

IN THE MATTER OF
DANIEL W. PEACO
APPLICANT

* BEFORE THE
* STATE BOARD
* OF
* PHARMACY
* CASE No.: PT-11-042

* * * * *

CONSENT ORDER

On September 9, 2011, the State Board of Pharmacy (the "Board") notified DANIEL W. PEACO ("the Applicant") (DOB: 09/26/1983) of the Board's intent to deny his application for registration to practice as a pharmacy technician under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 12-101 *et seq.* (2009 Repl. Vol. and 2011 Supp.).

Specifically, the Board charged the Respondent based on the following provisions of the Act:

H.O. § 12-6B-02 Qualifications

(a) *In general.* - To qualify for registration an applicant shall be an individual who:

(2) Meets the requirements of this section.

(b) *Good moral character; age; education* – The applicant shall:

(1) Be of good moral character[.]

On November 16, 2011, a Case Resolution Conference ("CRC") was convened in this matter. Based on negotiations between the State, represented by Tracee Orlove Fruman, Assistant Attorney General and the Applicant, by and through his attorney

David M. Silbiger, Esq. the Applicant agreed to enter into this Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board finds the following to be true:

1. On or about April 22, 2011, the Board received the Applicant's Pharmacy Technician Registration Application (the "application").
2. On his application, the Applicant answered, "yes" to the question, "Have you pled guilty, nolo contendere, or been convicted of a felony or a crime involving moral turpitude, or received probation before judgment of any criminal act?"
3. A routine criminal background check conducted by the Board as part of the application process revealed the following criminal history:
 - a. On or about October 12, 2006, in the Circuit Court for Harford County the Applicant entered a plea of guilty to the charge of Sex Offense-Third Degree and Assault-Second Degree. On the Sex Offense-Third Degree count, the Applicant was sentenced to 10 years of incarceration, with all but 18 months suspended, and five years of supervised probation. On the Assault-Second Degree count, the Applicant was sentenced to 10 years of incarceration, suspended, to run concurrent.
 - b. On or about May 21, 2008, in the Circuit Court for Harford County, the Applicant entered a plea of guilty to Violation of Probation for failing to register as a sex offender and moving without consent and was sentenced to eight years and six months of incarceration with

all but two years suspended, and five years of supervised probation.

4. At the CRC, the Applicant represented that although he is still under the supervision of the court until June 2012, he has thus far been compliant with all conditions of his probation.

5. Also at the CRC, the Applicant provided letters of recommendation from his court-ordered therapist, the Executive Director of Recruitment, Admissions and Registration of Baltimore City Community College ("BCCC"), and the Executive QUEST¹ Director at BCCC.

6. Also at the CRC, the Applicant detailed significant mitigating factors related to both of his previous criminal convictions.

7. The Applicant has been employed since April 2011 as a cashier at a Rite Aid Pharmacy.

8. The Applicant is currently pursuing an Associate of Arts degree at BCCC.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant is subject to discipline under H.O. § 12-6B-02(b)(1) which provides that the Applicant "shall be of good moral character."

ORDER

Based on agreement of the parties, it is therefore this 21st day of December 2011, by an affirmative vote of the Board, hereby:

ORDERED that the Applicant shall be granted a registration to practice as a

¹ QUEST is a program that targets African American men and gives them an opportunity to earn their Associate of Arts degree in an accelerated format.

pharmacy technician in the State of Maryland; and it is further

ORDERED that the Applicant's registration to practice as a pharmacy technician shall be placed on **PROBATION** for a period of at least **TWO YEARS**; and it is further

ORDERED that Applicant shall provide a copy of this Consent Order to his employer within **five (5) days** of commencing any employment; and it is further

ORDERED that during the period of probation, the Applicant's pharmacist supervisor shall provide the Board with quarterly reports addressing the Applicant's employment; and it is further

ORDERED that the Applicant shall provide the Board with a signed release to allow the Applicant's probation officer to release information regarding the Applicant's compliance with his criminal probation to the Board; and it is further

ORDERED that the Applicant shall immediately report to the Board if he is the subject of any criminal investigation; and it is further

ORDERED that at the conclusion of the period of probation, the Applicant shall consent to a criminal background check; and it is further

ORDERED that after **TWO (2) YEARS** from the date of this Consent Order, the Applicant may submit a written petition to the Board requesting termination of probation, provided that he has been fully compliant with this Consent Order and has no outstanding complaints filed against him; and it is further

ORDERED that the Applicant shall practice as a pharmacy technician according to the Maryland Pharmacy Act and in accordance with all applicable laws, statutes and regulations pertaining to the practice of pharmacy; and it is further

ORDERED that the Applicant shall at all times cooperate with the Board in the monitoring, supervision, and investigation of his compliance with the terms and conditions of this Order; and it is further

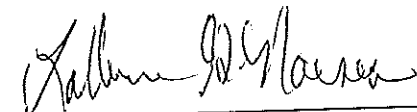
ORDERED that the Applicant's failure to fully cooperate with the Board shall be deemed a violation of the probationary terms and a violation of this Order; and be it further,

ORDERED that this document constitutes a formal disciplinary action of the State Board of Pharmacy and is therefore a **PUBLIC DOCUMENT** for purposes of public disclosure, pursuant to the Public Information Act, State Gov't § 10-611 *et seq.* and COMAR 10.34.01.12.

Date

12/2/11

for



Michael N. Souranis, President
State Board of Pharmacy

CONSENT


I, Daniel W. Peaco, acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf,


and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having had an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

11-28-11
Date


Daniel W. Peaco, Applicant

Approved by:


David M. Silbiger, Esq.

NOTARY

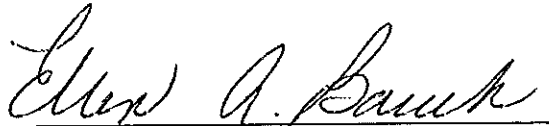
STATE OF MARYLAND

CITY/COUNTY OF Baltimore:

I HEREBY CERTIFY that on this 28th day of November, 2011, before

me, a Notary Public of the foregoing State personally appeared Daniel W. Peaco (Applicant), and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.


Notary Public

My Commission Expires: 10/16/15