

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2012-70
Pharmacist License of)	
DAVID SADARO)	STATEMENT OF CHARGES
License No. 13543,)	& NOTICE OF HEARING
Respondent.)	

COMES NOW the Iowa Board of Pharmacy (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2) and 17A.18(3). Respondent was issued Iowa license 13543. Respondent's license is currently active.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on November 8, 2012, before the Iowa Board of Pharmacy. The hearing shall be held during the morning session, beginning at 9:00 a.m. and shall be located in the Board conference room located at 400 S.W. 8th Street, Des Moines, Iowa.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge from the Department of Inspections and Appeals make initial rulings on prehearing matters, and be present to assist and advise the board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 Iowa Administrative Code rule 35.19. At hearing you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address.

Meghan Gavin
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor Hoover State Office Building
Des Moines, Iowa 50319.

Ms. Gavin can also be reached by phone at (515)281-6736 or e-mail at Meghan.Gavin@iowa.gov.

Communications. You may contact the Board office (515) 281-5944 with questions regarding this notice and other matters relating to these disciplinary proceedings. However, you

Communications. You may contact the Board office (515) 281-5944 with questions regarding this notice and other matters relating to these disciplinary proceedings. However, you may NOT contact individual members of the Board to discuss these proceedings by phone, letter, facsimile, email, or in person. Board members can only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You may also direct questions relating to settlement of these proceedings to Assistance Attorney General Meghan Gavin at (515)281-6736.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 155A, and 272C (2011).

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 148C, and 272C (2011) and 657 Iowa Administrative Code chapter 36.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 Iowa Administrative Code rule 35.21.

C. CHARGES

Count I—INABILITY TO PRACTICE DUE TO CHEMICAL ABUSE

Respondent is charged with the inability to practice pharmacy with reasonable skill and safety by reason of chemical abuse in violation of Iowa Code section 155A.12(1) and 657 Iowa Administrative Code rules 36.1(4)(d) and 36.1(4)(m).

Count II—UNLAWFUL POSSESSION OF PRESCRIPTION DRUGS

Respondent is charged with unlawful possession of prescription drugs in violation of Iowa Code sections 155A.12(1), 155A.21, and 155A.23(11) and 657 Iowa Administrative Code rules 36.1(4)(j) and 36.1(4)(u).

Count III—SEXUAL ABUSE

Respondent is charged with violating a statute or law of this state, which relates to the practice of the profession in violation of Iowa Code sections 155A.12(1), 155A.21, and 155A.23(11) and 657 Iowa Administrative Code rules 36.1(4)(j) and 36.1(4)(u).

D. FACTUAL CIRCUMSTANCES

1. At all times material to this statement of charges, Respondent was a licensed pharmacist in the State of Iowa.

2. On April 20, 2012, Respondent was arrested by the Bloomfield Police Department for sex abuse in the third degree.

3. Following his arrest, a search warrant was executed by Bloomfield Police of the Respondent's home.

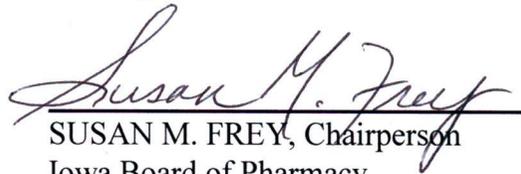
4. Numerous controlled substances were found in the Respondent's home for which he did not have a prescription, including three vials of Lorazepam, a syringe, and a prescription of Diazepam rectal gel prescribed to another individual.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 Iowa Administrative Code rule 36.3. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General Meghan Gavin.

F. PROBABLE CAUSE FINDING

On this 29th day of August, 2012, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



SUSAN M. FREY, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Meghan Gavin
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa

BEFORE THE IOWA BOARD OF PHARMACY

IN THE MATTER OF THE)
STATEMENT OF CHARGES AGAINST)
DAVID SADARO,)
Pharmacist No. 13543)
Respondent.)

Case No. 2012-70

STIPULATED ORDER

COME NOW the Respondent and the State of Iowa and enter into the following Stipulated Order:

1. The Iowa Board of Pharmacy filed a Statement of Charges against the Respondent on August 29, 2012 and set a hearing date for November 8, 2012.
2. The November 8 hearing has been continued on the mutual consent of the parties. It is anticipated that a new hearing date will be set in the near future.
3. Respondent currently has criminal charges pending against him in the Iowa District Court for Davis County.
4. Respondent and the State of Iowa submit this Stipulated Order for Board approval.
5. In order to allow Respondent sufficient time to respond to the criminal charges against him, and to meet the Board's interest in protecting the public while the Statement of Charges against Respondent is pending, the parties agree to the following:
 - a. The hearing in this matter will be indefinitely continued until the criminal case against the Respondent is resolved at the district court level, or until Respondent requests a hearing be scheduled on the Statement of Charges pending before the Board, whichever occurs first.
 - b. Respondent will not practice any aspect of pharmacy until the Board's Statement of Charges against him is resolved, either by Board approval or a settlement agreement or issuance of a final Board order following a

formal contested case hearing.

c. This Stipulated Order is a public record.

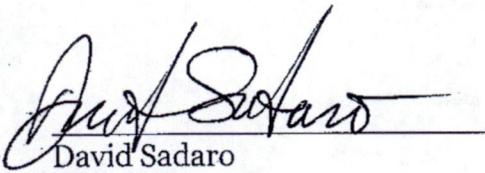
6. In the event Respondent practices pharmacy in violation of this Stipulated Order, the Board may initiate appropriate action to revoke or suspend Respondent's license or to impose other licensee discipline as authorized by Iowa Code section 272C.3(2)(a) (2011).

7. This Stipulated Order is voluntarily submitted by Respondent and the State of Iowa to the Board for its consideration.

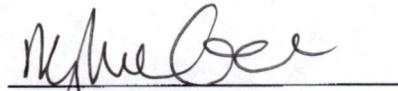
8. This Stipulated Order must be approved by the Board. If the Board fails to approve this Stipulated Order it shall be of no force or effect to either party.

9. Nothing in this Stipulated Order can or should be construed in any way as an admission to any fact or charge contained in the Statement of Charges.

This Stipulated Order is voluntarily submitted by both parties to the Board for its consideration on the 9 day of November 2012.

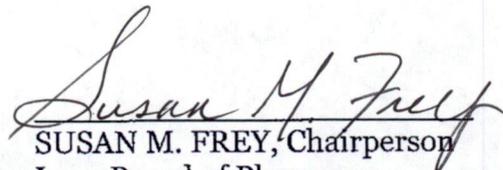


David Sadaro
RESPONDENT



Meghan Gavin
ATTORNEY FOR THE STATE

This Stipulated Order is accepted by the Iowa Board of Pharmacy on the 9 day of November 2012.


SUSAN M. FREY, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Meghan Gavin
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

Nick Sarcone
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West Glen Tower Center
The Hub Building, Suite 130
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West Des Moines, Iowa 50266
ATTORNEY FOR THE RESPONDENT