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7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Statement of Issues Against:

Case No. 4093

11 **CALVIN THOMAS TYREE, JR.**
12 **4674 Tanglewood Trail**
13 **Boulder, CO 80301**

STATEMENT OF ISSUES

14 **Applicant for Registered Pharmacist License**

15 Respondent.

16 Complainant alleges:

17 PARTIES

18 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official
19 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

20 2. On or about October 19, 2010, the Board of Pharmacy, Department of Consumer
21 Affairs received Application for Pharmacist Licensure and Examination from Calvin Thomas
22 Tyree, Jr. (Respondent). On or about October 3, 2010, Respondent certified under penalty of
23 perjury as to the truthfulness of all statements, answers, and representations in the application.

24 The Board denied the application on or about April 29, 2011.

25 JURISDICTION

26 3. This Statement of Issues is brought before the Board of Pharmacy (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code (Code) unless otherwise indicated.

1 • A Stipulation and Final Agency Order effective May 31, 2011 resolving Case Nos.
2 2009-1786, 2009-1787, 2010-1141, and 2011-0920, in which the Colorado Board had
3 alleged that Respondent (a) failed to notify the Colorado Board that he was named as a
4 civil defendant in a 2007 lawsuit arising out of his practice of pharmacy, (b) improperly
5 transferred controlled substances to another pharmacy, (c) failed to promptly notify the
6 DEA of the closure of his pharmacy location, (d) failed to submit proof of completion
7 of an ethics course required to be completed as part of his probation, and (e) edited and
8 falsified a malpractice reporting form from his malpractice insurance carrier, wherein
9 Respondent denied the allegations and offered his own versions of these events, but in
10 the interest of compromise agreed to relinquish (surrender) his license(s), terminating
11 his ongoing probation obligation(s) and ceasing practice in the State of Colorado.

12
13 FIRST CAUSE FOR DENIAL OF APPLICATION

14 (Dishonesty and/or Corruption)

15 16. Respondent's application is subject to denial under the following section(s) of the
16 Code: 480(a)(2); 480(a)(3) by reference to 4301(f); and/or 4300(c) by reference to 4301(f), in
17 that, as described in paragraphs 13 and 14 above, Respondent engaged in dishonest and/or corrupt
18 conduct by dispensing prescriptions for one or more dangerous drugs or controlled substances in
19 the absence of a valid prescription and/or without exercising his corresponding responsibility.

20
21 SECOND CAUSE FOR DENIAL OF APPLICATION

22 (Dispensing Without Valid Prescription)

23 17. Respondent's application is subject to denial under the following section(s) of the
24 Code: 480(a)(3) by reference to 4301(j), (o), 4067, and/or Health and Safety Code section 11153;
25 and/or 4300(c) by reference to 4301(j), (o), 4067, and/or Health and Safety Code section 11153,
26 in that, as described in paragraphs 13 and 14 above, Respondent dispensed prescriptions for one
27 or more dangerous drugs or controlled substances in the absence of a valid prescription and/or
28 without exercising his corresponding responsibility.

1 THIRD CAUSE FOR DENIAL OF APPLICATION

2 (License Discipline by Another State)

3 18. Respondent's application is subject to denial under the following section(s) of the
4 Code: 480(a)(3) by reference to 4301(n) and/or 4300(c) by reference to 4301(n), in that, as
5 described in paragraph 15 above, between in or about 2007 and in or about 2011 Respondent's
6 license(s) to practice pharmacy in the State of Colorado were subjected to discipline..

7
8 FOURTH CAUSE FOR DENIAL OF APPLICATION

9 (Unprofessional Conduct)

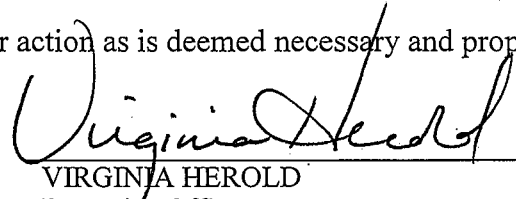
10 19. Respondent's application is subject to denial under the following section(s) of the
11 Code: 480(a)(3) by reference to 4301; and/or 4300(c) by reference to 4301, in that, as described
12 in paragraphs 13 to 18 above, Respondent engaged in unprofessional conduct.

13
14 PRAYER

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board of Pharmacy issue a decision:

- 17 1. Denying the application of Calvin Thomas Tyree, Jr. for licensure and examination as
18 a Registered Pharmacist;
19 2. Taking such other and further action as is deemed necessary and proper.

20 DATED: 11/10/11



21 VIRGINIA HEROLD
22 Executive Officer
23 Board of Pharmacy
24 Department of Consumer Affairs
25 State of California
26 Complainant

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