

IN THE MATTER OF * BEFORE THE
THEODORE CAVACOS, P.D. * MARYLAND STATE
License No.: 6848 * BOARD OF PHARMACY
* * * * *

CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board"), and subject to Health Occupations Article §12-315, Annotated Code of Maryland, (the "Act"), the Board charged Theodore Cavacos, P.D., (the "Respondent") with violations of certain provisions of the Health Occupations Article, Annotated Code, §12-313(b). Specifically, the Board charged Respondent with violation of the following provision:

(21) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

FINDINGS OF FACT

The parties agree that in the event this matter went to hearing, the facts would show as follows:

1. At all times relevant to these charges, Respondent was and is licensed to practice pharmacy in the State of Maryland.
2. On or about May 7, 1992, numerous indictments were returned by a Grand Jury sitting in the City of Baltimore, charging Respondent with felony theft in violation of Article 27, Section 342 of the Annotated Code of Maryland.
3. On or about July 23, 1992, Respondent plead guilty in the Circuit Court of Baltimore City to one count of theft over three hundred (300.00) dollars in State of Maryland v. Theodore Cavacos, Criminal Case Number 19128022, and one count of theft over three

hundred (300.00) dollars in State of Maryland v. Theodore Cavacos, Criminal Case Number 192128028, before the Honorable David B. Mitchell.

4. As a result of pleading guilty in the aforementioned cases, Respondent received two concurrent ten year sentences with all but two years suspended, subject to (5) years probation. The Respondent was required to pay the sum of Thirty-Four Thousand, Seven Hundred and Forty Dollars and Forty-eight cents (34,740.48) in Criminal Case Number 192128022 and Fourteen Thousand, Seven Hundred and Eighty-four dollars and thirteen cents (14,784.13) in Criminal Case Number 192128028, as restitution.

5. As part of the plea agreement entered in the aforementioned cases, Respondent admitted to the theft of monies from various clients, who he represented as an attorney and member of the bar authorized to practice in the State of Maryland.

6. On October 22, 1991, Respondent was disbarred from the practice of law, by consent, as a result of his misuse of estate funds.

CONCLUSIONS OF LAW

Based on the foregoing Statement of Facts, the Board concludes that Respondent violated §12-313(b)(21) of the Act.

ORDER

Based upon the Board's Findings of Fact and Conclusions of Law and by agreement of the parties to settle this matter without an evidentiary hearing, it is this 21 day of July, 1993, by a majority of the quorum of the Board,

ORDERED that the license of Theodore Cavacos, P.D., be and is hereby **SUSPENDED**; and be it further

ORDERED that Respondent may apply for a Stay of suspension, subject to the following conditions:

1. Respondent shall take and pass the Practice of Pharmacy Reinstatement Examination and part 2 of the Licensure Examination, which includes the Maryland law, federal law and laboratory practice;

2. Respondent shall take and pass, with at least a B average, a college level ethics course to be pre-approved by the Board;

3. Respondent shall send written quarterly reports to the Board describing what he is doing, the progress he feels he is making, what, if any, problems he faces and how he is coping with those problems. Said reports shall be forwarded to Roslyn Scheer, Executive Director of the Board, on a quarterly basis on the first day of March, June, September and December;

4. It is recommended that the Respondent should work as a pharmacy technician. In the event that the Respondent does so, any application for a stay of suspension shall be accompanied with a recommendation from Respondent's employer; and be it further

ORDERED that in the event that Respondent's application for stay of suspension is granted, Respondent shall be placed on probation on the following conditions:

1. Respondent shall immediately give a copy of this Consent Order to any and all pharmacy employers. He shall arrange for any

and all such employers to write to the Maryland Board of Pharmacy within thirty (30) days of their receipt of the Order acknowledging receipt of the Order and stating that they agree to comply with all conditions thereof that apply to employers. These requirements extend to any and all present and/or future such employers during the period of his probation;

2. Respondent shall arrange for his employer or supervisor with whom he may be employed as a pharmacist to submit to the Board written quarterly reports evaluating his job performance and describing the nature and duties of his position. The reports shall be provided on a quarterly basis on the first day of March, June, September and December during his employment until his probation has terminated or until the Board determines that reports are no longer required. In the event Respondent changes jobs as a pharmacist, Respondent shall immediately notify the Board, in writing, identifying his new employer by name, address and telephone;

3. Respondent shall send written quarterly reports to the Board describing what he is doing, the progress he feels he is making, what if any problems he presently faces and how he is coping with those problems. Said quarterly reports shall be forwarded to Roslyn Scheer, Executive Director of the Board. The reports are due on a quarterly basis on the first day of March, June, September and December, until his license is reinstated;

4. Respondent shall not maintain any financial interest, either as a partner, stockholder, limited partner, proprietor,

agent, or in any other capacity, in any pharmacy, agency or any other entity providing pharmacy services while he remains on probationary status; and be it further

ORDERED that on or after ten years from the date Respondent's application for a stay of suspension is granted, the Board may entertain a petition for termination of Respondent's probationary status and a full reinstatement of his license to practice pharmacy without any conditions or restrictions as to the scope of practice. If the Board determines that termination of probation and a complete reinstatement would be inappropriate at the time, the Board may modify one or more of the conditions upon which the Respondent may be placed on probation. However, if Respondent fails to make any such petition and his probationary status shall continue indefinitely, subject to the conditions set forth in this Order; and be it further

ORDERED that the conditions of this Consent Order be, and the same is hereby effective as of the date of this Order; and be it further

ORDERED that in the event the Respondent violates the conditions of probation, or in the event the Maryland Board of Pharmacy finds for any reason in good faith that Respondent has violated any provision of Title 12 of the Health Occupations Article or regulations thereunder, the Board may take immediate action including, but not limited to, revocation or suspension of Respondent's license to practice pharmacy prior to hearing. However, Respondent shall have a right to request a hearing in

accordance with the Administrative Procedure Act, State Government Article, §10-201 et seq., within thirty (30) days after Respondent notifies the Board in writing of his desire for such a hearing regarding the Board's action. The Board may, in its discretion, refuse to entertain such request for hearing if received more than ninety (90) days after its action; and be it further

ORDERED that this is a final order, and as such, it is a public document pursuant to §19-611 et seq. of the State Government Article, Annotated Code of Maryland.

July 21, 1997
Date


Steven Cohen, P.D.
President

CONSENT OF THEODORE CAVACOS, P.D.

I, Theodore Cavacos, P.D., by affixing my signature hereto, acknowledge that:

1. I am not represented by counsel, however, I fully understand the terms and conditions of the Consent Order;

2. I am aware that without my consent, my license to practice pharmacy in this State cannot be limited except pursuant to the provisions of §12-313 of the Act and §10-205 et seq. of the Administrative Procedure Act, State Government Article, Annotated Code of Maryland;

3. I am aware that I am entitled to a formal evidentiary hearing before the Board.

4. By this Consent Order, I hereby consent and admit to the foregoing Findings of Fact, Conclusions of Law and Order provided

the Board adopts the foregoing Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in §12-315 of the Act and §10-205 of the Administrative Procedure Act, State Government Article, Annotated Code of Maryland, and any right to appeal as set forth in §12-316 of the Act and §10-215 of the Administrative Procedure Act. I acknowledge that by failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including revocation, against my license to practice pharmacy in the State of Maryland.

6-14-93
Date

Theodore Cavacos P.D.
Theodore Cavacos, P.D.

STATE OF MARYLAND
CITY/COUNTY OF:

I HEREBY CERTIFY that on this 14th day of June, 1993, a Notary Public of the State of Maryland and (City/County), county, personally appeared Theodore Cavacos, P.D., License No. 6848, 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.

Vanessa Stora
Notary Public

My Commission Expires: June 12, 1995.