

**BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA**

Re:	)	COMPLAINT
Pharmacy License of	)	AND STATEMENT
KELEHER PHARMACY	)	OF CHARGES
License No. 234	)	AND
Victoria L. Petrzilka,	)	NOTICE
Pharmacist in charge,	)	OF HEARING
Respondent)	

COMES NOW, Lloyd K. Jessen, Executive Secretary-Director of the Iowa Board of Pharmacy Examiners, on the 21st day of February, 1994, and files this Complaint and Statement of Charges and Notice of Hearing against Keleher Pharmacy, a pharmacy licensed pursuant to Iowa Code chapter 155A, and alleges that:

1. Marian L. Roberts, Chairperson; Phyllis A. Olson, Vice Chairperson; Phyllis A. Miller; Mary Pat Mitchell; Matthew C. Osterhaus; and Arlan D. Van Norman are duly appointed, qualified members of the Iowa Board of Pharmacy Examiners.

2. Respondent is licensed to operate a pharmacy at 402 First Street, Glenwood, Iowa 51534, and holds license number 234.

3. General pharmacy license number 234, issued in the name of Keleher Pharmacy, Inc., with Victoria L. Petrzilka as pharmacist in charge, was renewed on January 14, 1994, and is current until December 31, 1994.

4. Thomas L. Keleher is part owner of Keleher Pharmacy, Inc., 402 First Street, Glenwood, Iowa 51534.

5. During the period February 15, 1991, through March 26, 1993, and at other times material, Thomas L. Keleher was the pharmacist in charge of Keleher Pharmacy, Inc.

6. On or about March 26, 1993, Thomas L. Keleher was arrested and charged with unlawful possession of a machinegun and illegal distribution of controlled substances. The Information filed in the U.S. District Court for the Southern District of Iowa included the following:

THE UNITED STATES ATTORNEY CHARGES:

COUNT I

On or about March 26, 1993, in the Southern District of Iowa, the defendant THOMAS LEE KELEHER did knowingly and unlawfully possess a machinegun, to wit: a Lewis 30.06 caliber machinegun.

This is a violation of Title 18, United States Code, Section 922(o)(1).

THE UNITED STATES FURTHER CHARGES:

COUNT II

From on or about February 15, 1991, to and including March 26, 1993, in the Southern District of Iowa, the defendant THOMAS LEE KELEHER, did knowingly and intentionally distribute and dispense Phendimetrazine Tartrate, Zydone and Anexsia, Schedule III controlled substances and Phentermine and Restoril, Schedule IV controlled substances.

This is a violation of Title 21, United States Code, Section 841(a)(1).

7. On May 27, 1993, Thomas L. Keleher entered a guilty plea in the U.S. District Court for the Southern District of Iowa. The Plea Agreement provided, in part, the following:

1. Defendant will waive indictment by the grand jury and plead guilty to a two-count Information charging him with one violation of 18 U.S.C. § 922(o) and one violation of 21 U.S.C. § 841(a)(1).

....

12. Defendant understands that his criminal conduct and plea of guilty in this case may have civil and administrative ramifications from which defendant is not protected by virtue of this plea agreement.

13. The parties agree that the Stipulation of Facts attached hereto and by this reference incorporated herein as Exhibit "A" furnishes a factual basis for this plea and should be used by the court in determining the appropriate sentence.

....

EXHIBIT A STIPULATION OF FACTS

1. At all times material, Thomas Lee Keleher (hereinafter "Keleher") was a resident of Omaha, Nebraska.

2. At all times material, Keleher was a registered pharmacist, holding a license issued by the Iowa Board of Pharmacy Examiners. At all times material, Keleher was part owner of the Keleher Pharmacy located at 402 First Street, Glenwood, Iowa. Keleher Pharmacy is a licensed retail pharmacy and has been issued a license by the Iowa Board of Pharmacy Examiners. Keleher Pharmacy is also registered under provisions of the Controlled Substances Act, 21 U.S.C. § 823 et. seq. as a retail pharmacy and has a registration number with the United States Department of Justice Drug Enforcement Administration (DEA).

3. Keleher also holds a Federal Firearm License issued by the United States Department of the Treasury Bureau of Alcohol, Tobacco and Firearms (BATF). On his BATF license he lists his place of business for firearms sales as Keleher Pharmacy, Glenwood, Iowa. Such license does not permit him to make, possess or transfer machineguns...or firearm silencers...unless they are

registered with BATF and transferred according to BATF regulations.

4. Keleher previously applied for and was granted permission by BATF to possess these machineguns:

Japanese, Model 99, 7.7 caliber (which was registered to Keleher by BATF on the representation by Keleher that it was inoperable)

German, Model MP40, 9mm

Keleher has never applied or obtained permission from BATF to make, possess or transfer firearm silencers.

5. During the period August 1, 1992, to March 26, 1993, Keleher possessed the following machineguns that were not registered with BATF:

Sten gun

Inland Model M-2 .30 caliber machinegun

Lewis 30.06 caliber machinegun

Chauchat machinegun

All four machine guns were offered for sale to BATF agents who were acting in an undercover capacity. Agents purchased the Sten gun from Keleher on October 15, 1992, for \$500 and the M-2 on Decemer 17, 1992, for \$800. On the date of his arrest, Keleher was negotiating to sell the undercover agents the Lewis and the Chauchat machineguns for a total price of \$30,000.

6. On or about March 26, 1993, BATF agents also seized the following firearms from Keleher which he claims are not machineguns within the meaning of the statute and which BATF has reason to believe fit the definition of machineguns.

Japanese Model 99, 7.7 caliber

AR-10

.....

7. During the period August 1, 1992, to March 26, 1993, Keleher possessed two firearm silencers. One was made from an empty two liter 7-Up bottle. The second was made from a length of pipe and was fitted so that a KG-99 barrel could be connected to the silencer.

8. While dealing with BATF agents who were acting in their undercover capacity, Keleher gave the agents the following controlled substances which Keleher took from his pharmacy and from his home in Omaha. The BATF agents did not solicit the drugs nor did they have a prescription to lawfully obtain such substances:

a. On October 15, 1992, he [Keleher] gave the agents 34½ (35mg) Phendimetrazine Tartrate tablets. Phendimetrazine Tartrate is a Schedule III controlled substance.

b. On December 17, 1992, Keleher gave the agents 10 (37½ mg) Phentermine tablets. Phentermine is a Schedule IV controlled substance.

c. On March 25, 1993, Keleher gave the agents 22 (37½ mg) Phentermine tablets. Phentermine is a Schedule IV controlled substance.

9. During the period February 15, 1991, through December 26, 1992, Keleher knowingly and willfully distributed Schedule III and IV controlled substances to...[K.W.] and...[T.W.] without authorization from a physician. The government contends all the prescriptions in attachment 1 were distributed by Keleher without authorizations from a physician. Keleher admits all the prescriptions in attachment 1 that do not have a check mark next to the date were knowingly and willfully distributed by him without authorization from a physician. Both parties reserve the right to put on evidence relative to those prescriptions with a check mark next to the date at the time of sentencing.

The parties agree anexasia and zydone are Schedule III controlled substances. Restoril is a Schedule IV controlled substance.

10. At all times material Keleher knew that possession of unregistered machineguns and firearm silencers was against the law.

11. At all times material Keleher knew that distribution of controlled substances without valid medical authorization wa against the law and he knew that the distributions detailed in paragraphs 8 and 9 above were against the law.

....

ATTACHMENT I
KELEHER PHARMACY

<u>DATE FILLED</u>	<u>RX #</u>	<u>DRUG</u>	<u>QTY</u>	<u>PATIENT</u>
02-15-91	182262	Zydone	100	KW
02-15-91	182265	Prelu-2	30	TW
03-20-91	182485	Prelu-2	30	TW

DATE FILLED	RX #	DRUG	QTY	PATIENT
03-20-91	182262	Zydone	100	KW
03-27-91	182544	Restoril	30	KW
√05-11-91	182766	Prelu-2	30	TW
05-11-91	182785	Zydone	100	KW
06-13-91	182960	Prelu-2	30	TW
06-17-91	182978	Anexsia	100	KW
07-01-91	183052	Darvocet-N 100	50	TW
07-12-91	183108	Darvocet-N 100	50	TW
√07-12-91	183109	Anexsia	100	KW
07-29-91	183186	Darvocet-N 100	50	TW
√07-29-91	183187	Anexsia	100	KW
08-10-91	183251	Darvocet-N 100	50	TW
08-16-91	183277	Anexsia	100	KW
08-21-91	183302	Zydone	30	TW
09-01-91	183277	Anexsia	100	KW
09-11-91	183421	Darvocet-N 100	50	TW
09-21-91	183472	Zydone	30	TW
09-21-91	183473	Anexsia	100	KW
10-05-91	183569	Zydone	30	TW
10-05-91	183568	Anexsia	100	KW
10-12-91	183607	Zydone	30	TW
10-19-91	183649	Restoril	30	KW
10-19-91	183648	Zydone	30	TW
10-21-91	183649	Zydone	30	KW
√10-22-91	183647	Anexsia	100	KW
12-02-91	183874	Anexsia	100	KW
11-04-91	183707	Anexsia	100	KW
11-09-91	183755	Zydone	30	TW
11-18-91	183795	Anexsia	100	KW
11-25-91	183755	Zydone	30	TW
12-02-91	183875	Restoril	30	KW
12-06-91	183912	Zydone	30	TW
12-13-91	183912	Zydone	30	TW
12-16-91	184007	Anexsia	100	KW
12-24-91	184066	Zydone	30	TW
12-29-91	184066	Zydone	30	TW
√01-02-92	184111	Anexsia	100	KW
01-10-92	184168	Zydone	30	TW
√01-17-92	184215	Prelu-2	30	TW
01-17-92	184211	Anexsia	100	KW
01-17-92	184212	Restoril	30	KW
01-20-92	184168	Zydone	30	TW
02-01-92	184307	Zydone	30	TW
√02-03-92	184314	Anexsia	100	KW
√02-17-92	184314	Anexsia	100	KW
02-21-92	184307	Zydone	30	TW
02-23-92	184423	Prelu-2	30	TW
02-29-92	184475	Zydone	30	TW
02-29-92	184474	Restoril	30	KW

DATE FILLED	RX #	DRUG	QTY	PATIENT
√03-05-92	184314	Anexsia	100	KW
03-11-92	184536	Zydone	30	TW
03-16-92	184570	Zydone	30	TW
√03-18-92	184314	Anexsia	100	KW
03-27-92	184640	Restoril	30	KW
04-01-92	184314	Anexsia	100	KW
04-07-92	184717	Zydone	30	TW
04-15-92	184314	Anexsia	100	KW
04-15-92	184749	Zydone	30	TW
√04-16-92	184757	Prelu-2	30	TW
04-21-92	184778	Zydone	30	TW
04-27-92	184808	Zydone	30	TW
04-27-92	184807	Restoril	30	KW
√05-01-92	184852	Anexsia	100	KW
05-05-92	184885	Zydone	30	TW
05-12-92	184926	Zydone	30	TW
√05-18-92	184852	Anexsia	100	KW
05-18-92	184952	Zydone	30	TW
05-24-92	184985	Zydone	30	TW
05-26-92	184995	Restoril	30	KW
05-30-92	185023	Zydone	30	TW
√06-02-92	184852	Anexsia	100	KW
06-04-92	185056	Zydone	30	TW
06-15-92	185092	Zydone	30	TW
√06-16-92	184852	Anexsia	100	KW
06-27-92	185161	Zydone	30	TW
06-28-92	185162	Prelu-2	30	TW
√07-02-92	184852	Anexsia	100	KW
07-08-92	185220	Restoril	30	KW
07-13-92	185247	Zydone	30	TW
√07-16-92	184852	Anexsia	100	KW
07-27-92	185312	Zydone	30	TW
08-03-92	185358	Anexsia	100	KW
08-07-92	185392	Restoril	30	KW
08-08-92	185398	Zydone	30	TW
08-15-92	185428	Zydone	30	TW
08-17-92	185358	Anexsia	100	KW
08-25-92	185467	Zydone	30	TW
08-31-92	185498	Zydone	30	TW
09-01-92	185358	Anexsia	100	KW
09-08-92	185535	Zydone	30	TW
√09-08-92	185534	Prelu-2	30	TW
09-14-92	185569	Zydone	30	TW
09-17-92	185358	Anexsia	100	KW
09-22-92	185623	Zydone	30	TW
10-01-92	185358	Anexsia	100	KW
10-10-92	185736	Zydone	30	TW
10-10-92	185738	Restoril	30	KW
10-16-92	185358	Anexsia	100	KW

DATE FILLED	RX #	DRUG	QTY	PATIENT
10-21-92	185809	Zydone	30	TW
10-30-92	185862	Prelu-2	30	TW
10-30-92	185466	Anexsia	100	KW
11-05-92	185900	Zydone	30	TW
√11-14-92	185466	Anexsia	100	KW
11-21-92	185738	Restoril	30	KW
11-21-92	186011	Zydone	30	TW
√12-01-92	185466	Anexsia	100	KW
12-05-92	186086	Zydone	30	TW
12-14-92	186130	Anexsia	100	KW
12-26-92	186130	Anexsia	100	KW

8. On January 26, 1994, in the U.S. District Court for the Southern District of Iowa, Thomas L. Keleher was sentenced to 18 months in prison. He was ordered to begin serving his prison term on February 28, 1994. Thomas L. Keleher was also fined \$5,000 and ordered to serve three years on supervised release after his prison term.

9. Respondent is guilty of violations of 1993 Iowa Code sections 124.308(3), 124.401(1)(c)(6), 124.402(1)(a), 155A.15(2)(a), 155A.15(2)(c), 155A.15(2)(d), 155A.15(2)(h), 155A.15(2)(i), 155A.23(2), and 155A.23(4) by virtue of the allegations contained in paragraphs 6, 7, and 8.

1993 Iowa Code section 124.308 provides, in part, the following:

3. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in Schedule III or IV, which is a prescription drug as determined under chapter 155A, shall not be dispensed without a written or oral prescription of a practitioner. The prescription may not be filled or refilled more than six months after

the date thereof or be refilled more than five times, unless renewed by the practitioner.

1993 Iowa Code section 124.401 provides, in part, the following:

1. Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with the intent to manufacture or deliver, a controlled substance, a counterfeit substance, or a simulated controlled substance, or to act with, enter into a common scheme or design with, or conspire with one or more other persons to manufacture, deliver, or possess with the intent to manufacture or deliver a controlled substance, a counterfeit substance, or a simulated controlled substance.

....

c. Violation of this subsection with respect to the following controlled substances, counterfeit substances, or simulated controlled substances is a class "C" felony, and in addition to the provisions of section 902.9, subsection 3, shall be punished by a fine of not less than one thousand dollars nor more than fifty thousand dollars:

....

(6) Any other controlled substance, counterfeit substance, or simulated controlled substance classified in schedule I, II, or III.

1993 Iowa Code section 124.402 provides, in part, the following:

1. It is unlawful for any person:
a. Who is subject to division III to distribute or dispense a controlled substance in violation of section 124.308.

1993 Iowa Code section 155A.15 provides, in part, the following:

2. ...The board may refuse to issue or renew a license or may impose a fine, issue a reprimand, or revoke, restrict, cancel, or suspend a license, and may place a licensee on probation, if the board finds that the applicant or licensee has done any of the following:

a. Been convicted of a felony or a misdemeanor involving moral turpitude, or if the applicant is an association, joint stock company, partnership, or corporation, that a managing officer has been convicted of a felony or a misdemeanor involving moral turpitude, under the law of this state, another state, or the United States.

....

c. Violated any provision of this chapter or any rule adopted under this chapter or that any owner or employee of the pharmacy has violated any provision of this chapter or any rule adopted under this chapter.

d. Delivered without legal authorization prescription drugs or devices to a person other than one of the following:

(1) A pharmacy licensed by the board.

(2) A practitioner.

(3) A person who procures prescription drugs or devices for the purpose of lawful research, teaching, or testing, and not for resale.

(4) A manufacturer or wholesaler licensed by the board.

....

h. Failed to keep and maintain records as required by this chapter, the controlled substances Act, or rules adopted under the controlled substances Act.

i. Failed to establish effective controls against diversion of prescription drugs into other than legitimate medical, scientific, or industrial channels as provided by this chapter and other Iowa or federal laws or rules.

1993 Iowa Code section 155A.23 provides, in part, the following:

A person shall not:...

2. Willfully make a false statement in any prescription, report, or record required by this chapter.

....

4. Make or utter any false or forged prescription or written order.

10. Respondent is guilty of violations of 657 Iowa Administrative Code sections 8.5(1), 9.1(4)(b)(2), 9.1(4)(b)(4), 9.1(4)(c), 9.1(4)(e), 9.1(4)(i), 9.1(4)(j), and 9.1(4)(u) by virtue of the allegations contained in paragraphs 6, 7, and 8.

657 Iowa Administrative Code section 8.5 provides, in part, the following:

Unethical conduct or practice. The provisions of this section apply to licensed pharmacists and registered pharmacist-interns.

8.5(1) Misrepresentative deeds. A pharmacist shall not make any statement tending to deceive, misrepresent, or mislead anyone, or be a party to or an accessory to any fraudulent or deceitful practice or transaction in pharmacy or in the operation or conduct of a pharmacy.

657 Iowa Administrative Code section 9.1(4) provides, in part, the following:

The board may impose any of the disciplinary sanctions set out in subrule 9.1(2), including civil penalties in an amount not to exceed \$25,000, when the board determines that the licensee or registrant is guilty of the following acts or offenses:...

b. Professional incompetency. Professional incompetency includes but is not limited to:...

(2) A substantial deviation by a pharmacist from the standards of learning or skill ordinarily possessed and applied by other pharmacists in the state of Iowa acting in the same or similar circumstances.

....

(4) A willful or repeated departure from, or the failure to conform to, the minimal standard or acceptable and prevailing practice of pharmacy in the state of Iowa.

c. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of pharmacy or engaging in unethical conduct or practice harmful to the public. Proof of actual injury need not be established.

....

e. Conviction of a felony. A copy of the record of conviction or a plea of guilty shall be conclusive evidence.

....

i. Willful or repeated violations of the provisions of Iowa Code chapter 147. Willful or repeated violations of this Act include but are not limited to a pharmacist intentionally or repeatedly violating a lawful rule or regulations promulgated by the board of pharmacy examiners or the state department of health

or violating the provisions of Title VII (Public Health) or Title VIII (Practice Acts), Code of Iowa, as amended.

j. Violating a statute or law of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which statute or law relates to the practice of pharmacy.

....

u. Violating any of the grounds for revocation or suspension of a license listed in Iowa Code sections 147.55, 155A.12 and 155A.15.

The Iowa Board of Pharmacy Examiners finds that paragraphs 9 and 10 constitute grounds for which Respondent's license to operate a pharmacy in Iowa can be disciplined.

WHEREFORE, the undersigned charges that Respondent has violated 1993 Iowa Code sections 124.308(3), 124.401(1)(c)(6), 124.402(1)(a), 155A.15(2)(a), 155A.15(2)(c), 155A.15(2)(d), 155A.15(2)(h), 155A.15(2)(i), 155A.23(2), and 155A.23(4) and 657 Iowa Administrative Code sections 8.5(1), 9.1(4)(b)(2), 9.1(4)(b)(4), 9.1(4)(c), 9.1(4)(e), 9.1(4)(i), 9.1(4)(j), and 9.1(4)(u).

IT IS HEREBY ORDERED, pursuant to Iowa Code section 17A.12 and 657 Iowa Administrative Code section 1.2, that Victoria L. Petrzilka appear on behalf of Keleher Pharmacy, Inc., before the Iowa Board of Pharmacy Examiners on Wednesday, April 20, 1994, at 10:00 a.m., in the second floor conference room, 1209 East Court Avenue, Executive Hills West, Capitol Complex, Des Moines, Iowa.

The undersigned further asks that upon final hearing the Board enter its findings of fact and decision to discipline the license to operate a pharmacy issued to Keleher Pharmacy, Inc., on

January 14, 1994, and take whatever additional action that they deem necessary and appropriate.

Respondent may bring counsel to the hearing, may cross-examine any witnesses, and may call witnesses of its own. If Respondent fails to appear and defend, Iowa Code section 17A.12(3) provides that the hearing may proceed and that a decision may be rendered. The failure of Respondent to appear could result in disciplinary action, including the permanent suspension or revocation of its license.

The hearing will be presided over by the Board which will be assisted by an administrative law judge from the Iowa Department of Inspections and Appeals. The office of the Attorney General is responsible for representing the public interest in these proceedings. Information regarding the hearing may be obtained from Theresa O'Connell Weeg, Assistant Attorney General, Hoover Building, Capitol Complex, Des Moines, Iowa 50319 (telephone 515/281-6858). Copies of all filings with the Board should also be served on counsel.

IOWA BOARD OF PHARMACY EXAMINERS



Lloyd K. Jessen

Executive Secretary/Director

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

Re: Pharmacy License of	)	STIPULATION
KELEHER PHARMACY	)	AND
License No. 234	)	INFORMAL
Victoria L. Petrzilka,	)	SETTLEMENT
Pharmacist in charge,)	
Respondent)	

COMES NOW the Iowa Board of Pharmacy Examiners (the Board) and Keleher Pharmacy (Respondent) and, pursuant to Iowa Code sections 17A.10 and 272C.3(4), enter into the following Stipulation of the contested case currently on file:

1. Respondent is licensed to operate as a pharmacy at 402 First Street, Glenwood, Iowa, 51534, and holds license number 234.
2. Respondent's license is current until December 31, 1994.
3. A Complaint and Statement of Charges and Notice of Hearing was filed against Respondent on February 21, 1994.
4. The Board has jurisdiction of the parties and the subject matter.
5. Respondent does contest the allegations set forth in the complaint. The Respondent agrees that the Board may treat the allegations as true for the purpose of this Informal Settlement only and it is expressly understood that the Respondent is not affirmatively admitting to the allegations.
6. Respondent's license is placed on probation for a period of five years from the date of approval of this Stipulation and Informal Settlement. During the probationary period the Respondent shall:
 - a. Maintain a perpetual inventory of all controlled

substances (schedules II through V).

b. Complete monthly physical inventories of all controlled substances (schedules II through V) during the first two years of probation. The physical inventory shall be reconciled to the perpetual inventory of all controlled substances (schedules II through V). Respondent shall submit verified accountings, signed and verified by the pharmacist in charge and another pharmacist, every six months beginning 180 days following approval of this Stipulation and Informal Settlement.

c. Obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy and all federal and state criminal laws.

d. Not supervise any registered pharmacy intern or extern and shall not perform any of the duties of a preceptor. In addition, no other pharmacist employed at Keleher Pharmacy shall supervise any registered pharmacy intern or extern or perform any of the duties of a preceptor.

e. Notify all pharmacist employees of its prescription department of the resolution of this case and the probationary terms, conditions, and restrictions imposed on Respondent by this document. Within ten (10) days after the approval of this Stipulation and Informal Settlement or within ten (10) days of when a new pharmacist employee begins working in Respondent's prescription department, Respondent shall cause each of its pharmacist employees to report to the Board in writing acknowledging that the employee has read this document and

understands it.

f. Pay all required fees for timely renewal of the pharmacy license to prevent the license from lapsing during the period of probation.

g. Submit a written progress report to the Board once every six (6) months for two years, beginning 180 days following approval of this Stipulation and Informal Settlement, stating truthfully whether or not Respondent has complied with all terms, restrictions, and conditions of the probation. Respondent shall continue to submit a similar report to the Board once a year, beginning on or about June 8, 1996.

7. Respondent shall submit written policies and procedures for the filling and refilling of all controlled substance prescriptions (drugs in schedules II through V) to the Board, for its approval, within 30 days of the approval of this Stipulation and Informal Settlement.

8. Respondent shall pay a civil penalty in the amount of \$5,000. Within thirty (30) days of approval of this Stipulation and Informal Settlement, Respondent shall remit a check in the amount of \$1,250.00 made payable to the Iowa Board of Pharmacy Examiners. Within one hundred twenty (120) days of approval of this Stipulation and Informal Settlement, Respondent shall remit a second check in the amount of \$1,250.00 made payable to the Iowa Board of Pharmacy Examiners. Within two hundred ten (210) days of approval of this Stipulation and Informal Settlement, Respondent shall remit a third check in the amount of \$1,250.00 made payable

to the Iowa Board of Pharmacy Examiners. Within three hundred (300) days of approval of this Stipulation and Informal Settlement, Respondent shall remit a fourth and final check in the amount of \$1,250.00 made payable to the Iowa Board of Pharmacy Examiners. All checks shall be deposited to the General Fund of the state of Iowa.

9. Should Respondent violate probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation. If a petition to revoke probation is filed against Licensee during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

10. Upon successful completion of probation, Respondent's license will be fully restored.

11. Stipulation and Informal Settlement is subject to approval of the Board. If the Board approves this Stipulation and Informal Settlement, it becomes the final disposition of this matter. If the Board fails to approve this Stipulation and Informal Settlement, it shall be of no force or effect to either party.

12. This Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration on the 6th day of June, 1994.

*Keleher Pharmacy
by Victoria L. Petrzilka
Pharmacist-in-Charge*

KELEHER PHARMACY
Victoria L. Petrzilka,
Pharmacist in charge,
Respondent

Signed and sworn to before me this 6th day of June, 1994.



Karen L. Smith
NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

13. This Informal Settlement is accepted by the Iowa Board of
Pharmacy Examiners on the 8 day of June, 1994.

Marian L. Roberts
Marian L. Roberts, Chairperson
Iowa Board of Pharmacy Examiners