



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Division of Health Professions Licensure
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Lieutenant Governor

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MARYLOU SUDDERS
Secretary

MONICA BHAREL, MD, MPH
Commissioner

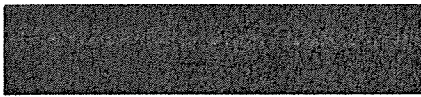
February 25, 2015

VIA FIRST CLASS & CERTIFIED MAIL
RETURN RECEIPTS REQUESTED

Emmanuel Mekowulu Certified Mail No. 7014 2120 0002 1353 9884



Emmanuel Mekowulu Certified Mail No. 7014 2120 0002 1353 9907



Emmanuel Mekowulu Certified Mail No. 7014 2120 0002 1353 9921



Emmanuel Mekowulu Certified Mail No. 7014 2120 0002 1353 9914



Emmanuel Mekowulu Certified Mail No. 7014 2120 0002 1353 9891




RE: In the Matter of Emmanuel Mekowulu, PH License No. 19540
Board of Registration in Pharmacy Docket No. PHA-2013-0089

Dear Mr. Mekowulu:

Enclosed is the *Final Decision and Order by Default* ("Final Order") issued by the Board of Registration in Pharmacy (Board) in connection with the above-referenced matter. The effective date of the Board's Order is ten (10) days from the date appearing on page 3 of the *Final Order* ("Date Issued"). Your appeal rights are noted on page 3 of the *Final Order*.

Sincerely,

A handwritten signature in cursive script, appearing to read 'David Sencabaugh', written in dark ink.

David Sencabaugh, R. Ph.
Executive Director

Enc.

cc: Eugene Langner, Prosecuting Counsel

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Emmanuel Mekowulu)
License No. PH19540)
License Expired 12/31/90)
_____)

Docket No. PHA-2013-0089

FINAL DECISION AND ORDER BY DEFAULT

On September 12, 2014, the Board of Registration in Pharmacy (Board) issued and duly served on Emmanuel Mekowulu (Respondent) an Order to Show Cause (Show Cause Order)¹ related to a complaint filed regarding Respondent's license. In addition to stating the allegations against Respondent, the Show Cause Order notified Respondent that an Answer to the Show Cause Order (Answer) was to be submitted within 21 days of receipt of the Show Cause Order². The Show Cause Order also notified Respondent of the right to request a hearing on the allegations³, and that any hearing request (Request for Hearing) was to be submitted within 21 days of receipt of the Show Cause Order.⁴ Respondent was further notified that failure to submit an Answer within 21 days "shall result in the entry of default in the captioned matter" and, if defaulted, "the Board may enter a Final Decision and Order that assumes the truth of the allegations in the [Show Cause Order] and may revoke, suspend, or take other disciplinary action against [Respondent's] license...including any right to renew [Respondent's] license." A copy of the Show Cause Order is attached to this Final Decision and Order by Default and is incorporated herein by reference.

On October 7, 2014, Prosecuting Counsel sent notice to Respondent to file an Answer and a Request for Hearing by October 14, 2014. The notice again

¹ Pursuant to 801 CMR 1.01(6)(a).

² In accordance with 801 CMR 1.01(6)(d)(2).

³ Pursuant to M.G.L. c. 112, s. 61.

⁴ Respondent was also notified that failure to timely submit a Request for Hearing would constitute a waiver of the right to a hearing.

advised Respondent that if defaulted, the Board might enter a Final Decision and Order that assumes the truth of the allegations stated in the Show Cause Order and impose license discipline, including discipline on any right to renew.

As of the date of this Final Decision and Order by Default, Respondent has failed to file either an Answer or a Request for Hearing.

The Board has afforded Respondent an opportunity for a full and fair hearing on the allegations in the Show Cause Order as required by Massachusetts General Laws (G.L.) c. 30A, s. 10, and sufficient notice of the issues involved to afford Respondent reasonable opportunity to prepare and present evidence and argument as required by G.L. c. 30A, s. 11(1). The Board has also notified Respondent of the obligation under 801 CMR 1.01(6)(d) to file an Answer to the Show Cause Order within 21 days of its receipt and of the consequences of failing to file an Answer or otherwise respond.

As authorized by M.G.L. c. 30A, s. 10(2), the Board may make informal disposition of any adjudicatory proceeding by default. Upon default, the allegations of the complaint against Respondent are accepted as true. *Danca Corp. v. Raytheon Co.*, 28 Mass. App. Ct. 942, 943 (1990).

Based on the foregoing, the Board enters a default in the above-captioned matter and, consequently, the allegations in the Show Cause Order are deemed to be true and Respondent has waived the right to be heard. In accordance with the Board's authority and statutory mandate, the Board orders as follows:

On December 15, 2014, in accordance with the Board's authority and statutory mandate, the Board voted to issue this Final Decision and Order by Default and **REVOKE** Respondent's pharmacist (PH19540), effective as of the date issued (see below), by the following vote: In favor: P. GANNON, E. TAGLIERI, R. TINSLEY, G. CAVANAUGH, M. GODEK, C. BASILE, K. CONLEY, and W. COX; Opposed: None; Abstain: None; Absent: None.

The Board will not review any petition for pharmacist licensure in the Commonwealth filed sooner than five (5) years from the Effective Date of this Final Decision and Order by Default. While Respondent's pharmacist registration is revoked, Respondent may not: (1) be employed as pharmacist or

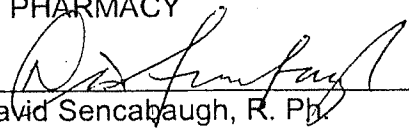
provide any services related to the practice of pharmacy or be employed to provide any services in any capacity in any pharmacy setting in the Commonwealth; or (2) have any ownership, management or other interest or involvement in any pharmacy related business in any setting. If at any time in the future Respondent seeks re-licensure by the Board, Respondent will be required to meet all current requirements for licensure at the time of any such application, including, but not limited to, re-application, re-examination, re-training and moral character qualifications (including consideration of any convictions or unlawful activity), and any other reinstatement terms and conditions the Board may deem to be necessary and appropriate.

EFFECTIVE DATE OF ORDER

This Final Decision and Order by Default becomes effective upon the tenth (10th) day from the date it is issued (see "Date Issued" below).

Respondent is hereby notified of the right to appeal this Final Decision and Order to the Supreme Judicial Court, pursuant to M.G.L. c. 112, § 64 and M.G.L. c. 30A, §§ 14 and 15, within thirty days of receipt of notice of this Final Decision and Order by Default.


BOARD OF REGISTRATION
IN PHARMACY


David Sencabaugh, R. Ph.
Executive Director

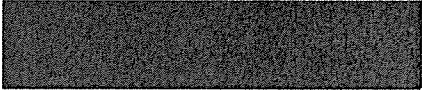
Date Issued: February 26, 2015

25 (8)

Notice to:

Emmanuel Mekowulu


by first class mail, postage prepaid, and by Certified Mail No. 7014 2120 0002 1353 9884

Emmanuel Mekowulu



by first class mail, postage prepaid, and by Certified Mail No. 7014 2120 0002 1353 9907

Emmanuel Mekowulu


by first class mail, postage prepaid, and by Certified Mail No. 7014 2120 0002 1353 9891

Emmanuel Mekowulu


by first class mail, postage prepaid, and by Certified Mail No. 7014 2120 0002 1353 9914

Emmanuel Mekowulu


by first class mail, postage prepaid, and by Certified Mail No. 7014 2120 0002 1353 9921

BY HAND DELIVERY

Eugene Langner, Esq., Prosecuting Counsel

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of
Emmanuel Mekowulu
License No. 19540
License Expired 12/31/90

Docket No. PHA-2013-0089

ORDER TO SHOW CAUSE

Emmanuel Mekowulu, you are hereby ordered to appear and show cause why the Massachusetts Board of Registration in Pharmacy (Board) should not suspend, revoke or otherwise take action against your license to practice as a pharmacist in the Commonwealth of Massachusetts, License No. 19540, or your right to renew such license, pursuant to Massachusetts General Laws (G.L.) c. 112, § 61 and Board regulation 247 CMR 9.00, based upon the following facts and allegations:

Factual Allegations

1. On or about April 2, 1985, the Board issued you a license to practice as a pharmacist in the Commonwealth of Massachusetts, License No. 19540. Your license expired on December 31, 1990, and has not been renewed to date.
2. On or about March 8, 2013, your license to practice as a pharmacist in the State of Florida (Florida license) was immediately suspended by the Florida Department of Health. A copy of the Order of Emergency Suspension of License is attached hereto as Exhibit A, and incorporated by reference herein.
3. The suspension of your Florida license as described in the preceding paragraph was based on your having been found guilty of one (1) count of Conspiracy to Distribute and Dispense a Controlled Substance, a felony, in violation of 21 U.S.C. § 846, on or about December 11, 2012, in the United States District Court for the Middle District of Florida, Docket No. [REDACTED]
4. On or about April 10, 2013, the Board received notice from the National Association of Boards of Pharmacy of the suspension of your Florida license as described in Paragraph 2 above.
5. On or about June 25, 2013, pursuant to a reportable, disciplinary agreement between you and the Florida Department of Health, you permanently relinquished your Florida license, in connection with the finding described in the preceding

paragraph. A copy of the Final Order Relinquishing License is attached hereto as Exhibit B, and incorporated by reference herein.

6. On or about July 28, 2014, the Board received notice from the Florida Board of Pharmacy of your having entered into the agreement described in the preceding paragraph.
7. The Board's records indicate that you failed to report any of the actions referenced in Paragraphs 2, 3 or 5 above to the Board.

Legal Basis for Discipline

- A. Your conduct as alleged warrants disciplinary action by the Board against your license to practice as a pharmacist pursuant to G.L. c. 112, § 61 for deceit, malpractice, and gross misconduct in the practice of the profession or for any offense against the laws of the Commonwealth relating thereto.
- B. Your conduct as alleged warrants disciplinary action by the Board against your license to practice as a pharmacist pursuant to 247 CMR 9.01(1) for failing at all times to conduct professional activities in conformity with federal, state and municipal laws, ordinances and/or regulations, including the regulations of the Board.
- C. Your conduct as alleged warrants disciplinary action by the Board against your license to practice as a pharmacist pursuant to 247 CMR 9.01(2) for dispensing drugs, devices or other substances in a manner which is intended, either directly or indirectly, to circumvent the law.
- D. Your conduct as alleged warrants disciplinary action by the Board against your license to practice as a pharmacist pursuant to 247 CMR 10.03(1)(a) for violating any of the duties and standards set out in Board regulations or any rule or written policy adopted by the Board.
- E. Your conduct as alleged warrants disciplinary action by the Board against your license to practice as a pharmacist pursuant to 247 CMR 10.03(1)(b) for violating any provision of G.L. c. 112, §§ 24 through 42A or any provision of state or federal statutes or rules or regulations promulgated thereunder related to the practice of the profession.
- F. Your conduct as alleged warrants disciplinary action by the Board against your license to practice as a pharmacist pursuant to 247 CMR 10.03(1)(e) for engaging in misconduct in the practice of the profession.
- G. Your conduct as alleged warrants disciplinary action by the Board against your license to practice as a pharmacist pursuant to 247 CMR 10.03(1)(k) for engaging

in conduct that has the capacity or potential to place the public health, safety or welfare at risk.

- H. Your conduct as alleged warrants disciplinary action by the Board against your license to practice as a pharmacist pursuant to 247 CMR 10.03(1)(n) for being convicted of any crime, entering a plea of guilty to any crime, entering a plea of *nolo contendere* to any crime, or admitting to sufficient facts to warrant a finding of guilty of any crime.
- I. Your conduct as alleged warrants disciplinary action by the Board against your license to practice as a pharmacist pursuant to 247 CMR 10.03(1)(r) for engaging in conduct that demonstrates a lack of good moral character.
- J. Your conduct as alleged warrants disciplinary action by the Board against your license to practice as a pharmacist pursuant to 247 CMR 10.03(1)(t) for having been disciplined in another jurisdiction in any way for reasons substantially similar to the same as those set forth in 247 CMR 10.03.
- K. Your conduct as alleged warrants disciplinary action by the Board against your license to practice as a pharmacist pursuant to 247 CMR 10.03(1)(u) for engaging in conduct which undermines public confidence in the integrity of the profession.
- L. Your conduct as alleged warrants disciplinary action by the Board against your license to practice as a pharmacist pursuant to 247 CMR 10.03(1)(w) for failing to comply with recognized ethical standards of the profession, including, but not limited to, the standards of practice of pharmacists, pharmacy interns, pharmacies and pharmacy departments set forth in 247 CMR 9.01: *Code of Conduct for Registered Pharmacists, Pharmacies and Pharmacy Departments*.
- M. Your conduct as alleged warrants disciplinary action by the Board against your license to practice as a pharmacist pursuant to 247 CMR 10.03(1)(z) for failing to report to the Board, in a manner and format determined by the Board, within seven business days, any final action (including license surrender or resignation) regarding a registrant or licensee, including any against any other health care related professional registration or license held by a registrant or licensee, by any other governmental authority in this state or another jurisdiction.
- N. Your conduct as alleged warrants disciplinary action by the Board against your license to practice as a pharmacist pursuant to 247 CMR 10.03(1)(aa) for failing to report to the Board, in writing, within 30 days, any pending criminal charge or conviction, as defined in 247 CMR 10.02, of a registrant or licensee, in Massachusetts or any other jurisdiction.
- O. Your conduct as alleged also constitutes unprofessional conduct and conduct which undermines public confidence in the integrity of the profession. *Sugarman v. Board of Registration in Medicine*, 422 Mass. 338, 342 (1996); *Kvitka v. Board*

of Registration in Medicine, 407 Mass. 140, cert. denied, 498 U.S. 823 (1990);
Raymond v. Board of Registration in Medicine, 387 Mass. 708, 713 (1982).

You have a right to an adjudicatory hearing (hearing) on the allegations contained in the Order to Show Cause before the Board determines whether to suspend, revoke, or impose other discipline against your license. G.L. c. 112, § 61. Your right to a hearing may be claimed by submitting a written request for a hearing *within twenty-one (21) days of receipt of this Order to Show Cause*. You must also submit an Answer to this Order to Show Cause in accordance with 801 CMR 1.01(6)(d) *within twenty-one (21) days of receipt of this Order to Show Cause*. The Board will give you prior written notice of the time and place of the hearing following receipt of a written request for a hearing.

Hearings shall be conducted in accordance with the State Administrative Procedure Act, G.L. c. 30A, §§ 10 and 11, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 and 1.03, under which you are granted certain rights including, but not limited to, the rights: to a hearing, to secure legal counsel or another representative to represent your interests, to call and examine witnesses, to cross-examine witnesses who testify against you, to testify on your own behalf, to introduce evidence, and to make arguments in support of your position.

The Board will make an audio recording of any hearing conducted in the captioned matter. In the event that you wish to appeal a final decision of the Board, it is incumbent on you to supply a reviewing court with a "proper record" of the proceeding, which may include a written transcript. *New Bedford Gas and Light Co. v. Board of Assessors of Dartmouth*, 368 Mass. 745, 749-750 (1975). Upon request, the Board will make available a copy of the audio recording of the proceeding at your own expense. Pursuant to 801 CMR 1.01(10)(i)(1), upon motion, you "may be allowed to provide a public stenographer to transcribe the proceedings at [your] own expense upon terms ordered by the Presiding Officer." Those terms may include a requirement that any copy of the transcript produced must be sent immediately upon completion, and on an ongoing basis, directly to the Presiding Officer by the stenographer or transcription service. The transcript will be made available to the Prosecutor representing the Board. Please note that the administrative record of the proceedings, including, but not limited to, the written transcript of the hearing, is a public record and subject to the provisions of G.L. c. 4 § 7 and G.L. c. 66, §10.

Your failure to submit a written request for a hearing within twenty-one (21) days of receipt of this Order to Show Cause *shall constitute a waiver of the right to a hearing* on the allegations herein and on any Board disciplinary action. Your failure to submit an Answer to the Order to Show Cause within twenty-one (21) days of receipt of the Order to Show Cause *shall result in the entry of default* in the captioned matter.

Notwithstanding the earlier filing of an Answer and/or request for a hearing, your failure to respond to notices or correspondence, your failure to appear for any scheduled

status conference, pre-hearing conference or hearing dates, or your failure to otherwise defend this action shall result in the entry of default.

If you are defaulted, the Board may enter a Final Decision and Order that assumes the truth of the allegations in this Order to Show Cause, and may revoke, suspend, or take other disciplinary action against your license to practice as a pharmacist in the Commonwealth of Massachusetts, including any right to renew your license.

Your Answer to the Order to Show Cause and your written request for a hearing must be filed with Eugene Langner, Prosecuting Counsel, at the following address:

Eugene Langner, Esq.
Prosecuting Counsel
Department of Public Health
Office of the General Counsel, 5th Floor
239 Causeway Street
Boston, MA 02114

You or your representative may examine Board records relative to this case prior to the date of the hearing during regular business hours at the office of the Prosecuting Counsel. If you elect to undertake such an examination, then please contact Prosecuting Counsel in advance at (617) 973-0838 to schedule a time that is mutually convenient.

BOARD OF REGISTRATION IN PHARMACY
Karen M. Ryle, M.S., R.Ph., President

By: _____

Eugene Langner, Esq.
Prosecuting Counsel
Department of Public Health

Date: September 12, 2014

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Order to Show Cause was served upon the Respondent:

Emmanuel Mekowulu



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by first class mail, postage prepaid, and by Certified Mail No. _____

Emmanuel Mekowulu



7014 0510 0001 0374 6076

by first class mail, postage prepaid, and by Certified Mail No. _____

Emmanuel Mekowulu



7014 0510 0001 0374 6083

by first class mail, postage prepaid, and by Certified Mail No. _____

Emmanuel Mekowulu



7014 0510 0001 0374 6090

by first class mail, postage prepaid, and by Certified Mail No. _____

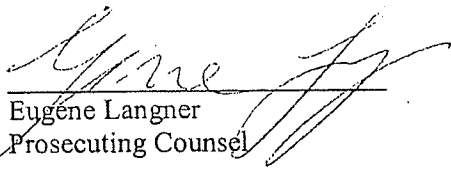
Emmanuel Mekowulu



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by first class mail, postage prepaid, and by Certified Mail No. _____

This 12th day of September, 2014.


Eugene Langner
Prosecuting Counsel

FILED DATE MAR 11 2013

Department of Health

By Angel S. Sudek
Deputy Agency Clerk

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

In Re: Emergency Suspension of the License of
Emmanuel I. Mekowulu, R.Ph.
License No.: PS 24612
Case No.: 2012-06798

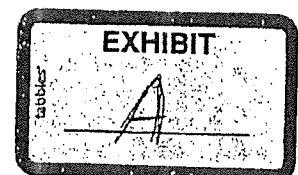
ORDER OF EMERGENCY SUSPENSION OF LICENSE

John H. Armstrong, MD, FACS, State Surgeon General and Secretary of Health, ORDERS the emergency suspension of the license of Emmanuel I. Mekowulu, R.Ph., to practice as a pharmacist in the State of Florida. Mr. Mekowulu holds license number PS 24612. His address of record is [REDACTED]

[REDACTED]. The following Findings of Fact and Conclusions of Law support the emergency suspension of Mr. Mekowulu's license to practice as a pharmacist.

FINDINGS OF FACT

1. The Department of Health (Department) is the state agency charged with regulating the practice of pharmacy pursuant to Chapters 20, 456, and 465, Florida Statutes (2012). Section 456.074(1), Florida Statutes (2012), authorizes the Department to summarily suspend Mr. Mekowulu's license to practice as a pharmacist.



2. At all times material to this Order, Mr. Mekowulu was licensed to practice as a pharmacist in the State of Florida pursuant to Chapter 465, Florida Statutes (2012).

3. On or about May 2, 2012, the Mr. Mekowulu was arrested and charged with Conspiracy to Distribute, to Dispense, and to Possess with Intent to Distribute, Controlled Substances, and Distribution and Dispensing of Controlled Substances, in violation of 21 U.S.C. § 846, and 21 U.S.C. § 841(a)(1).

4. On or about December 11, 2012, in the United States District Court for the Middle District of Florida, in case number [REDACTED], Mr. Mekowulu was found guilty of one (1) count of Distribution and Dispensing of Controlled Substances, a felony violation of 21 U.S.C. § 841(a)(1).

5. The Department did not learn of the above referenced conviction until on or about January 10, 2013.

6. Section 456.074(1), Florida Statutes (2012), provides that the Department *shall* issue an emergency order suspending the license of any

person licensed under Chapter 465, Florida Statutes (2012), who is convicted or found guilty of a felony under 21 U.S.C. §§ 801-970.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the State Surgeon General and Secretary of Health concludes as follows:

1. The Department has jurisdiction pursuant to Sections 20.43 and 456.074(1), Florida Statutes (2012), and Chapter 465, Florida Statutes (2012).

2. The Department is mandated to summarily suspend Mr. Mekowulu's license to practice as a pharmacist in accordance with Section 456.074(1), Florida Statutes (2012).

WHEREFORE, in accordance with Section 456.074(1), Florida Statutes (2012), it is ORDERED THAT:

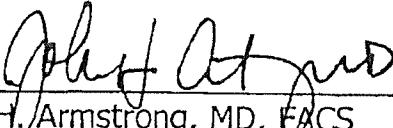
1. The license of Emmanuel I. Mekowulu, R.Ph., license number PS 24612, is immediately suspended.

2. A proceeding seeking formal suspension or discipline of the license of Emmanuel I. Mekowulu, R.Ph. to practice as a pharmacist will be

In Re: Emergency Suspension of the License of
Emmanuel I. Mekowulu, R.Ph.
License No.: PS 24612
Case No.: 2012-06798

promptly instituted and acted upon in compliance with Section 120.569,
Florida Statutes (2012).

DONE and ORDERED this 8th day of March, 2013.



John H. Armstrong, MD, FACS
State Surgeon General and Secretary of Health

PREPARED BY:
Lauren A. Leikam
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Florida Bar No. 0088700
(850)245-4444 Telephone
(850)245-4683 Facsimile

In Re: Emergency Suspension of the License of
Emmanuel I. Mekowulu, R.Ph.
License No.: PS 24612
Case No.: 2012-06798

NOTICE OF RIGHT TO JUDICIAL REVIEW

Pursuant to Section 120.68, Florida Statutes, this Order is judicially reviewable. Review proceedings are governed by the Florida Rules of Appellate Procedure. Proceedings are commenced by filing a Petition for Review, in accordance with Florida Rule of Appellate Procedure 9.100, with the District Court of Appeal, accompanied by a filing fee prescribed by law, and a copy of the petition with the Agency Clerk of the Department within 30 days of the date this Order is filed.

FILED DATE **JUN 26 2013**
Department of Health
By: *[Signature]*
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF PHARMACY

DEPARTMENT OF HEALTH,
Petitioner,

vs.

CASE NO.: 2012-06798

EMMANUEL I. MEKOWULU, RPH
Respondent.

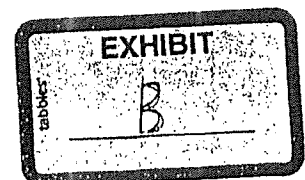
LICENSE NO.: PS 24612

FINAL ORDER RELINQUISHING LICENSE

THIS CAUSE came before the Board of Pharmacy (hereinafter the "Board") Pursuant to Section 120.57(4), Florida Statutes, on June 5, 2013, in Miami, Florida, for consideration of Respondent's tendered Voluntary Relinquishment of License (attached hereto as Exhibit A" and incorporated herein by reference). Upon consideration of the Voluntary Relinquishment instrument, the documents submitted in support thereof, and being otherwise advised in the premises,


IT IS HEREBY ORDERED AND ADJUDGED that the Voluntary Relinquishment of License, as submitted, is hereby approved and adopted in toto and incorporated by reference as the disposition in this proceeding.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.



DONE AND ORDERED this 25 day of June, 2013.

BOARD OF PHARMACY


Mark Whitten, Executive Director for
Albert Garcia, BPharm, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to Emmanuel I. Mekowulu, [REDACTED] and by electronic mail to John Truitt, Assistant General Counsel, Prosecution Services Unit, John_Truitt@doh.state.fl.us, and to David D. Flynn, Assistant Attorney General, Department of Legal Affairs, david.flynn@myfloridalegal.com this 26th day of June, 2013.



Deputy Agency Clerk

STATE OF FLORIDA
DEPARTMENT OF HEALTH

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Angel Sanders*
DATE APR 09 2013

DEPARTMENT OF HEALTH,
Petitioner,

v.

DOH Case No. 2012-06798

EMMANUEL I. MEKOWULU, R.Ph.
Respondent

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent EMMANUEL I. MEKOWULU, R.Ph., license No. PS24612, hereby voluntarily relinquishes Respondent's license to practice pharmacy in the State of Florida and states as follows:

1. Respondent's purpose in executing this Voluntary Relinquishment is to avoid further administrative action with respect to this cause. Respondent understands that acceptance by the Board of Pharmacy (hereinafter the Board) of this Voluntary Relinquishment shall be construed as disciplinary action against Respondent's license pursuant to Section 456.072(1)(f), Florida Statutes. As with any disciplinary action, this relinquishment will be reported to the National Practitioner's Data Bank as disciplinary action. Licensing authorities in other states may impose discipline in their jurisdiction based on discipline taken in Florida.

2. Respondent agrees to never reapply for licensure as a pharmacist in the State of Florida.

3. Respondent agrees to voluntarily cease practicing pharmacy immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from

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the practice of pharmacy until such time as this Voluntary Relinquishment is presented to the Board and the Board issues a written final order in this matter.

4. In order to expedite consideration and resolution of this action by the Board in a public meeting, Respondent, being fully advised of the consequences of so doing, hereby waives the statutory privilege of confidentiality of Section 456.073(10), Florida Statutes, and waives a determination of probable cause, by the Probable Cause Panel, or the Department when appropriate, pursuant to Section 456.073(4), Florida Statutes, regarding the complaint, the investigative report of the Department of Health, and all other information obtained pursuant to the Department's investigation in the above-styled action. By signing this waiver, Respondent understands that the record and complaint become public record and remain public record and that information is immediately accessible to the public. Section 456.073(10) Florida Statutes.

5. Upon the Board's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review of, or to otherwise challenge or contest the validity of, this Voluntary Relinquishment and of the Final Order of the Board incorporating this Voluntary Relinquishment.

6. Petitioner and Respondent hereby agree that upon the Board's acceptance of this Voluntary Relinquishment, each party shall bear its own attorney's fees and costs related to the prosecution or defense of this matter.

7. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board's consideration of this Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary

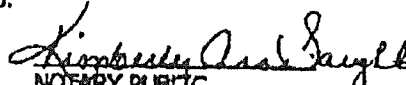
Relinquishment and other related materials by the Board shall not prejudice or preclude the Board, or any of its members, from further participation, consideration, or resolution of these proceedings if the terms of this Voluntary Relinquishment are not accepted by the Board.

DATED this 11 day of March, 2013.

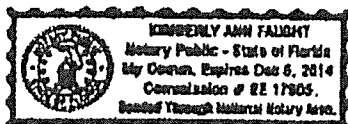

EMMANUEL I. MEKOWULU

STATE OF FLORIDA
COUNTY OF:

Before me, personally appeared Emmanuel I. Mekowulu, whose identity is known to me by Personal Knowledge (type of identification) and who, under oath, acknowledges that his signature appears above. Sworn to and subscribed before me this 11th day of March, 2013.


NOTARY PUBLIC

My Commission Expires:



**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2012-06798

EMMANUEL I. MEKOWULU, R.Ph.

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Pharmacy against Respondent, Emmanuel I. Mekowulu, R.Ph., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of pharmacy pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 465, Florida Statutes.

2. At all times material to this Complaint, Respondent was a pharmacist within the State of Florida, having been issued license number PS 24612.

3. Respondent's address of record is [REDACTED]
[REDACTED]

4. On or about December 11, 2012, in the United States District Court for the Middle District of Florida, in case number [REDACTED] Respondent was found guilty of one (1) count of Conspiracy to Distribute, to Dispense, and to Possess with Intent to Distribute, Controlled Substances, and one (1) count of Distribution and Dispensing of Controlled Substances; two felony violations of 21 U.S.C. § 846, and 21 U.S.C. § 841(a)(1).

5. Respondent failed to report the above referenced convictions to the Board of Pharmacy within thirty (30) days after the date the convictions were entered by the court.

COUNT I

6. Petitioner realleges and incorporates paragraphs one (1) through five (5) as if fully set forth herein.

7. Section 456.072(1)(c), Florida Statutes (2012), provides that being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which

relates to the practice of, or the ability to practice, a licensee's profession, constitutes grounds for discipline.

8. As set forth above, on or about December 11, 2012, Respondent was found guilty of one (1) count of Conspiracy to Distribute, to Dispense, and to Possess with Intent to Distribute, Controlled Substances, and one (1) count of Distribution and Dispensing of Controlled Substances in violation of 21 U.S.C. § 846, and 21 U.S.C. § 841(a)(1); which are crimes that relate to the practice of a licensee's profession as a pharmacist.

9. Based on the foregoing, Respondent violated Section 456.072(1)(c), Florida Statutes (2012), by being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

COUNT II

10. Petitioner realleges and incorporates paragraphs one (1) through five (5) as if fully set forth herein.

11. Section 456.072(1)(x), Florida Statutes (2012), provides failing to report to the board, or the department if there is no board, in

writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction, constitutes grounds for discipline.

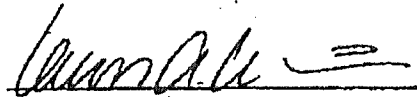
12. As set forth above, Respondent failed to report the above referenced convictions to the Board of Pharmacy, in writing, within thirty (30) days after the date the convictions were entered by the court.

13. Based on the foregoing, Respondent violated Section 456.072(1)(x), Florida Statutes (2012), by failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.

WHEREFORE, Petitioner respectfully requests that the Board of Pharmacy enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 28th day of March, 2013.

JOHN H. ARMSTRONG, MD, FACS
State Surgeon General and Secretary of Health



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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: Angelo S. S. S.
DATE: 3-28-13

/LAL
PCP: 3-28-13
PCP Members: Weitzer & Meshad

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.