

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
MARGOLIS PHARMACY)
447 Broadway)
Chelsea, Massachusetts)
Pharmacy Registration No. 2974)

Received
Docket No. PHA20100010

AUG 23 2010

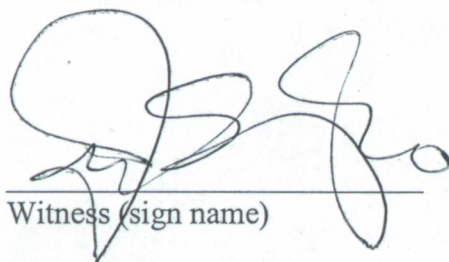
BOARD OF
PHARMACY

VOLUNTARY SURRENDER AGREEMENT

The Board of Registration in Pharmacy ("Board") and Steven A. Shraiar ("Registrant"), previously registered by the Board as a pharmacist (Registration No. 14861; Current Status: Revoked/eff. 2/9/2010) and owner of **Margolis Pharmacy**, a pharmacy registered by the Board (Permit No. 2974; Current Status: Summary Suspension/eff. 6/14/2010) to operate at 447 Broadway in Chelsea, Massachusetts ("Pharmacy"), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the file of Registrant and the Pharmacy that is maintained by the Board:

1. The parties enter into this Voluntary Surrender Agreement ("Agreement") to effectuate the surrender of Pharmacy Registration No. 14861 in resolution of any disputed matters arising out of the complaint pending before the Board as PHA20100010 ("Complaint") regarding certain practices and operations of the Pharmacy.
2. Registrant acknowledges and agrees that Board Investigators inspected the Pharmacy on January 21, 2010 and observed multiple violations of state and federal statutes and regulations pertaining to the operations of a retail pharmacy, including, but not limited to, purchase orders and related correspondence documenting Pharmacy sales of various quantities of various Schedule VI controlled substances to an unlicensed entity. Registrant acknowledges and agrees that such Pharmacy sales by a retail pharmacy to an unlicensed entity, as more particularly described in Docket No. PHA20100010, constitute: (a) basis for disciplinary action by the Board, pursuant to M.G.L. c.112, §§ 36B and 42A; M.G.L. c. 94C, s. 14; 247 CMR 9.01 subsections (1), (2), (6) and (9); 247 CMR 10.03(1) subsections (a), (b), (e), (h), (k), (l), (m), (u), (v), (w) and (x); and 247 CMR 11.14(1) subsections (c), (d) and (e); and (b) offenses against the laws of the Commonwealth relating to the practice of pharmacy, in violation of M.G.L. c. 112, s. 61.
3. Accordingly, Registrant agrees to surrender and the Board agrees to accept the surrender of Pharmacy Registration (No. DS2974) in resolution of Docket No. PHA20100010.

4. The Agreement and its contents shall be incorporated into the records maintained by the Board. The Agreement is a public record subject to disclosure to the public and equivalent state licensing boards.
5. The parties acknowledge and agree that any and all other rights of the Board to take action within the scope of its authority are expressly reserved.
6. Registrant understands and agrees that the decision to enter into this Agreement and to accept the terms and conditions herein described is a final act and is not subject to reconsideration or judicial review.
7. Registrant states that he has used legal counsel in connection with his decision to enter into this Agreement or, if he did not, that he had an opportunity to do so and that his decision to enter into this Agreement was made of his own free will.
8. Registrant certifies that he has read this document entitled "Voluntary Surrender Agreement." Registrant understands that, by executing this Agreement, he is waiving his right to a formal hearing at which he would possess the rights 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 court in the event of an adverse ruling, and all other rights set forth in G.L. c. 30A and 801 CMR 1.01 *et seq.* Registrant states that he further understands that in executing this document entitled "Voluntary Surrender Agreement," he is knowingly and voluntarily waiving his right to a formal hearing and to all of the above listed rights.



Witness (sign name)

Jordan L. Shapiro, Esq.
Witness (print name)

MARGOLIS PHARMACY

By: Steven A. Shraiar
Steven A. Shraiar, Owner

Effective Date: 8/19/10

**BOARD OF REGISTRATION
IN PHARMACY**

By: Joanne M. Trifone
Joanne M. Trifone, R.Ph..
President

Date: August 8, 2010

Decision No. 2329