

1 STATE OF ALASKA  
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT  
3 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING  
4 BEFORE THE BOARD OF PHARMACY

5  
6 In the Matter of: )  
7 )  
8 Barron D. Allen )  
9 )  
10 Respondent )  
11 Case No. 2016-001084

12 CONSENT AGREEMENT

13  
14 IT IS HEREBY AGREED by the Department of Commerce, Community and Economic  
15 Development, Division of Corporations, Business and Professional Licensing (Division) and  
16 Barron D. Allen (Respondent) as follows:

17 1) **Licensure.** Respondent is currently licensed as a Pharmacy Technician in the State of  
18 Alaska and holds license number PHAC479. This license was first issued on January 3, 2000,  
19 and will lapse unless renewed by June 30, 2018.

20 2) **Admission/Jurisdiction.** Respondent admits and agrees the Alaska Board of Pharmacy  
21 (Board) has jurisdiction over the subject matter of his license in Alaska and over this Consent  
22 Agreement.

23 3) **Admission/Facts.** Respondent admits to the following facts:

24 a) On August 8, 2001, Respondent was convicted of Driving Under the Influence, a  
25 criminal misdemeanor, in Anchorage, Alaska.

26 b) On May 28, 2002, Respondent applied for and submitted a renewal application for  
27 Biennial Pharmacy Technician license in Alaska. On his application, Respondent answered "no"  
28 to professional fitness question number two (2) which asks "*Since your last license was issued,*  
29 *have you been convicted of any criminal offense other than a minor traffic violation (convictions*  
30 *include suspended impositions of sentences)?"*. Respondent failed to disclose the 2001 Driving  
31 Under the Influence misdemeanor conviction on this application.

32 c) Respondent did not disclose the Driving Under the Influence criminal conviction on  
33 any subsequent application to renew his license.

34 //

1 d) Respondent admits that as a result of the above facts, grounds exist for possible  
2 suspension, revocation, or other disciplinary sanctions of his license pursuant to AS 08.01.075,  
3 AS 08.80.261(a)(1).

4 4) **Formal Hearing Process.** It is the intent of the parties to this Consent Agreement to  
5 provide for the compromise and settlement of all issues addressed in Paragraph 3 (above) that  
6 could be raised by an Accusation to revoke, suspend, or impose disciplinary sanctions against  
7 Respondent's license through a formal hearing process.

8 5) **Waiver of Rights.** Respondent understands he has the right to consult with an attorney of  
9 his own choosing and has a right to an administrative hearing on the facts in this case.  
10 Respondent understands and agrees that by signing this Consent Agreement, Respondent is  
11 waiving his rights to counsel and to a hearing. Further, Respondent understands and agrees that  
12 he is relieving the Division of any burden it has of proving the facts admitted above. Respondent  
13 further understands and agrees that by signing this Consent Agreement he is voluntarily and  
14 knowingly giving up his right to present oral and documentary evidence, to present rebuttal  
15 evidence, to cross-examine witnesses against Respondent, and to appeal the Board's decision to  
16 Superior Court.

17 6) **Effect of Non-Acceptance of Consent Agreement.** Respondent and the Division agree  
18 that this Consent Agreement is subject to the approval of the Board. They agree that, if the Board  
19 rejects this Consent Agreement, it will be void, and an Accusation may be filed. If this Consent  
20 Agreement is rejected by the Board, it will not constitute a waiver of Respondent's right to a  
21 hearing on the matters alleged in an Accusation and the admissions contained herein will have no  
22 effect. Respondent agrees that, if the Board rejects this Consent Agreement, the Board may  
23 decide the matter after a hearing, and its consideration of this Consent Agreement shall not alone  
24 be grounds for claiming that the Board is biased against Respondent, that it cannot fairly decide  
25 the case, or that it has received ex parte communication.

26 7) **Consent Agreement, Decision, and Order.** Respondent agrees that the Board has the  
27 authority to enter into this Consent Agreement and to issue the following Decision and Order.

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**PROPOSED DECISION AND ORDER**

IT IS HEREBY ORDERED that the license issued to Respondent shall be subject to the following terms and conditions:

**A. Violation of Agreement**

If Respondent fails to comply with any term or condition of this Consent Agreement, the Division may enforce this agreement by immediately suspending Respondent's license, without an additional order from the Board or without a prior hearing, for a violation of this agreement. In addition, any suspended portion of the civil fine will be immediately due.

If Respondent's license is suspended under this paragraph, as provided above, he will be entitled to a hearing, on an expedited basis, regarding the issue of the suspension. If Respondent's license is suspended, he will continue to be responsible for all license requirements pursuant to AS 08.80.

**B. Good Faith**

All parties agree to act in good faith in carrying out the stated intentions of this Consent Agreement.

**C. Civil Fine**

Respondent shall pay a fine of one thousand dollars (\$1,000.00). Payment of the fine is due within 120 days of the adoption of this agreement by the Board and is payable to the "State of Alaska" in cash, certified check, or money order or (by phone at 907-269-8160) via credit card.

All payments required by this Consent Agreement shall be addressed to:

Angela G. Birt, Chief Investigator  
Division of Corporations, Business and Professional Licensing  
550 West 7th Avenue, Suite 1500  
Anchorage, Alaska 99501-3567

**D. Reprimand**

It is hereby ordered that a public reprimand be issued against licensee, Barron D. Allen, for securing a license through deceit, fraud, or intentional misrepresentation. Mr. Allen failed to affirmatively disclose a criminal conviction when applying for his Alaska Pharmacy Technician license; a violation of AS 08.80.261(a)(1).

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1 IT IS HEREBY FURTHER ORDERED that this Adopted Decision and Order shall take effect  
2 immediately upon its adoption by the Board and is a public record of the Board and the State of  
3 Alaska. The state may provide a copy of it to any person or entity.

4 The action taken by the Board in this Consent Agreement will be reported to the National  
5 Practitioner Data Bank (NPDB) and other entities as required by law.

6  
7 DATED this 23<sup>rd</sup> day of November, 2016, at Anchorage, Alaska.

8  
9 CHRIS HLADICK, COMMISSIONER

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11  
12 By: [Signature]  
13 Angela G. Birt, Chief Investigator for  
14 Janey Hovenden, Director  
15 Division of Corporations, Business and  
16 Professional Licensing  
17

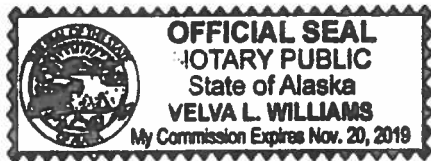
18 I, Barron D. Allen, have read the Consent Agreement, understand it, and agree to be  
19 bound by its terms and conditions.

20  
21 DATED: 11/29/16 [Signature]  
22 Barron D. Allen  
23

24 SUBSCRIBED AND SWORN TO before me this 29<sup>TH</sup> day of  
25 November, 2016, at PAMC, Anchorage, Alaska.

26  
27 SEAL

28 [Signature]  
29 Notary Public in and for Alaska.  
30 Velva L. Williams  
31 Notary Printed Name



32 My commission expires: 11/29/2019  
33

State of Alaska  
Department of Commerce, Community and Economic Development  
Division of Corporations, Business and Professional Licensing  
550 West 7<sup>th</sup> Avenue, Suite 1500  
Anchorage, Alaska 99501-3567  
Telephone 907-269-8160 Fax 907-269-8195

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STATE OF ALASKA  
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT  
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING  
BEFORE THE BOARD OF PHARMACY

In the Matter of: )  
)  
Barron D. Allen )  
)  
Respondent )  
Case No. 2016-001084

ORDER

The Alaska Board of Pharmacy (Board), having examined the Consent Agreement and Proposed Decision and Order, Case Number 2016-001084, Barron D. Allen, Pharmacy Technician License Number PHAC479, adopted the Consent Agreement and Decision and Order in this matter.

This Consent Agreement takes effect immediately upon signature of this Order in accordance with the approval of the Board.

The Division may enforce the Consent Agreement by immediately suspending Respondent's license, without an additional order from the Board or without a prior hearing, for a violation of the Consent Agreement.

DATED this 13<sup>th</sup> day of June, 2016, at  
Anchorage, Alaska.

BOARD OF PHARMACY

By: Lana Bell LANA BELL  
for Chairperson