

1 292-16-HO

2 BEFORE THE ARIZONA STATE BOARD OF PHARMACY

3 In the Matter of:)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW
4 DAVID JEROME GARDEN)	AND BOARD ORDER
Certificate of Registration)	
5 Number 4518)	No. 92 - 16 - H
)	

6
7 DIRECTED TO: DAVID JEROME GARDEN
8 3420 West Danbury, #C115
9 Phoenix, Arizona 85023

10 Pursuant to the foregoing Consent to Entry of Order, the evidence and records
11 compiled and contained in the file for DAVID JEROME GARDEN and for good cause
12 appearing, the Board, on this 19th day of November, 1992, enters the following Findings
13 of Fact, Conclusions of Law, and Board Order in the Matter of 92-16-H.

14 **FINDINGS OF FACT**

15 1. DAVID JEROME GARDEN in the is the holder of Certificate of
16 Registration Number 4518 issued by the Arizona Board of Pharmacy which permits the
17 holder to practice pharmacy in the state of Arizona.

18 2. That on the 30th day of October, 1992, DAVID JEROME GARDEN did
19 enter into a Consent to Entry of Order with the Arizona State Board of Pharmacy
20 admitting that factual allegations contained in the Notice of Hearing Number 92-16-H are
21 true and accurate.

22 3. That DAVID JEROME GARDEN admits to violations of A.R.S. § 36-
23 2523, A.R.S. § 32-1932(A)(3), A.A.C. § R4-23-1003, and 21 C.F.R. § 1304.04 to wit: failure
24 to provide the controlled substance inventory for the designated date of May 1, 1992, and
25 for certifying his supervision of intern training or preceptorship in violation of the Board
26 Order in the Matter of 90-09-H dated the 29th day of November, 1990.

As to failure to provide a controlled substance inventory, DAVID
JEROME GARDEN had one of his pharmacists complete an inventory as required;

1 however, this inventory was misplaced. DAVID JEROME GARDEN completed a second
2 inventory on August 11, 1992, mailed it to the Board of Pharmacy and it contained no
3 discrepancies.

4 5. As to acting as the preceptor of Douglas Der in violation of Board
5 Order, the following occurred:

- 6 a) On May 26, 1992, Douglas Der applied for reinstatement of his
7 license to practice pharmacy;
- 8 b) The Board of Pharmacy required Douglas Der to obtain 400
9 hours as an intern and pass the jurisprudence aspect of the pharmacy
10 examination before it would reinstate Der's license;
- 11 c) Douglas Der asked DAVID JEROME GARDEN to act as Der's
12 preceptor and GARDEN responded that he could do so only with
13 approval from the Board of Pharmacy;
- 14 d) Douglas Der told the secretary for the Board of Pharmacy that
15 he planned to work as an intern for DAVID JEROME GARDEN at
16 Value Drug (this fact is documented on the change of address form in
17 Der's personnel file);
- 18 e) Douglas Der represented to DAVID JEROME GARDEN that the
19 Board approved his acting as a preceptor;
- 20 f) DAVID JEROME GARDEN acted as Douglas Der's preceptor for
21 three months wherein Douglas Der compiled 400 hours of intern work;
22 and,
- 23 g) Douglas Der passed the jurisprudence aspect of the pharmacy
24 examination and the Board of Pharmacy reinstated his license.
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5. DAVID JEROME GARDEN shall obey all the laws and rules governing the practice of pharmacy.

6. DAVID JEROME GARDEN shall appear before the Arizona State Board of Pharmacy on or after October 30, 1994, to show cause why the probation imposed on Certificate of Registration Number 4518 should be removed.

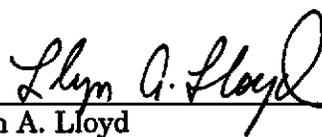
7. If the DAVID JEROME GARDEN violates this Order in any way or fails to fulfill the requirements of this Order, the Board, after giving the Respondent notice and the opportunity to be heard, may revoke, suspend, or take other disciplinary action against the Respondent.

DATED this 1st day of February, 1993

ARIZONA STATE BOARD OF PHARMACY

(SEAL)

By:



Llyn A. Lloyd
Executive Director

Copies of this foregoing Findings of Fact, Conclusions of Law, and Board Order mailed by certified mail this 1st day of February, 1993 to:

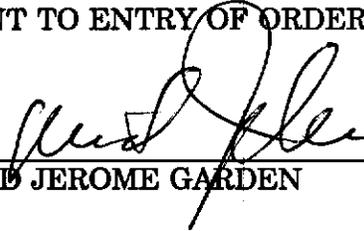
DAVID JEROME GARDEN
3420 West Danbury, #C115
Phoenix, Arizona 85023

and by Courier Mail to:

Montgomery Lee, Esq.
Peggy Velasco, Esq.
Assistant Attorney General
1275 West Washington
Phoenix, Arizona 85007-2997

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Agreed to pursuant to attached CONSENT TO ENTRY OF ORDER by:



DAVID JEROME GARDEN

STATE OF ARIZONA)
) SS.
County of Maricopa)

SUBSCRIBED AND SWORN to before me this 22nd day of December, 1992,
by DAVID JEROME GARDEN.



Notary Public - Arizona

My Commission Expires:

12/19/95

