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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 **TIMOTHY ARCHIBALD,**
12 Holder of License No. 12277
As a Pharmacy Technician Trainee
13 In the State of Arizona

Board Case No. 10-0029-PHR

**CONSENT AGREEMENT
FOR PROBATION, CIVIL
PENALTY, and CONTINUING
EDUCATION**

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.*, Timothy Archibald
18 (“Respondent”), holder of Pharmacy Technician Trainee License Number 12277 in the
19 State of Arizona, and the Board enter into the following Recitals, Findings of Fact,
20 Conclusions of Law and Order (“Consent Agreement”) as a final disposition of this
21 matter.
22

23 **RECITALS**

24 1. Respondent has read and understands this Consent Agreement and has had
25 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
26 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. 3713 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(C)(16), -1927.01(A)(1).

22 ...

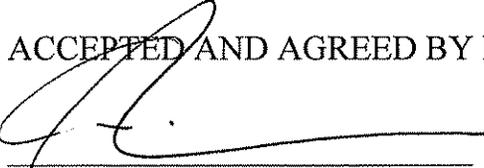
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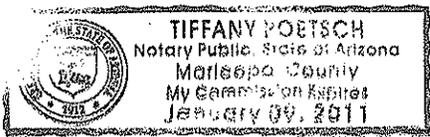
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1 ACCEPTED AND AGREED BY RESPONDENT

2 
3 Timothy Archibald

Dated: 01/14/10

4 Subscribed and sworn to before me in the County of Maricopa, State of Arizona,
5 this 14 day of January, 2009, by Timothy Archibald.
2010 (TMA)



6 
7 NOTARY PUBLIC

8 My Commission expires: January 09, 2011

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 12277 to practice as a
13 pharmacy technician trainee in the State of Arizona.

14 3. During all relevant times to these findings, Respondent worked as a
15 pharmacy technician trainee at Safeway Pharmacy #1997 in Surprise, Arizona.

16 4. In a written statement dated April 9, 2009, Respondent admitted to
17 diverting \$621.50 from Safeway by diverting merchandise and fraudulently activating
18 gift cards. On April 9, 2009, Respondent signed a promissory note to Safeway in the
19 amount of \$621.50.
20
21

22 **CONCLUSIONS OF LAW**

23 1. The Board possesses jurisdiction over the subject matter and over
24 Respondent pursuant to A.R.S. § 32-1901 *et seq.*
25
26

1 shall be pre-approved by Board staff and shall be limited to topics dealing with pharmacy
2 law.

3 4. Throughout the term of Respondent's probation, Respondent shall furnish
4 all pharmacy employers with a copy of this Consent Agreement. Respondent shall ensure
5 that all pharmacy employers submit to the Board a written acknowledgement that they
6 have received a copy of this Consent Agreement within ten (10) days of entering into an
7 employment relationship with Respondent.

8 5. Throughout the term of Respondent's probation, Respondent shall advise
9 the Board within ten (10) days of any change in pharmacy employment status.

10 6. Respondent shall pay all necessary fees and complete all continuing
11 education requirements throughout the term of his probation to maintain Pharmacy
12 Technician trainee License No. 12277.

13 7. Respondent shall furnish the Board with a list of all jurisdictions in which
14 he maintains or has maintained licensure in the profession of pharmacy along with the
15 registration numbers of said licenses.

16 8. Throughout the term of Respondent's probation, Respondent shall
17 personally appear before the Board when requested to do so by the Board or Board staff.

18 9. Respondent shall obey all federal and state laws and rules governing the
19 practice of pharmacy technician trainees.

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

25 ...

1 DATED this 14th day of January, 2010.

2
3 ARIZONA STATE BOARD OF PHARMACY

4
5
6 By: 

7 HAL WAND, R.Ph.
Executive Director

8 ORIGINAL OF THE FOREGOING FILED
9 this 15 day of Jan., 2010, with:

10 Arizona State Board of Pharmacy
11 1700 West Washington Street, Suite 250
Phoenix, Arizona 85007

12 COPY OF THE FOREGOING MAILED
13 BY CERTIFIED & REGULAR FIRST-CLASS MAIL
this 15 day of Jan., 2010, to:

14 Timothy Archibald
15 16725 N. 172nd Ave.
Surprise, Arizona 85374
Respondent

16 COPY OF THE FOREGOING MAILED
17 this 15 day of Jan., 2010, to:

18 Christopher Munns
19 Assistant Attorney General
1275 W. Washington Street, CIV/SGO
Phoenix, Arizona 85007
20 Attorney for the Board

21 Elizabeth A. Campbell
22 Assistant Attorney General
1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007
23 Attorney for the State

24
25 #629013
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