DID NOT SIGN -
NOT OF HEAR. 3/25/09

3/20

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Attorneys for the Arizona State Board of Pharmacy

BEFORE THE ARIZONA STATE BOARD OF PHARMACY

In the Matter of **DESTINY ROBINSON** Holder of License No. T007103 As a Pharmacy Technician In the State of Arizona	Board Case No. 09-0041-PHR **CONSENT AGREEMENT AND DECREE OF CENSURE**

RECITALS

In the interest of a prompt and judicious settlement of this case, consistent with the public interest, statutory requirements and the responsibilities of the Arizona State Board of Pharmacy ("Board") under A.R.S. §§ 32-1901, *et. seq.*, Destiny Robinson ("Respondent"), holder of Arizona Pharmacy Technician License Number T007103, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this matter.

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

2. Respondent understands that she has a right to a public administrative hearing concerning the above-captioned matter, at which hearing she could present evidence and cross examine witnesses. By entering into this Consent Agreement, Respondent knowingly and voluntarily relinquishes all right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action, concerning the matters set forth herein.

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

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

5. Respondent understands this Consent Agreement deals with Board Complaint No. 3633 involving allegations of unprofessional conduct against Respondent. The investigation into these allegations against Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

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

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

8. Respondent acknowledges and agrees that, upon signing this Consent Agreement and returning this document to the Board's Executive Director, she may not revoke her acceptance of the Consent Agreement or make any modifications to the

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

9. Respondent understands that the Consent Agreement shall not become effective unless and until adopted by the Board and signed by its Executive Director.

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

11. Respondent understands and agrees that if the Board does not adopt this Consent Agreement, she will not assert as a defense that the Board's consideration of this Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

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

ACCEPTED AND AGREED BY RESPONDENT

_____ Dated: _____
Destiny Robinson

Subscribed and sworn to before me in the County of _____, State of _____, this _____ day of _____, 2009, by Destiny Robinson.

_____
NOTARY PUBLIC

My Commission expires: _____

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 T007103 to practice as a pharmacy technician in the State of Arizona.

3. On September 12, 2008, Respondent was convicted of two counts of sexual conduct with a minor, both class 6 undesignated felonies, in Maricopa County Superior Court Case Number CR2008-123503-001.

4. Sexual conduct with a minor is a crime of moral turpitude.

5. While Respondent did report her conviction to the Board, at no point prior to the conviction did Respondent notify the Board that she had been criminally charged.

CONCLUSIONS OF LAW

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

2. Pursuant to A.R.S. § 32-1927.01(A)(1), the Board may discipline a pharmacy technician who has engaged in unprofessional conduct.

3. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.R.S. § 32-1901.01(C)(6) (Committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude, or any drug related offense. In either case, conviction by a court of competent jurisdiction or a plea of no contest is conclusive evidence of the commission.).

4. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.R.S. § 32-3208(A) (A health professional who has been charged with a misdemeanor involving conduct that may affect patient safety or a felony after

receiving or renewing a license or certificate must notify the health professional's regulatory board in writing within ten working days after the charge is filed).

ORDER

Based upon the above Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED THAT License No. T007103, which was issued to Destiny Robinson to practice as a pharmacy technician in the State of Arizona, is hereby **CENSURED**.

DATED this _____ day of _____, 2009.

ARIZONA STATE BOARD OF PHARMACY

(Seal)

By: _____
HAL WAND, R.Ph.
Executive Director

ORIGINAL OF THE FORGOING FILED
this _____ day of _____, 2009, with:

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

EXECUTED COPY OF THE FOREGOING MAILED
BY FIRST-CLASS and CERTIFIED MAIL
this _____ day of _____, 2009, to:

Destiny Robinson
8403 W. Dreyfus Dr.
Peoria, Arizona 85381

EXECUTED COPY OF THE FOREGOING MAILED
this _____ day of _____, 2009, to:

Elizabeth A. Campbell
Assistant Attorney General
1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007

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