

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
PLAZA PHARMACY II)
One Pearl Street)
Brockton, Massachusetts)
Pharmacy Registration No. 3382)

Docket No. DS-07-038

VOLUNTARY SURRENDER AGREEMENT

The Board of Registration in Pharmacy ("Board") and **Gbolahan O. Diyaolu, R.Ph.** ("Registrant"), a pharmacist registered by the Board (Pharmacist Registration No. 19258) and owner of **Plaza Pharmacy II**, registered by the Board as (Pharmacy Permit No. 3382) and located at One Pearl Street in Brockton, 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 the Pharmacy Registration No. 3382 in resolution of any disputed matters arising out of the complaint pending before the Board as Docket No. DS-07-038 ("Complaint") regarding certain practices and operations of the Pharmacy.
2. Registrant acknowledges and agrees that Board Investigators inspected the Pharmacy on February 27 and 28, 2007 and observed multiple violations of state and federal statutes and regulations pertaining to the practice of pharmacy, including, but not limited to:
 - a. Misbranded prescription medications were stored on Pharmacy premises in violation of 21 CFR 352;
 - b. Prescription medication samples were present on Pharmacy premises;
 - c. Previously dispensed prescription medications were present on Pharmacy premises;
 - d. The Pharmacy failed to provide the proper storage of prescription drug products, in violation of 247 CMR 6.02(6)(a) and (b);
 - e. Pharmacy personnel provided pharmacy services not in accordance with required supervisory ratios, in violation of 247 CMR 8.06(3); and
 - f. The practices and operations of the Pharmacy described in Paragraph 2 constitute a basis for disciplinary action by the Board, pursuant to M.G.L. c.112, §§ 42A and 61; M.G.L. c. 94C, s. 14; and 247 CMR 11.14(1)(d) and (1)(e); and constitute 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 Pharmacy Registration (No. 3382) in resolution of Complaint No. DS-07-038. Registrant shall return the Pharmacy registrations to the Board administrative office located at 239 Causeway St., Suite 200, Boston, Massachusetts 02114 office no later than 5:00 p.m. on March 7, 2007.
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 "Consent 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.

Carol A. Coleman

Witness (sign name)

CAROL A. COLEMAN

Witness (print name)

3/9/07

Gbolahan O. Diyaolu, R.Ph.

Date:

3/7/07

BOARD OF REGISTRATION
IN PHARMACY

By: Sophia M. Pasedis/Sm
Sophia M. Pasedis, R.Ph.
President Elect

3/9/07

Affirmed

Decision ID. No.