to petition the Board to terminate the probation shall extend the probation period.

DATED this 10 day of May, 2007.

ARIZONA STATE BOARD OF PHARMACY

(Seal)

By:   
HAL WAND, R.Ph.  
Executive Director

ORIGINAL OF THE FORGOING FILED  
this 10 day of May, 2007, with:

Arizona State Board of Pharmacy  
4425 W. Olive Avenue, Suite 140  
Glendale, Arizona 85302

EXECUTED COPY OF THE FOREGOING MAILED  
BY CERTIFIED MAIL

this 10 day of May, 2007, to:

Venkateswara Malladi  
3463 E. Linda Lane  
Gilbert, Arizona 85233

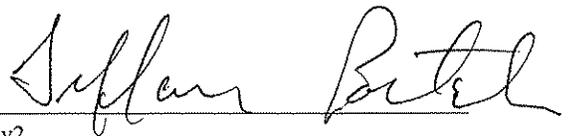
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EXECUTED COPY OF THE FOREGOING MAILED  
this 10 day of May, 2007, to:

Michael Philip Denea  
Helms & Denea, P.C.  
3200 N. Central Avenue, Suite 1260  
Phoenix, AZ 85012-2432

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Assistant Attorney General  
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