

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

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Re:	)	Case No. <u>99-14502</u>
Pharmacist License of	)	
<b>ROBERT L. VALLEJO</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 14502	)	
Respondent	)	

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**COMES NOW**, the Complainant, Lloyd K. Jessen, and states:

1. He is the Executive Secretary/Director for the Iowa Board of Pharmacy Examiners and files this Statement of Charges solely in his official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 155A and 272C (1999).
3. On January 22, 1975, the Board issued Respondent, Robert L. Vallejo, a license to engage in the practice of pharmacy by license transfer as evidenced by license number 14502, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 14502 is current and active until June 30, 2001.
5. Respondent's current address is 308 South 8<sup>th</sup> Street, Perry, Iowa 50220.
6. Respondent is currently employed as a pharmacist at Hy Vee Pharmacy, 1700 35<sup>th</sup> Street, West Des Moines, Iowa 50265.
7. During all times relevant to this Statement of Charges, Respondent was employed as the pharmacist in charge of Wal-Mart Pharmacy, 1815 South Story, Boone, Iowa.

**COUNT I**

The Respondent is charged with unprofessional conduct or behavior in connection with the practice of pharmacy under Iowa Code § 155A.12(1) & (2) (1995) (1997) (1999) and 657 Iowa Administrative Code §§ 8.5(9), 36.1(1), & 36.1(4), including but not limited to sexual harassment.

THE CIRCUMSTANCES

1. On or about September 22, 1998, the board office received information that judgment had been rendered against Wal-Mart in a sexual harassment lawsuit brought against it as the result of allegations that the Respondent -- the pharmacist in charge at the Wal-Mart Pharmacy in Boone, Iowa -- had sexually harassed a pharmacy technician under his supervision while she was employed in the pharmacy department at Wal-Mart.
2. The judgment against Wal-mart was affirmed by the Eighth Circuit Court of Appeals on May 7, 1998.
3. Upon investigation of the allegations made against the Respondent in the lawsuit referred to above, the Board determined that probable cause exists to file this Statement of Charges.

WHEREFORE, the Complainant prays that a hearing be held in this matter and that the Board take such action as it may deem to be appropriate under the law.

  
Lloyd K. Jessen  
Executive Secretary/Director

On this 13 day of Oct., 1999, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
Arlan D. VanNorman, Chairperson  
Iowa Board of Pharmacy Examiners  
1209 East Court Avenue  
Des Moines, Iowa 50319

cc: Shauna Russell Shields  
Assistant Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319

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

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Re:	)	Case No. 99-14502
Pharmacist License of	)	
<b>ROBERT L. VALLEJO</b>	)	<b>STIPULATION</b>
License No. 14502	)	<b>AND</b>
Respondent	)	<b>CONSENT ORDER</b>
	)	

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COME NOW the Iowa Board of Pharmacy Examiners (“the Board”) and Robert L. Vallejo, R.Ph. (“Respondent”) and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (1999), enter into the following Stipulation and Consent Order settling the contested case currently on file.

The licensee disciplinary hearing pending before the Iowa Board of Pharmacy Examiners, on the allegations specified in the Statement of Charges filed against Respondent on October 13, 1999, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent was issued a license to practice pharmacy in Iowa on January 22, 1975, by examination as evidenced by Pharmacist License Number 14502, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 14502, issued to and held by Respondent is active and current until June 30, 2001.
3. Respondent is currently employed as a pharmacist at Osco Drug #533, 4415

Douglas Avenue, Des Moines, Iowa 50310.

4. A Statement of Charges was filed against Respondent on October 13, 1999.
5. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
6. This Stipulation and Consent Order is entered into in order to resolve disputed claims and constitutes no admission on the part of the Respondent.
7. Respondent's license shall be placed on probation for one (1) year, with the following conditions, beginning on the date this Stipulation and Consent Order is accepted by the Board:
  - a. Within one (1) year of the date of approval of this Stipulation and Consent Order by the Board, the Respondent shall complete two (2) continuing education courses or other formal, structured courses in the following areas: interpersonal relations and/or sensitivity training for the workplace. Each course shall be *not less than* four (4) hours in length and shall be pre-approved by the Board. Documentation of satisfactory completion of the education shall be submitted to the Board. This education is in addition to the thirty (30) hours of continuing pharmacy education required every two years for license renewal.
  - b. During the probationary period the Respondent shall not supervise any registered intern and shall not perform any of the duties of a preceptor.
  - c. During probation, Respondent shall inform the Board in writing within ten (10) days of any change of home address, place of employment, home

telephone number, or work telephone number.

- d. During probation, Respondent shall report to the Board or its designee quarterly. Said report shall be in writing. The report shall include the Respondent's place of employment, current address, and any further information deemed necessary by the Board from time to time.
  - e. The Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.
  - f. During the probationary period, Respondent shall notify all present employers and prospective employers (no later than at the time of an interview), including the pharmacist-in-charge, of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this document. Within thirty (30) days after approval of this Stipulation and Consent Order by the Board, and within fifteen (15) days of undertaking new employment as a pharmacist, Respondent shall cause his pharmacy employer and the pharmacist-in-charge that he works under to report to the Board in writing acknowledging that the employer and the pharmacist-in-charge have read this document and understand it.
  - g. Respondent may serve as a pharmacist in charge during the probationary period so long as he shows progress toward completing the courses required by subparagraph 7(a) of this Stipulation and Consent Order.
8. Should Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or

suspend the Respondent's Iowa pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A and 657 IAC 36.1.

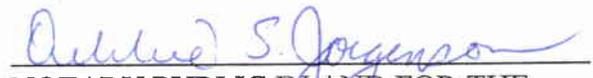
9. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this Stipulation and Consent Order.
10. This proposed settlement is subject to approval by a majority of the full Board. If the Board fails to approve this settlement, it shall be of no force or effect to either party. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.
11. The Board's approval of this Stipulation and Consent Order shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

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12. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 6<sup>th</sup> day of January, 2000.

  
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Robert L. Vallejo, R.Ph.  
Respondent

Subscribed and sworn to before me by Robert L. Vallejo on this 6<sup>th</sup> day of January, 2000.

  
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NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

13. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 2<sup>nd</sup> day of Feb., 2000.



ARLAN D. VAN NORMAN, Chairperson  
Iowa Board of Pharmacy Examiners  
Executive Hills West  
1209 East Court Avenue  
Des Moines, Iowa 50319

cc: Shauna Russell Shields  
Assistant Attorney General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319