



California State Board of Pharmacy
 1625 N. Market Blvd, N219, Sacramento, CA 95834
 Phone: (916) 574-7900
 Fax: (916) 574-8818
 www.pharmacy.ca.gov

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
 DEPARTMENT OF CONSUMER AFFAIRS
 GOVERNOR EDMUND G. BROWN JR.

APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACIST / INTERN LICENSE

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

Name: Calvin Thomas Tyree Jr	Case No. 4093
Address of Record: 4674 Tanglewood Trl Boulder, CO 80301	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. 4093, I hereby request to surrender my license, License No. 70451. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, I will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of my license history with the Board.

Upon the acceptance of the surrender, I shall relinquish my pocket and wall license to the Board within ten (10) days of notification by the Board that the surrender is accepted. I understand that I may not reapply for any license from the board for three (3) years from the effective date of the surrender. I further understand that I shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board, including any outstanding costs.

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.

Calvin Tyree Jr
 Applicant's Signature

07/15/15
 Date

[Signature]
 Executive Officer's Approval

7/21/15
 Date

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16, California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 574-7900, 1625 N. Market Blvd., Suite N-219, Sacramento, CA 95834. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

Case No. 4093

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

Applicant for Registered Pharmacist License

Respondent.

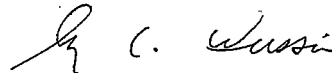
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on May 4, 2012.

It is so ORDERED on April 4, 2012.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STANLEY C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM
Deputy Attorney General
4 State Bar No. 214663
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Attorneys for Complainant

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**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 **Applicant for Registered Pharmacist License**

15 Respondent.

16
17 In the interest of a prompt and speedy settlement of this matter, consistent with the public
18 interest and the responsibility of the Board of Pharmacy, Department of Consumer Affairs, the
19 parties hereby agree to the following Stipulated Settlement and Disciplinary Order to submit to
20 the Board for approval and adoption as the final disposition of the Statement of Issues.

21
22 PARTIES

23 1. Virginia Herold (Complainant), Executive Officer of the Board of Pharmacy, brought
24 this action solely in her official capacity and is represented in this matter by Kamala D. Harris,
25 Attorney General of the State of California, by Joshua A. Room, Deputy Attorney General.

26 2. Respondent Calvin Thomas Tyree, Jr. (Respondent) is representing himself in this
27 proceeding and has chosen not to exercise his right to be represented by counsel.

28 ///

1 **3. Interview with the Board**

2 Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews
3 with the board or its designee, at such intervals and locations as are determined by the board or its
4 designee. Failure to appear for any scheduled interview without prior notification to board staff,
5 or failure to appear for two (2) or more scheduled interviews with the board or its designee during
6 the period of probation, shall be considered a violation of probation.

7 **4. Cooperate with Board Staff**

8 Respondent shall cooperate with the board's inspection program and with the board's
9 monitoring and investigation of Respondent's compliance with the terms and conditions of his
10 probation. Failure to cooperate shall be considered a violation of probation.

11 **5. Continuing Education**

12 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
13 pharmacist as directed by the board or its designee.

14 **6. Status of License**

15 Respondent shall, at all times while on probation, maintain an active, current license with
16 the board, including any period during which suspension or probation is tolled. Failure to
17 maintain an active, current license shall be considered a violation of probation.

18 If Respondent's license expires or is cancelled by operation of law or otherwise at any time
19 during the period of probation, including any extensions thereof due to tolling or otherwise, upon
20 renewal or reapplication Respondent's license shall be subject to all terms and conditions of this
21 probation not previously satisfied.

22 **7. Employment Requirement: Tolling of Probation**

23 Except during periods of suspension, Respondent shall, at all times while on probation, be
24 employed as a pharmacist in California for a minimum of forty (40) hours per calendar month.
25 Any month during which this minimum is not met shall toll the period of probation, i.e., the
26 period of probation shall be extended by one month for each month during which this minimum is
27 not met. During any such period of tolling of probation, Respondent must nonetheless comply
28 with all terms and conditions of probation.

1 Should Respondent, regardless of residency, for any reason (including vacation) cease
2 practicing as a pharmacist for a minimum of forty (40) hours per calendar month in California,
3 Respondent must notify the board in writing within ten (10) days of the cessation of practice, and
4 must further notify the board in writing within ten (10) days of the resumption of practice. Any
5 failure to provide such notification(s) shall be considered a violation of probation.

6 It is a violation of probation for Respondent's probation to remain tolled pursuant to the
7 provisions of this condition for a total period, counting consecutive and non-consecutive months,
8 exceeding thirty-six (36) months.

9 "Cessation of practice" means any calendar month during which Respondent is
10 not practicing as a pharmacist as defined by Business and Professions Code section
11 4000 et seq. for at least forty (40) hours,. "Resumption of practice" means any
12 calendar month during which Respondent is practicing as a pharmacist as defined by
13 Business and Professions Code section 4000 et seq. for at least forty (40) hours.

12 8. **Supervised Practice**

13 During the period of probation, Respondent shall practice only under the supervision of a
14 licensed pharmacist not on probation with the board. Upon and after the effective date of this
15 decision, Respondent shall not practice pharmacy and his license shall be automatically
16 suspended until a supervisor is approved by the board or its designee. The supervision shall be,
17 as required by the board or its designee, either:

18 Continuous – At least 75% of a work week
19 Substantial - At least 50% of a work week
20 Partial - At least 25% of a work week
21 Daily Review - Supervisor's review of probationer's daily activities within 24 hours

22 Within thirty (30) days of the effective date of this decision, Respondent shall have his
23 supervisor submit notification to the board in writing stating that the supervisor has read the
24 decision in case number 4093 and is familiar with the required level of supervision as determined
25 by the board or its designee. It shall be the Respondent's responsibility to ensure that his
26 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the
27 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
28 acknowledgements to the board shall be considered a violation of probation.

///

1 If Respondent changes employment, it shall be the Respondent's responsibility to ensure
2 that his employer(s), pharmacist-in-charge and/or supervisor(s) submit timely
3 acknowledgement(s) to the board. Respondent shall have his new supervisor, within fifteen (15)
4 days after employment commences, submit notification to the board in writing stating the direct
5 supervisor and pharmacist-in-charge have read the decision in case number 4093 and is/are
6 familiar with the level of supervision as determined by the board. Respondent shall not practice
7 pharmacy and his license shall be automatically suspended until the board or its designee
8 approves a new supervisor. Failure to cause the direct supervisor and the pharmacist-in-charge to
9 submit timely acknowledgements to the board shall be considered a violation of probation.

10 During any such suspension, Respondent shall not enter any pharmacy area or any portion
11 of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other
12 distributor of drugs licensed by the board, or any manufacturer, or where dangerous drugs and
13 devices or controlled substances are maintained. Respondent shall not practice pharmacy nor do
14 any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or
15 patient consultation; nor shall Respondent manage, administer, or be a consultant to any licensee
16 of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous
17 drugs or controlled substances. Respondent shall not resume practice until notified by the board.

18 During any such suspension, Respondent shall not engage in any activity that requires the
19 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
20 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
21 designated representative for any entity licensed by the board.

22 Failure to comply with any such suspension shall be considered a violation of probation.

23 **9. Employment Record, Report to the Board**

24 Respondent shall at all times during probation keep an accurate record of his employment,
25 showing the name and address of each employer, the date(s) and hour(s) worked, and the name of
26 the direct supervisor. Where Respondent works for or through a pharmacy employment service,
27 this record shall include information pertaining to both the employment service and each work
28 site. A copy of this up-to-date record shall be produced to the board or its designee upon request.

1 In addition, by at least the Wednesday prior to any week during which Respondent will be
2 working, Respondent shall submit a document, completed and signed under penalty of perjury,
3 that identifies all of Respondent's anticipated dates, places, and hours of employment during the
4 upcoming week. This document shall include the employer name(s), employer address(es), and
5 the name(s) of the supervisor(s) or owner(s). If the information changes, Respondent shall submit
6 an amended document to the board or its designee identifying the changed information. All such
7 submissions shall be transmitted the board or its designee by facsimile or overnight mail.

8 Failure to accurately keep or timely submit the employment record, or to timely include or
9 amend employment information on a weekly basis, shall be considered a violation of probation.

10 **10. Notification of Change in Employment, Name, Address(es), or Phone(s)**

11 Respondent shall notify the board in writing within ten (10) days of any change of
12 employment. Said notification shall include the reasons for leaving, the address of the new
13 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
14 shall further notify the board in writing within ten (10) days of a change in name, residence
15 address, mailing address, or phone number.

16 Failure to timely notify the board of any change in employer(s), name(s), address(es), or
17 phone number(s) shall be considered a violation of probation.

18 **11. Notice to Employers**

19 During the period of probation, Respondent shall notify all present and prospective
20 employers of the decision in case number 4093 and the terms, conditions and restrictions imposed
21 on Respondent by the decision, as follows:

22 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
23 Respondent undertaking any new employment, Respondent shall cause his direct supervisor,
24 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's
25 tenure of employment) and owner to report to the board in writing acknowledging that the listed
26 individual(s) has/have read the decision in case number 4093, and terms and conditions imposed
27 thereby. It shall be Respondent's responsibility to ensure that his employer(s) and supervisor(s)
28 submit timely acknowledgment(s) to the board.

1 If Respondent works for or is employed by or through a pharmacy employment service,
2 Respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity
3 licensed by the board of the terms and conditions of the decision in case number 4093 in advance
4 of the Respondent commencing work at each licensed entity. A record of this notification must
5 be provided to the board or its designee upon request.

6 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
7 (15) days of Respondent undertaking any employment by or through a pharmacy employment
8 service, Respondent shall cause his direct supervisor with the pharmacy employment service to
9 report to the board in writing acknowledging that s/he has read the decision in case number 4093
10 and the terms and conditions imposed thereby. It shall be Respondent's responsibility to ensure
11 that his employer(s) and supervisor(s) submit timely acknowledgment(s) to the board.

12 Failure to timely notify present or prospective employer(s) or to cause employer(s) to
13 submit timely acknowledgments to the board shall be considered a violation of probation.

14 "Employment" within the meaning of this provision shall include any full-time,
15 part-time, temporary, relief or pharmacy management service as a pharmacist, intern
16 pharmacist, or pharmacy technician, or any position for which licensure in any of
17 these categories is a requirement or criterion for employment, whether the
18 Respondent is an employee, independent contractor or volunteer.

19 **12. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**
20 **Designated Representative-in-Charge, or Serving as a Consultant**

21 During the period of probation, Respondent shall not supervise any intern pharmacist, be
22 the pharmacist-in-charge or designated representative-in-charge of any entity licensed by the
23 board, nor serve as a consultant. Assumption of any such unauthorized supervision
24 responsibilities shall be considered a violation of probation.

25 **13. Ethics Course**

26 Within sixty (60) calendar days of the effective date of this decision, Respondent shall
27 enroll in a course in ethics, at Respondent's expense, approved in advance by the board or its
28 designee. Failure to initiate the course during the first year of probation, and complete it within
the second year of probation, is a violation of probation.

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1 Respondent shall submit a certificate of completion to the board or its designee within five
2 (5) days after completing the course.

3 **14. Testimonial**

4 Respondent has authored a letter describing his incentives to participate and his level of
5 participation in filling and/or dispensing internet prescriptions, and detailing the consequences of
6 this participation for him, his family, the public health, and the profession, what he has learned
7 from this experience, and what he would advise others who are approached to fill or dispense
8 internet prescriptions. The letter is attached hereto as exhibit B, is incorporated herein by
9 reference, and is part of Respondent's public record of discipline with the Board. The Board may
10 print, reprint, quote, or make other use of this letter in Board communications and/or on its
11 website. Further, upon provision of reasonable notice, Respondent shall appear for and take part
12 in a videotaping of him reading the letter, at a time and place arranged by the Board or its
13 designee, which video shall be similarly subject to use by the Board in its communications and/or
14 on its website. Failure by Respondent, upon reasonable notice, to timely appear for and
15 participate in such videotaping shall be considered a violation of probation.

16 **15. Community Services Program**

17 Within sixty (60) days of the effective date of this decision, Respondent shall submit to the
18 board or its designee, for prior approval, a community service program in which Respondent shall
19 provide free health-care related services on a regular basis to a community or charitable facility or
20 agency for at least two hundred (200) hours total over the period of probation, with at least fifty
21 (50) of those hours coming during the first year of probation. Within thirty (30) days of receiving
22 approval by the board or its designee thereof, Respondent shall submit documentation to the
23 board demonstrating commencement of the community service program. A record of this
24 notification must be provided to the board upon request. Respondent shall report on progress
25 with the community service program in the quarterly reports. Failure to timely submit,
26 commence, or comply with the program shall be considered a violation of probation.

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1 **16. Probation Monitoring Costs**

2 Respondent shall pay any costs associated with probation monitoring as determined by the
3 board each and every year of probation. Such costs shall be payable to the board on a schedule as
4 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
5 be considered a violation of probation.

6 **17. No Ownership of Licensed Premises**

7 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
8 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
9 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
10 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
11 days following the effective date of this decision and shall immediately thereafter provide written
12 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
13 documentation thereof shall be considered a violation of probation.

14 **18. License Surrender While on Probation/Suspension**

15 Following the effective date of this decision, should Respondent cease practice due to
16 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
17 Respondent may tender his license to the board for surrender. The board or its designee shall
18 have the discretion whether to grant the request for surrender or take any other action it deems
19 appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent
20 will no longer be subject to the terms and conditions of probation. This surrender constitutes a
21 record of discipline and shall become a part of the Respondent's license history with the board.

22 Upon acceptance of surrender, Respondent shall relinquish his pocket and wall license to
23 the board within ten (10) days of notification by the board the surrender is accepted.

24 Respondent may not reapply for any license from the board for three (3) years from the
25 effective date of the surrender. Respondent shall meet all requirements applicable to the license
26 sought as of the date the application for that license is submitted to the board, including any
27 outstanding costs owed to the board.

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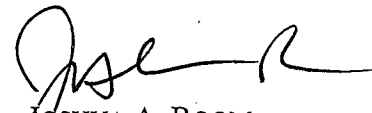
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 2/21/2012

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
FRANK H. PACOE
Supervising Deputy Attorney General



JOSHUA A. ROOM
Deputy Attorney General
Attorneys for Complainant

SF2011202119
40517605.doc

Exhibit A

Statement of Issues No. 4093

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM
Deputy Attorney General
4 State Bar No. 214663
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
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Attorneys for Complainant

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 FACTUAL BACKGROUND

2 13. For an unknown total time period including but not necessarily limited to 2005,
3 Respondent owned and operated one or more pharmacies in the State of Colorado, while being
4 licensed in Colorado as a registered pharmacist (Colorado license number PHA-16164).

5 14. For an unknown total time period including but not necessarily limited to 2005,
6 Respondent dispensed dangerous drugs and/or controlled substances to patients in the absence of
7 valid prescriptions, pursuant to prescriptions facilitated by and/or transmitted via the internet.
8 During this time period Respondent dispensed an unknown number of prescriptions to patients in
9 California in the absence of valid prescriptions, including but not necessarily limited to a
10 prescription for **Ambien** dispensed to a California patient on or about September 1, 2005.

11 15. Between in or about 2007 and in or about 2011, Respondent's license(s) to practice¹
12 were subjected to discipline by the State Board of Pharmacy for the State of Colorado (Colorado
13 Board). The orders entered against Respondent's license(s) by the Colorado Board include:

- 14 • A Stipulation and Final Agency Order effective January 26, 2007 resolving Case No.
15 2006-3367, pursuant to which Respondent admitted to having misrepresented his
16 criminal history when submitting his application for licensure as a pharmacist intern in
17 1999, and when submitting his application for licensure as a pharmacist in 2001, and in
18 disposition of which Respondent was issued a Letter of Admonition;
- 19 • A Final Agency Order effective September 23, 2008, in Case No. PH 2007-0011, in
20 which the Colorado Board found that Respondent had failed to adequately or promptly
21 inform the Colorado Board, or cause the Colorado Board to be informed, of criminal
22 charges that had been filed against him in California arising out of the facts described in
23 paragraphs 13 and 14 (charges that were subsequently dismissed), and in which the
24 Colorado Board entered an order placing Respondent's license to practice pharmacy in
25 Colorado on probation for a period of three (3) years, on specified terms and conditions;

26
27 ¹ Respondent was also previously licensed as a Pharmacist Intern (License No. IN-99070)
28 by the State of Colorado. That license expired and/or was canceled in 2001.

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.

Exhibit B

Testimonial Letter

Calvin T. Tyree Jr.
4674 Tanglewood Trl.
Boulder, CO 80301

February 6, 2012

Joshua A. Room
Office of the Attorney General
455 Golden Gate Ave, Suite 11000
San Francisco, CA 94102-7004

RE: Board of Pharmacy Case No. 4093

Stipulated Settlement Term and Condition 14
Exhibit B
Internet Pharmacy Testimonial

I never imagined being described as a rogue or unscrupulous pharmacist when I graduated from Pharmacy School, but that and many other undesirable adjectives seem to be my official designation now. I share my experiences with internet pharmacy not to bore you with my problems, but hopefully as a warning not to let this happen to you. Internet Pharmacy is just one aspect of the illegal sale of prescription drugs. Participating in this illicit activity can be as complicated as my involvement in internet pharmacy or as simple as a pharmacist not questioning an unusual prescription for an unknown patient written by an unknown prescriber. The common denominator is the pharmacist loses focus on patient care and begins to focus on just filling prescriptions.

Internet Pharmacy is a huge business and there are many big names involved. Google recently paid \$500 million, one of the largest settlements ever, to the federal government for its involvement in illegal internet pharmacies. The facilitators of Internet Pharmacy rarely quit. They change their tactics and limit their exposure, but they rarely give up on this revenue stream. Their biggest problem is continuously finding new sources of prescription medications to meet their ever growing demand, but they are very experienced and successful at problem solving. You will not be approached by a shady drug dealer type asking if you want to participate in illegal activity like Internet Pharmacy; you will be approached by people that you know and trust sharing a great new opportunity.

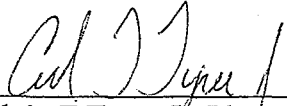
I first heard about Internet Pharmacy while discussing pharmacy trends with a friend in 2004. Despite stories of wild profits, this business model just didn't sound right and I wanted nothing to do with it. Six months later I had opened a second pharmacy and was behind on loan payments to my wholesaler. When I requested a modification of my loan, my representative informed me that there would be no loan modification but offered to show me how other customers were making big profits with Internet Pharmacy. I was provided with multiple documents from legal and professional sources seeming to

validate the legal issues. A couple of days later I was introduced to another wholesaler customer who set my pharmacy up to start filling Internet Prescriptions. Over night my pharmacies went from filling around 100 prescriptions a day to around 1000 prescriptions a day. My profit margin went from a couple of dollars per prescription to more than seven dollars per prescription. My wholesaler purchases went from less than \$100,000 per month to almost \$1,000,000 per month.

My original business plan called for service exceeding the expectations of the customers and professionals we served. Suddenly I was convinced to believe in a business model that I originally wanted nothing to do with. This model was focused not on service or patient care but profits and questionable legal interpretations. I was sold a very smooth, practiced and convincing legalistic argument based on half truths, misdirection and lies. Without realizing it, and with 100% conviction that I was doing the right thing, I had stepped over the line separating the pharmacist we all believe we are and that rogue pharmacist we could never become. I lost focus on patient care and had just been recruited as the latest supplier of illicit prescription medications.

I participated in internet pharmacy for about 3 months. Since then I have been forced to close all my pharmacies and I have been unable to practice pharmacy since 2008. I have spent more than 100 times any profit made from internet pharmacy on administrative, civil, criminal and divorce attorneys. Yes, those 3 months not only completely destroyed my professional life but my family life as well.

As a Registered Pharmacist I had not just a legal obligation but also an ethical and a professional responsibility to my patients, my fellow healthcare professionals, and my profession. My decisions failed to meet these responsibilities causing a severe negative impact on all involved. There are already more ways to get illegal prescription medications than can be listed here. And, as long as demand continues to increase the facilitators of this illicit business will continue to find new and creative ways to get these prescriptions filled by exploiting weaknesses such as: inexperience, finances, apathy and greed. When your decision to fill a prescription is based on interests such as legality, liability, profit or anything other than patient care and the patient's best interests – just say no.


Calvin T Tyree Jr, PharmD