

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
)
)

VENTURA PHARMACY)

699 Bedford St.)

Fall River, Massachusetts)

Pharmacist Registration No. 2016)

Expired: 12/31/07)
)

Docket No. DS-08-041

VOLUNTARY SURRENDER AGREEMENT

ATC
Interim Manager Antonio T. CABRAL
Owner

The Board of Registration in Pharmacy ("Board") and **Francisco T. Cabral, R.Ph.** ("Registrant"), an individual registered by the Board as a pharmacist (Pharmacist Registration No. 12763) and owner of **Ventura Pharmacy** (Pharmacy Registration No. 2016), a pharmacy registered by the Board at 699 Bedford Street in Fall River, Massachusetts (the "Pharmacy"), does hereby stipulate and agree that the following information shall be entered into and become a permanent part of the files of Registrant and the Pharmacy that are maintained by the Board:

1. The parties enter into this Voluntary Surrender Agreement ("Agreement") to resolve disputed matters arising out of the complaint pending before the Board against Registrant and the Pharmacy; as Complaint Docket No. DS-08-041 (the "Complaint").
2. At all times relevant to this Agreement, Registrant was owner and Manager of Record of the Pharmacy.
3. The Registrant agrees that this Agreement is being entered into pursuant to Massachusetts General Laws (G.L.) Chapter 112, Section 61 for the purpose and with the intent of resolving the Complaints, which allege multiple violations of state and federal statutes and regulations by

Registrant in the operation of the Pharmacy, including but not limited to:

- a. Closing a pharmacy without complying with the requirements of 247 CMR 6.09 and 6.10; and
- b. Changing the location of a pharmacy without prior Board notification and approval; as required by required by G.L. c. 112, ss. 38 and 39 and 247 CMR 6.04 (2).

4. The Registrant acknowledges and agrees that the conduct referenced in Paragraph 3 hereof, and more particularly described in the Complaints, constitutes violations of G.L. c. 112, ss. 38, 39B and 61; 247 CMR sections 6.04(2), 9.01(1), 9.01(2), 9.01(6), 9.01(9), 10.03(1)(a), 10.03(1)(b), 10.03(1)(e), 10.03(1)(k), 10.03(1)(l), 10.03(1)(r), 10.03(1)(v), 10.03(1)(w), and 10.03(1)(x), and as such, is a basis for disciplinary action by the Board.

5. With the purpose and intent of resolving the Complaints, Registrant acknowledges and agrees to voluntarily SURRENDER the Pharmacy Registration (Expired) of Ventura Pharmacy, 699 Bedford St., Fall River, Massachusetts (No. 2016/Expired: 12/31/07) to the Board, along with any inchoate right to renew registration; such surrender to be effective as of the date Registrant executes this Agreement.

6. This Agreement and its contents shall be incorporated into the records maintained by the Board. This Agreement is a public record subject to disclosure to the public and reportable as discipline to the National Association of Boards of Pharmacy (NABP) and other state licensing boards.

7. The Board agrees that in return for Registrant's execution of this Agreement, the Board will not advance the prosecution of the Pharmacy pursuant to the Complaint. Any and all other rights of the Board to take action within the scope of its authority, including the Registrant's pharmacist registration, are expressly reserved.

8. The 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.

9. The Registrant states that he has consulted legal counsel in connection with his decision to enter into this Agreement and that if he has not consulted legal counsel; such decision was made of his own free will.

10. The Registrant certifies that he has read this document titled "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.*

Samuel J. Pente

Witness (sign name)

And Hebert

Witness (print name)

Antonio T. Cabral

Francisco T. Cabral, R.Ph.

Antonio T. CABRAL RPh - *Interim manager*
Owner

Effective Date: 1/23/08

BOARD OF REGISTRATION
IN PHARMACY

By: Sophia M. Pasedis

Sophia M. Pasedis, Pharm.D., R.Ph.
President

Board Decision ID No. 1677

Date: January 29, 2008