

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Brandon M. Bair)
License PH238705)
Exp 12/31/2020) PHA-2020-0074

CONSENT AGREEMENT FOR VOLUNTARY SURRENDER

The Massachusetts Board of Registration in Pharmacy ("Board") and Brandon M. Bair ("Licensee"), a pharmacist licensed by the Board, License PH238705, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's record maintained by the Board:

1. The Licensee acknowledges that the Board opened a complaint against his Massachusetts pharmacist license related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2020-0074 ("the Complaint").¹
2. The Board and the Licensee acknowledge and agree to the following facts:
 - a. Pharmacist Brandon Bair was arraigned on October 29, 2020, in West Roxbury Division of the Boston Municipal Court, on multiple counts related to possession and distribution of child pornography, Docket No. 2006CR000996.
 - b. On March 30, 2022, Pharmacist Bair pled guilty to 24 felony counts, including 8 counts of distribution of child pornography, 12 counts of possession of child pornography, 1 count of posing or exhibiting child in state of sexual conduct, 1 count of posing or exhibiting child in statue of nudity, 1 count of conspiracy, and 1 count of dissemination of obscene matter to minors. Pharmacist Bair was sentenced to serve six (6) years at MCI-Cedar Junction for conspiracy, five (5) years on each count of possession of child pornography, and five (5) years for dissemination of obscene matter to minors.

¹ The term "license" includes a current license and the right to renew an expired license.

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3. The Licensee agrees the conduct described in Paragraph 2 warrants disciplinary action by the Board under M.G.L. c. 112, §§ 42A and 61, 247 CMR 10.03(1)(n), (r) & (u).
4. The Licensee agrees to SURRENDER his pharmacist license for an indefinite period of time and refrain from practicing as a pharmacist and from working in any pharmacy-related setting in Massachusetts, commencing with the date on which the Board signs this Agreement ("Effective Date").
5. The Licensee agrees that he will not practice as a pharmacist or work in a pharmacy related setting in Massachusetts from the Effective Date unless and until the Board reinstates his license.²
6. The Board agrees that in return for the Licensee's execution of this Agreement it will not prosecute the Complaint.
7. The Licensee understands that he has a right to formal adjudicatory hearing concerning the allegations against him and that during said adjudication he would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, to appeal to the courts, and all other rights as set forth in the Massachusetts Administrative Procedures Act, M.G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.* The Licensee further understands that by executing this Agreement he is knowingly and voluntarily waiving his right to a formal adjudication of the Complaint.
8. The Licensee acknowledges that he has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement. The Licensee acknowledges that he has been represented by legal counsel in connection with the Complaint and this Agreement.

² The Licensee understands that practice as a licensed pharmacist includes, but is not limited to, seeking and/or accepting a paid or voluntary position as a licensed pharmacist, or a paid or voluntary position requiring that the applicant hold a current pharmacist license. The Licensee further understands that if he accepts a voluntary or paid position as a pharmacist, or engages in any practice of pharmacy after the Effective Date and before the Board formally reinstates his license, evidence of such practice shall be grounds for the Board's referral of any such unlicensed practice to the appropriate law enforcement authorities for prosecution.

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9. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board. The Board may forward a copy of this Agreement to other licensing boards, law enforcement entities, and other individuals or entities as required or permitted by law.
10. The Licensee certifies that he has read this Agreement. The Licensee understands and agrees that entering into this Agreement is a final act and not subject to reconsideration, appeal or judicial review.

Peter Elkann
 Witness (sign and date)
 October 19, 2022
 Peter Elkann

Brandon Bair, 10/19/22
 Brandon M. Bair
 (sign and date)
 David Sencabaugh

David Sencabaugh, R. Ph.
 Executive Director
 Board of Registration in Pharmacy

10/28/22

Effective Date

10/28/2022

Fully Signed Agreement Sent to Licensee on _____ by Certified Mail
 No. 7020 0090 0000 1278 8596

Brandon M. Bair
 License PH238705
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