

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Michael D. Bendell, R.Ph.)
Pharmacist Registration No. 21078)
(Exp. 12/31/2010))

Docket No. PHA-2009-0155

VOLUNTARY SURRENDER AGREEMENT

The Board of Registration in Pharmacy (Board) and **Michael D. Bendell, R.Ph.** (Registrant), a pharmacist registered by the Board (Pharmacist Registration No. 21078), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the file of the Registrant which is maintained by the Board:


1. The parties enter into this Voluntary Surrender Agreement ("Agreement") in order to resolve disputed matters arising out of a complaint pending before the Board as Docket No. PHA-2009-0155 (Complaint) relating to the Registrant's surrender of his Connecticut Pharmacist license (License No. 8625) to the Connecticut Department of Consumer Protection in resolution of Docket No. 09-162 (Connecticut Settlement Agreement accepted March 3, 2009).
2. Registrant acknowledges and agrees that he waived any requirement that the Connecticut Settlement Agreement include findings of fact and conclusions of law. Registrant further agrees that his surrender of Connecticut Pharmacist License No. 8625 is disciplinary action which is a basis for disciplinary action by the Board.
3. Accordingly, the Registrant freely agrees to and the Board accepts the Voluntary Surrender of Registrant's license to practice pharmacy in the Commonwealth of Massachusetts (License No. 21078), together with any right Registrant may have to renew such license, commencing on the Effective Date of this Agreement.
4. This Agreement and its contents shall be incorporated into the records maintained by the Board, are matters of public record, and are subject to disclosure without limitation to the public and equivalent state licensing boards.
5. The Board agrees that in return for the Registrant's execution of this Agreement, the Board will not advance the prosecution of the Registrant pursuant to the Complaint; any and all other rights of the Board to take action within the scope of its authority are expressly reserved.

Received

JAN 11 2010

BOARD OF
PHARMACY

6. The Registrant understands and agrees that his 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. The 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. The Registrant certifies that he has read this document entitled "Voluntary Surrender Agreement". The 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 the court in the event of an adverse ruling, and all other rights set forth in the State Administrative Procedure Act, G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.*

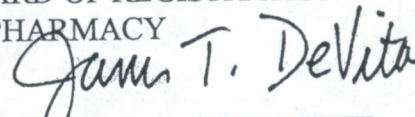

Witness (sign name)

Lawrence A. Bendell
Witness (print name)


Michael D. Bendell, R.Ph.

Effective Date: 1.7.10

BOARD OF REGISTRATION
IN PHARMACY

By: 
James T. DeVita, R.Ph.
President

Date: 12/1/09

Decision ID Number: 2226