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**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSE OF) **SURRENDER**
ERIC GAIL GODFREY) **STIPULATION AND ORDER**
TO PRACTICE AS A)
PHARMACY TECHNICIAN) CASE NO DOPL 2006--266
IN THE STATE OF UTAH)

ERIC GAIL GODFREY ("Respondent") and the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah ("Division") stipulate and agree as follows

- 1 Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action
- 2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily
- 3 Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter

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4 Respondent understands that Respondent is entitled to a hearing before the Utah State Board of Pharmacy (“the Board”), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent’s own behalf, call witnesses, and confront adverse witnesses Respondent acknowledges that by executing this document Respondent hereby waives the right to a hearing and any other rights to which Respondent may be entitled in connection with said hearing

5 Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter

6 Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document and may be released to other persons and entities

7 Respondent admits the following facts

- a On or about September 26, 2002, Respondent was initially licensed as a pharmacy technician in the State of Utah
- b On or about February 27, 2003, Respondent surrendered his Utah license to practice as a pharmacy technician after he unlawfully obtained and used controlled substance medications while working as a pharmacy technician at Bowman’s Pharmacy in Kaysville, Utah Respondent had a substance abuse problem reasonably affecting his ability to practice as a pharmacy technician
- c On or about May 4, 2003, Respondent was arrested by a Layton, Utah police officer and later charged with driving under the influence of alcohol or drugs At the time of the arrest Respondent acknowledged recently having consumed prescription medications and a Bacardi Silver alcoholic beverage
- d On or about May 12, 2003, Respondent pleaded guilty to one count of driving under the influence of alcohol or drugs, a Class B misdemeanor The charge was amended to one count of reckless driving-alcoholic/drug related, a Class B misdemeanor, in Second District Court, Davis County

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Respondent was allowed to complete a drug diversion program with the Davis County Attorney's Office in lieu of jail time

- e On or about January 16, 2006. Respondent enrolled in Walgreen's on-the-job technician training program at Walgreen's Pharmacy in Riverton, Utah
- f On or about August 11, 2006, Respondent submitted an application for licensure as a pharmacy technician with the Division after completing the above described training program. As part of Respondent's application for licensure he was asked, "have you pleaded guilty to, or been convicted of a misdemeanor in any jurisdiction within the past ten (10) years" Respondent answered "NO" to the above question. Accordingly, Respondent was issued a pharmacy technician license on or about September 12, 2006
- g On or about December 4, 2006, Respondent was questioned by the pharmacist-in-charge ("PIC") at the Riverton Walgreen's pharmacy and by a Walgreen's Loss Prevention Supervisor ("LPS") regarding shortages of generic Lortab 10 mg and Norco 10 mg tablets. Respondent admitted to the PIC and LPS that Respondent took approximately three 500 count stock bottles of Norco 10 mg tablets and four 500 count stock bottles of Hydrocodone 10 mg tablets, without authorization or a valid prescription, during the preceding three or four months. Norco and Hydrocodone are both Schedule III controlled substances. Respondent signed a voluntary statement admitting that he took the Norco and Hydrocodone described above for personal use. Respondent also signed a restitution agreement promising to make full restitution to Walgreen's for the retail value of the drugs taken from the pharmacy. Respondent then voluntarily accompanied the PIC and LPS to his car in the Walgreen's parking lot where he provided them with 70 Hydrocodone 10 mg/325 mg tablets and 175 Hydrocodone 10 mg/500 mg tablets contained within the trunk of his car
- h Respondent admits to having a substance abuse problem that might reasonably be considered to impair Respondent's ability to safely practice as a pharmacy technician

8 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a) and (e) and Utah Admin. Code R156-37-502 (2), and unlawful conduct as defined in Utah Code Ann. § 58-1-501(1)(e), Utah Code Ann. §

58-37-8 (2)(a)(i), and § 58-37-8(4)(a)(viii) and (ix) , and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401(2)(a) and (b)

Respondent hereby surrenders Respondent's license to practice as a Pharmacy Technician in the State of Utah The issuance of the Order in this matter is considered disciplinary action

Respondent agrees not to apply for licensure as a pharmacy technician with the Division for a period of 5 years from the effective date of this Order There is no guarantee that any subsequent application for licensure would be approved If the Division Director accepts the terms of this Stipulation and Order, Respondent forfeits all rights to practice as a pharmacy technician in the State of Utah Respondent understands that Respondent will not receive any refund of license or renewal fees previously paid to the Division

9 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this matter Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudgment Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification

10 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order There are no verbal agreements that modify, interpret, construe or affect this Stipulation

11 If Respondent violates any term or condition of this Stipulation and Order, the

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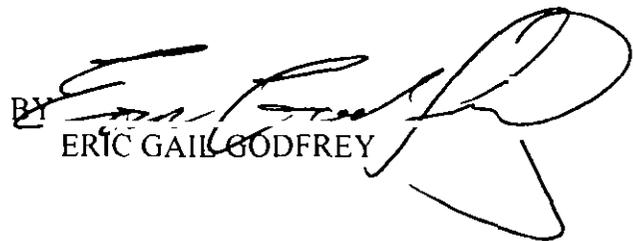
Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law

12 Respondent has read each and every paragraph contained in this Stipulation and Order Respondent understands each and every paragraph contained in this Stipulation and Order Respondent has no questions about any paragraph or provision contained in this Stipulation and Order

DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING

RESPONDENT

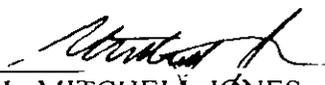
BY 
DIANA BAKER
Bureau Manager

BY 
ERIC GAIL GODFREY

DATE 12-19-06

DATE 12-18-06

MARK L SHURTLEFF
ATTORNEY GENERAL

BY 
L MITCHELL JONES
Counsel for the Division

DATE 18 Dec 2006

ORDER

THE ABOVE STIPULATION, in the matter of **ERIC GAIL GODFREY** is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 19th day of December, 2006

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


Director

Investigator Jared Memmott