

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

In the Matter of  
Wallace Nduati  
Pharmacist Registration No. PH27681  
Expiration Date: December 31, 2014

PHA-2012-0148

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy (Board) and Wallace Nduati (Registrant), a Pharmacist licensed by the Board, Registration No. PH27681, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Registrant's record maintained by the Board:

1. The Registrant acknowledges that a complaint has been filed with the Board against his Massachusetts Pharmacist registration (registration<sup>1</sup>) related to the conduct set forth in paragraph 2, identified as Docket No. PHA-2012-0148 (the Complaint).
2. The Registrant admits that on March 1, 2012, the Registrant entered into a Consent Agreement with the State of Maine Board of Pharmacy. The Registrant admits that per this consent agreement, he accepted a Warning from the State of Maine Board of Pharmacy and agreed to pay a fine. The Registrant acknowledges that the foregoing facts warrant disciplinary action by the Board under Mass. General Laws., ch. 42A and 61, and under 247 CMR 10.03(t).
3. The Registrant agrees that the Board shall impose a REPRIMAND on his license based on his registration based on the facts admitted in Paragraph 2, effective as of the date on which the Board signs this Agreement (Effective Date).
4. The Registrant further agrees that as a precondition to the Board entering into this Agreement in resolution of the Complaint, he must first submit documentation showing that he has successfully completed all continuing education requirements required pursuant to 247 CMR 4.03(4) for the renewal cycle ending December 31, 2012. The Board agrees that in return for the Registrant's successful compliance with this paragraph and his execution of this Agreement, the Board will not prosecute the Complaint.
5. The Registrant understands that he has a right to formal adjudicatory hearing concerning the Complaint and that during said adjudication he would possess the right 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 courts, and all other rights as set forth in the Massachusetts Administrative Procedures Act, G. L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.* The

<sup>1</sup> The term "registration" applies to both a current registration and the right to renew an expired registration.

Registrant further understands that by executing this Agreement he is knowingly and voluntarily waiving his right to a formal adjudication of the Complaint.

6. The Registrant acknowledges that he has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.
7. The Registrant acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board subject to the Commonwealth of Massachusetts' Public Records Law, G.L. ch. 4, §7. The Board may forward a copy of this Agreement to other licensing boards, law enforcement entities, and other individuals or entities as required or permitted by law.
8. The Registrant certifies that he has read this Agreement. The Registrant understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal or judicial review.

Jennifer Reno 12-23-13  
Witness (sign and date)  
Print Name: Jennifer Reno

Wallace Nduati 12/23/13  
Wallace Nduati (sign and date)

1-16-14  
Effective Date of Reprimand Agreement

David Sencabaugh  
David Sencabaugh  
Executive Director  
Board of Registration in Pharmacy

Fully Signed Agreement Sent to Registrant on January 16, 2014 by Certified Mail  
No. 7610 1890 0662 2380 5196

State of Massachusetts, Worcester County  
On this 23<sup>rd</sup> day of December, 2013, before me,  
the undersigned notary public, personally  
appeared Wallace Nduati,  
proved to be the person whose name is signed on  
the attached document, and acknowledged to me  
that he/she signed it voluntarily for its stated  
purpose.

