1984
Office of
The Attorney General
Dept. of Health and Mental Hygiene

February 22, 1984
6060 Short Boulevard
Gulfport, Florida 33707

State Board of Pharmacy
Department of Health and
Mental Hygiene
1st Floor
201 West Preston Street
Baltimore, Maryland 21201

Dear Dr. Lachman and Board Members:

Please be advised that I have decided to resign my Maryland license which entitles me to practice pharmacy in the State of Maryland.

My decision to discontinue the practice of pharmacy has been prompted by an investigation of my conduct by the Maryland State Board of Pharmacy (the "Board"). I acknowledge that the Board has charged me with violations of Sections of the Maryland Pharmacy Act, found in the Health Occupations Article, specifically Sections 12-311(b)(6), (7), (14) and (20). A copy of the Board's charge letter, dated November 1, 1983 is enclosed and incorporated into this letter. My decision to discontinue practicing as a pharmacist has been prompted by my desire to avoid a formal disciplinary proceeding before the Board.

In executing the agreements to surrender permanently my license to practice pharmacy to the Board, I recognize and agree that my status as a resignee is the same as that of a person whose license has been revoked following a hearing before the Board. In other words, I agree that if, in the future, I determine that I would like once again to practice as a pharmacist in Maryland, I will, at that time, approach the Board in the same posture as one whose license has been revoked for reasons as above set forth and in the charge letter of November 1, 1983.

I realize that if I return to the state of Maryland and wish to resume the practice of pharmacy I must petition the Board for reinstatement of my license. At that time the Board will review my case and determine my fitness to have my license reinstated.

In addition, I agree that this letter, the enclosures and the Board's disposition, may be released or published by the Board to the same extent as a final order which would result from a disciplinary, under the Public Information Act, Article 76A, Section 1 et. seq., Maryland Annotated Code.

Finally, I wish to make clear that I have had the opportunity to discuss this matter with an attorney, but have voluntarily and knowingly decided not to counsul an attorney because of financial concerns; however, I understand both the charge letter and this letter of resignation fully. I make this decision voluntarily and knowingly.

Sincerely,

Jack Goldberg, P.D. 2/6/84
(date)

JG:fes

Enclosures

cc: Barbara Hull Foster, Assistant Attorney General
Ronald S. Gass, Assistant Attorney General
Counsel for the Board
Roslyn Scheer, Executive Director
for the Board

STATE OF FLORIDA)
CITY/COUNTY) ss St Petersburg Pinellas County

I HEREBY CERTIFY that on this 6TH day of February, 1984, before me, the subscriber, a Notary Public of the State of Florida, personally appeared JACK GOLDBERG, P.D. and he made oath in due form of law that the foregoing resignation letter is his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

Notary Public 2-6-84

My Commission expires: 6-9-84

November 1, 1983

Jack Goldberg, P.D.
14116-D Marquessas Way
Marina Del Ray, California 90291

Re: Violation of Health Occupations
Article § 12-311

Dear Dr. Goldberg:

Section 12-311(b) of the Health Occupations Article (the "Act") provides that subject to the hearing provisions of Section 12-312 the State Board of Pharmacy (the "Board"), on an affirmative vote of two-thirds majority of its members then serving, may reprimand any licensee or suspend or revoke a license if the licensee:

(6) Willfully makes or files a false report or record as part of practicing pharmacy;

(7) Willfully fails to file or record any report that is required by law;

(14) Without first having received a written or oral prescription for a drug from an authorized prescriber, dispenses any drug for which a prescription is required;

(20) Is professionally incompetent

The Board charges that you have committed these acts. The basis of the Board's charges are the following.

While working as a licensed pharmacist and operating Glassell Circle Pharmacy at 4000 Eagle Rock Boulevard, Eagle Rock, California 90065;

1. You failed to maintain records to account for the acquisition and disposition of dangerous drugs, including, but not limited to Talwin 50 mg., Quaalude 300 mg., Preludin 75 mg., Tuinal 200 mg.;

2. You filled prescriptions which you failed to verify and initial, said prescriptions being forged;

3. You dispensed prescriptions to persons when you knew, or should have known that these prescriptions were not issued for a legitimate medical purpose by a practitioner acting in the usual course of his/her professional practice.

Pursuant to § 12-312 of the Act, a hearing on this charge will be held before the Board on January 18, 1984 at 1:00 p.m. at the O'Conor Building, 201 West Preston Street, Baltimore, Maryland 21201 in Room L-2.

Proceedings before the Board are conducted in accordance with the Administrative Procedure Act, Maryland Annotated Code, Article 41, § 244 and following and the regulations promulgated by the Board, found at COMAR 10.34.01. The Administrative procedure Act give you the right to call witnesses, to cross examine every witness called by the Board, and to present summation and argument.

Because your license to practice pharmacy in the State of Maryland may be revoked or suspended or the Board may refuse to renew your license or may issue you a reprimand if it finds you guilty of violating the Act, you are strongly urged to retain and be represented by an attorney at the hearing. If you intend to retain legal counsel, you should do so immediately after receiving this notice of hearing. The Board does not customarily grant postponements unless there is a compelling reason to support such a request.

The case against you will be presented to the Board by Barbara Hull Foster, Assistant Attorney General, Department of Health and Mental Hygiene, Suite 302, 300 West Preston Street, Baltimore, Maryland 21201, (301) 383-2338. You or your attorney may contact Ms. Foster directly at any time prior to the hearing. At your request, Ms. Foster will advise you of the names and address of any witnesses that may be called to testify against you and will allow you or your attorney to examine and copy and non-privileged documentary evidence, reports or other communications regarding your case which are included in her file. In addition, she will furnish you with a copy of the Board's Rules of Procedures.

A pre-hearing conference will be held on Monday, December 5, 1983 at 9:00 a.m. at 300 West Preston Street, Baltimore, Maryland 21201, in Suite 302. Since your are in California, a pre-hearing conference can be held by conference call. If you wish to have a pre-hearing conference call, please notify me immediately in order that we can set such a hearing at a time that would be convenient for you since 9:00 a.m. our time would not be good for you.

Please acknowledge receipt of this letter, and also call or have you attorney call Ms. Foster as soon as possible.

Sincerely,

Joslyn Scheer, Executive Director
Board of Pharmacy

RS:fes

cc: Ronald S. Gass, Assistant Attorney General
Barbara Hull Foster, Assistant Attorney General
Investigative Unit