

BEFORE THE INDIANA
BOARD OF PHARMACY
2013 IBP 0082

IN THE MATTER OF THE INDIANA
NON-RESIDENT PHARMACY LICENSE OF

U & I INC., USA
LICENSE NUMBER 64000690A (ACTIVE)

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COMPLAINT

This complaint is brought against the non-resident pharmacy license of U & I Inc., USA (Respondent), by the Office of the Attorney General, by counsel, Deputy Attorney General Darren R. Covington, on behalf of the State of Indiana (Petitioner) and pursuant to Ind. Code § 25-1-7-7, Ind. Code § 25-1-5-3, Ind. Code art. 25-26, the Administrative Orders and Procedures Act, Ind. Code art. 4-21.5 and Ind. Code ch. 25-1-9 and in support alleges and states:

FACTS

1. Respondent's address on file with the Indiana Professional Licensing Agency is 5236 West Seneca Street, Vernon, New York 13476.
2. Respondent is a licensed non-resident pharmacy in the State of Indiana having been issued license number 64000690A on January 13, 2006.
3. In November 2012, the Indiana Board of Pharmacy (Board) requested a copy of the Respondent's last inspection report from the resident state Board of Pharmacy and information regarding Respondent's compounding practices. The Board requested a response by December 31, 2012.
4. Respondent failed to respond to the request by the December 31, 2012 deadline.

5. On or around January 16, 2013 a complaint was filed with the Petitioner, by the Board, for failing to respond to the request for information.

6. On or around February 1, 2013 the Petitioner sent an opening letter notifying Respondent of the complaint and requested a response by Respondent. Respondent failed to respond to the letter.

7. Pursuant to Ind. Code § 25-26-17-4, "a nonresident pharmacy must: (1) comply with all requests for information made by the board."

8. Pursuant to Ind. Code § 25-26-17-5, "the Board may deny, revoke, or suspend the registration of a nonresident pharmacy for: (1) failing to comply with sections 3, 4, 5, and 6 of this chapter."

COUNT I

9. Paragraphs 1 through 8 are incorporated by reference herein.

10. Respondent violated Ind. Code § 25-1-9-4(a)(3) in that Respondent has violated Ind. Code § 25-26-17-4(1) as evidenced by failing to respond to a written request by the Board.

WHEREFORE, Petitioner demands an order against the Respondent that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all costs incurred in the prosecution of this case; and,
3. Provides any further relief as the Board deems just and proper.

Respectfully submitted,

Gregory F. Zoeller
Attorney General of Indiana
Atty. No. 1958-98

By: D - R S -
Darren R. Covington
Deputy Attorney General
Attorney No. 28511-16

CERTIFICATE OF SERVICE

I certify that a copy of the "Complaint" has been duly served upon the Respondent, by
United States mail, first-class, postage prepaid, on this 26th day of July, 2013.

U & I Inc., USA
5236 W. Seneca St.
Vernon, NY 13476

By: D-R S
Darren R. Covington
Deputy Attorney General
Attorney No. 28511-16

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