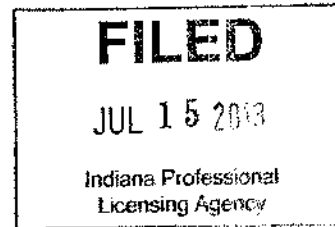


**BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2013 IBP 0046**

**IN THE MATTER OF THE INDIANA
NON-RESIDENT PHARMACY
PERMIT APPLICATION OF:

PHARMACY CREATIONS**

)
)
)
)
)



NOTICE OF PROPOSED DISMISSAL

The Indiana Board of Pharmacy ("Board") scheduled a hearing for July 8, 2013, in Room C of the Conference Center, Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, concerning Pharmacy Creation's ("Applicant") petition to review the Board's denial of its application for a non-resident pharmacy permit.

Pharmacy Creations did not appear at the hearing.

The Board, after reviewing the file in this matter, by a vote of 5 to 0, issues the following decision.

FINDINGS OF FACT

1. Applicant's business address is 540 Route 10 West, Randolph, New Jersey 07869.
2. Applicant applied for a permit as a non-resident pharmacy in Indiana.
3. The Board considered the application at its meeting on April 8, 2013.
4. The Board denied the application because Applicant had been shipping pharmaceuticals into Indiana without a permit in violation of state law.
5. The Applicant is appealing the decision not to grant the non-resident permit in Indiana.

6. In response to the request for an appeal, the Board set this matter for a hearing on June 10, 2013.

7. The Applicant asked that the June hearing date be continued to July 8, 2013 in a letter from his lawyer dated June 5, 2013.

8. The Board set the matter for a hearing on July 8, 2013, and the Applicant asked for another continuance in a letter from his attorney dated July 2, 2013.

9. The Board considered the motion for continuance and determined it had no merit. The matter has already been continued once and the issues surrounding the appeal are not complex.

10. As a consequence, the request for continuance was denied and the case was called.

11. The Applicant did not appear at the hearing set for July 8, 2013.

ORDER

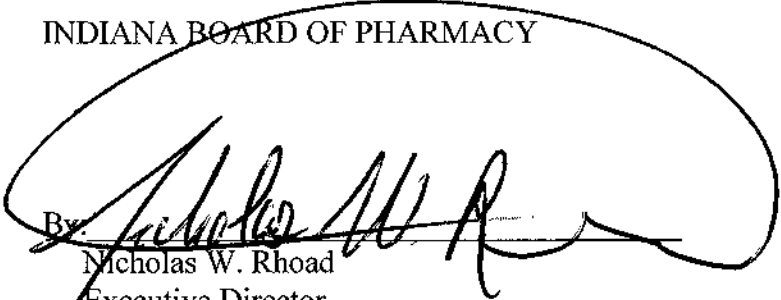
For the Applicant's failure to appear for his scheduled hearing, the Board issues the following Notice of Proposed Dismissal:

In accordance with Ind. Code § 4-21.5-3-24, the Applicant must file a written motion within ten (10) days (seven days plus three for mailing) of service of this Order requesting that the Board not enter a dismissal order in this case and stating the reasons relied upon for his request. Failure of the Applicant to file such a written motion within ten (10) days (seven days plus three for mailing) shall result in the issuance of a dismissal order. If the Applicant timely files a motion, the Board shall consider said motion along with any other relevant facts in determining whether a dismissal order should be entered. Should a dismissal order be entered against the Applicant, the Board may hold further

proceedings it deems appropriate to complete this case without the participation of the Applicant.

ORDERED, this 15th day of July, 2013.

INDIANA BOARD OF PHARMACY

By: 

Nicholas W. Rhoad

Executive Director

Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

I certify that a copy of the "Notice of Proposed Dismissal" has been duly served upon:

Pharmacy Creations
540 Route 10 West
Randolph, NJ 07869
Service by U.S. Mail

Richard West
The Law Office of Richard West
30 Columbia Turnpike-P.O. Box 941
Florham Park, NJ 07932
Service by U.S. Mail

7/15/13
Date

Jackie Day
Jackie Day

Indiana Board of Pharmacy
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, IN 46204
Phone: 317-234-2067
Fax: 317-233-4236
Email: pla4@pla.in.gov

Explanation of Service Methods

Personal Service: by delivering a true copy of the aforesaid document(s) personally.

Service by U.S. Mail: by serving a true copy of the aforesaid document(s) by First Class U.S. Mail, postage prepaid.

Service by Email: by sending a true copy of the aforesaid document(s) to the individual's electronic mail address.