

1 File: H
85-8-OR1

2 BEFORE THE ARIZONA STATE BOARD OF PHARMACY

3 In the Matter of the Hearing to)
4 Determine Whether or Not to Revoke,) FINDINGS OF FACT
5 Suspend, or Place on Probation the) CONCLUSIONS OF LAW
6 Certificate of Registration Number) AND ORDER
5548 censure or fine John E.) No. 85 - 8 - H
McClellen.)

7 DIRECTED TO: John E. McClellen
8 Kachina Pharmacy
5422 W. Thunderbird Road
Glendale, AZ. 85306.

9 This matter came before the Arizona State Board of Pharmacy for hearing
10 on the 9th day of September, 1986, pursuant to Complaint and Notice of hearing
11 No. 85-8-H (hereinafter referred to as "Complaint"), attached to and made a
12 part of this order. Al Brooks, president, presided, with Daniel Jacob, vice
13 president, and members Paula Bickett, Simon Eisenberg, Betinna Lopez, Norma
14 McConnell, and Adaline Pangrazi in attendance and participating therein.

15 The State was represented by the office of the Attorney General,
16 Montgomery Lee, Assistant Attorney General. The respondent, John E. McClellen
17 was present and represented by Attorney Emmet Ronan.

18 The Board, after consideration of the evidence and testimony presented,
19 hereby makes the following Findings of Fact, Conclusions of Law and Order.

20 FINDINGS OF FACT

21 I

22 John E. McClellen is a pharmacist holding Certificate of Registration
23 No. 5548 issued by the Board under A.R.S. § 32-1922.

24 II

25 Sufficient evidence was presented, including John E. McClellen's
26 Stipulation of Facts, to substantiate charges 1 through 13, 15 through 23 and

McCLELLEN, John E. 85-8-H
Order

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106 through 116 contained in paragraph IV of the complaint. Charges 14, and 26 through 105 were dismissed.

CONCLUSIONS OF LAW

III

That the Findings of Fact set forth herein above constitute sufficient evidence to find that John E. McClellen is in violation of those state and federal laws, rules and regulations in charges 1 through 13, 15 through 23 and 106 through 116 contained in paragraph IV of the complaint.

IV

The above described violations constitute grounds for discipline pursuant to A.R.S. § 32-1927.

ORDER

V

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

1. That the Certificate of Registration No. 5548 issued to John E. McClellen, be suspended for a period of five (5) years, terminating on September 8, 1991.
2. That the suspension of Certificate of Registration No. 5548 issued to John E. McClellen, be stayed.
3. That the Certificate of Registration No. 5548 issued to John E. McClellen, be placed on probation for a period of five (5) years, terminating on September 8, 1991.
4. That during the period of probation, John E. McClellen report, at six (6) month intervals, to the Board concerning his professional practice.
5. That John E. McClellen pay a civil penalty in the amount of Five Hundred

1 . (500) dollars.

2 3. If at any time during the five (5) year period of suspension John E.
3 McClellen is found after a hearing to be in violation of any federal or state
4 law, rule or regulation promulgated pursuant thereto, regarding the practice of
5 pharmacy and/or the dispensing of drugs, or is found guilty of drug or alcohol
6 abuse, or any other condition imposed by this order, the Certificate of
7 Registration No. 5548 may be revoked upon motion carried by the majority of the
8 Board.

9 John E. McClellen is hereby notified he has the right to petition this
10 Board for a rehearing within ten (10) days after receipt of this Order
11 pursuant to the provisions of Administrative Rule R4-23-109.

12 DATED this 27th day of October, 1986.

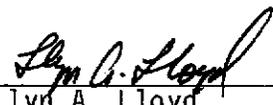
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ARIZONA STATE BOARD OF PHARMACY

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S E A L

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By 

Lynn A. Lloyd

Executive Secretary

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Copies of the Foregoing Notice
of Hearing mailed by certified
18 mail this 27th
day of October, 1986, to:

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20

John E. McClellen
Kachina Pharmacy
5422 W. Thunderbird Road
21 Glendale, AZ. 85306

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23

Emmett Ronan
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Phoenix, AZ 85003
24 Attorney for the Respondent

25

26

Montgomery Lee
Assistant Attorney General
1275 W. Washington
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Attorney for the State.