

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:)
)
)
James Morton)
(License No. 6962))
)
)
Vanceboro Pharmacy)
(Permit No. 3631))
)
)

**CONSENT ORDER OF
DISCIPLINE**

THIS MATTER came on to be heard before the North Carolina Board of Pharmacy (the “Board”) on April 20, 2009, by the consent of all of the parties, and was heard by the Board President and the Board members in attendance at the offices of the North Carolina Board of Pharmacy. Respondent James M. Morton (License No. 6962), who is the pharmacy-manager of Respondent Vanceboro Pharmacy (Permit No. 3631), waived the ability to be present for himself and for the pharmacy. Both Respondent Morton and Respondent Vanceboro Pharmacy have been represented by counsel in entering into this Consent Order.

Respondents have agreed to waive a formal hearing in the above-referenced matter. Both parties stipulate and agree to the findings of fact and conclusions of law recited herein and to the order of discipline imposed. By their consent, Respondents also stipulate that they waive their right to appeal this Consent Order or challenge in any way the sufficiency of the findings of this Order. Respondents further agree that, within five (5) days after execution of this Consent Order by all parties, an action currently pending in Wake County Superior Court as In re Morton and Vanceboro Pharmacy (Morton and Vanceboro Pharmacy vs. North Carolina Board of

Pharmacy), No. 08 CvS 22760, will be voluntarily dismissed with prejudice. Based upon the consent of the parties, the Board hereby enters the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The North Carolina Board of Pharmacy is a body duly organized under the laws of North Carolina and is the proper body for this proceeding under the authority granted it in Chapter 90 of the General Statutes of North Carolina, and the rules and regulations promulgated thereunder.

2. Respondents were parties to a hearing held on November 18, 2008, which resulted in a Final Order, dated December 3, 2008. That Final Order, which is incorporated herein by reference, provides that Respondent Morton's license and Respondent Vanceboro Pharmacy's permit will be suspended. Under the terms of the Final Order, a portion of Mr. Morton's suspension is to be active, while a portion of his suspension and all of Vanceboro Pharmacy's suspension is to be stayed based upon Respondents' compliance with certain conditions.

3. Respondents have represented that they do not wish to perform the conditions upon which a portion of their suspension is stayed. Instead, they request to serve the entire term of their suspension as an active suspension.

4. The Board finds and concludes, in light of Respondents' request to serve the entire term of their suspension as an active suspension, that such an active suspension is an appropriate resolution of this matter on the particular facts of this case.

Based upon the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that the terms of suspension set forth in the Final Order shall be served as an active suspension.

Accordingly, the stay of the suspension of both the license of Respondent James M. Morton and the permit of Vanceboro Pharmacy are hereby rescinded.

The license of Respondent James M. Morton is hereby SUSPENDED for twelve (12) days, which shall be served as an active suspension to be served consecutively and consist of normal working days between Monday and Saturday, commencing at 12:01 a.m. on Monday, May 11, 2009, and running until 12:01 a.m. on Monday, May 25, 2009. Respondent shall return his wallet card and license to the Executive Director in advance of service of the suspension. During the term of his suspension, Mr. Morton may not be present in any pharmacy, except as a customer.

The permit of Respondent Vanceboro Pharmacy is hereby SUSPENDED for twelve (12) days, which shall be served as an active suspension to be served consecutively and consist of normal working days between Monday and Saturday, commencing at 12:01 a.m. on Monday, May 11, 2009, and running until 12:01 a.m. on Monday, May 25, 2009. Respondent shall return its permit to the Executive Director in advance of service of the suspension.

During the term of its suspension, the pharmacy at Vanceboro Pharmacy must be closed. During the term of its suspension, Vanceboro Pharmacy may not dispense any prescription drugs, devices or medical equipment. During the term of its suspension, Vanceboro Pharmacy may not provide any prescription drugs, devices or medical equipment to any person, even if the prescriptions were presented before the term of the suspension and/or the drugs were prepared, packaged and/or labeled before the term of the suspension. During the term of its suspension, the only person who may be present in the pharmacy at Vanceboro Pharmacy is certified technician Susan Wiggins, who may be present solely to transfer prescriptions to other pharmacies pursuant to 21 N.C.A.C. 46 .1806. During the term of its suspension, signs will be

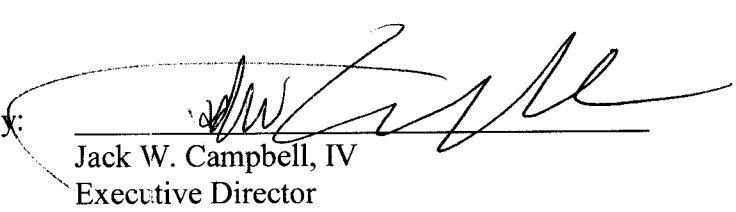
placed at the entrance to both the store and the pharmacy area of Vanceboro Pharmacy, in a format in the discretion of the North Carolina Board of Pharmacy, informing the public that the pharmacy is closed by order of the North Carolina Board of Pharmacy and informing the public of the dates of suspension.

If Respondent fails to comply with any terms or conditions of this Consent Order, Respondent may be subject to additional disciplinary action by the Board.

This the 21st day of April, 2009.

NORTH CAROLINA BOARD OF PHARMACY

By:



Jack W. Campbell, IV
Executive Director

James M. Morton, the holder of license number 6962, has full knowledge that he has the right to a formal hearing, at which he would have the right to be represented at his expense by counsel, in this matter. The undersigned freely, knowingly and voluntarily waives such right by entering into this Consent Order.

The undersigned understands and agrees that by entering into this Consent Order, he certifies that he has read the foregoing Consent Order and that he voluntarily consents to the terms and conditions set forth therein and relinquishes any right to judicial review of Board actions which may be taken concerning this matter.

The undersigned further understands that should he violate the terms and conditions of this Consent Order, the Board may take additional disciplinary action.

The undersigned understands and agrees that this Consent Order will not become effective unless and until approved by the Board.

The undersigned understands that he has the right to have counsel of his choice review and advise him with respect to his rights and this Consent Order, and represents that he enters this Consent Order after consultation with his counsel.

CONSENTED TO BY:

James M. Morton Date 4/21/09
James M. Morton
(License No. 6962)

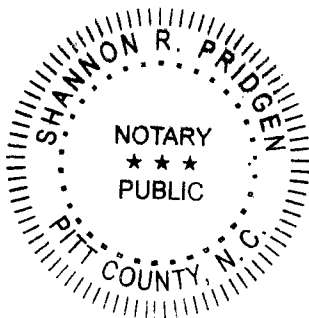
NORTH CAROLINA

Pitt COUNTY

I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that the following person(s) personally appeared before me this day, and each acknowledged the due execution of the foregoing document: James Morton

Date: 4-21-09

Shannon R. Pridgen
Notary Public
Shannon R. Pridgen
My commission expires: 5-15-2010



Vanceboro Pharmacy, the holder of permit number 3631, has full knowledge that it has the right to a formal hearing, at which it would have the right to be represented at its expense by counsel, in this matter. The undersigned freely, knowingly and voluntarily waives such right by entering into this Consent Order. The undersigned understands and agrees that by entering into this Consent Order, it certifies that it has read the foregoing Consent Order and that it voluntarily consents to the terms and conditions set forth therein and relinquishes any right to judicial review of Board actions which may be taken concerning this matter. The undersigned further understands that should it violate the terms and conditions of this Consent Order, the Board may take additional disciplinary action. The undersigned understands and agrees that this Consent Order will not become effective unless and until approved by the Board. The undersigned understands that it has the right to have counsel of its choice review and advise it with respect to its rights and this Consent Order, and represents that it enters this Consent Order after consultation with its counsel.

The undersigned certifies that its agent executing this Consent Order is duly authorized to accept the Consent Order on behalf of Vanceboro Pharmacy and to bind the permit holder.

CONSENTED TO BY: Vanceboro Pharmacy (Permit No. 3631)

By: James M. Morton Date 4/21/09

NORTH CAROLINA

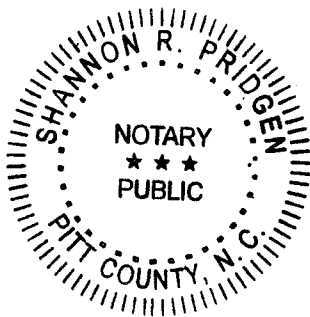
Pitt COUNTY

I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that James M. Morton personally appeared before me this day, and each acknowledged the due execution of the foregoing document.

Date: 4-21-09

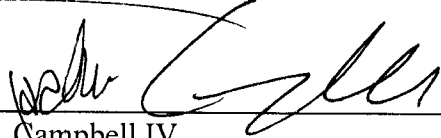
Shannon R. Pridgen
Notary Public
Shannon R. Pridgen

My commission expires: 5-15-2010



CERTIFICATE OF SERVICE

I certify that on April 27, 2009, I caused a copy of this Consent Order to be served on RPh. James Morton (license #06962) and Vanceboro Pharmacy (permit #3631) by registered mail, return-receipt requested.



Jack W. Campbell IV
Executive Director