

IN THE MATTER OF	*	BEFORE THE MARYLAND
DANIEL W. PEACO	*	STATE BOARD OF
PHARMACY TECHNICIAN	*	PHARMACY
Registration No. T10243	*	Case No. PT-11-042

* * * * *

CONSENT ORDER FOR REINSTATEMENT

HISTORY

On December 2, 2011, the Maryland Board of Pharmacy (the “Board”) entered into a Consent Order for initial licensure with Daniel W. Peaco, Pharmacy Technician, Registration No. T10243, after the Board notified Mr. Peaco of its intent to deny his application for registration as a pharmacy technician based on his criminal history. The Consent Order granted Mr. Peaco a registration subject to a two-year period of probation and ordered, *inter alia*, that he notify the Board if he was the subject of any criminal investigations and submit to a criminal history records check at the conclusion of the period of probation. Mr. Peaco’s registration expired on September 30, 2015. On or about October 8, 2016, Mr. Peaco submitted an application for reinstatement of his registration and a petition to terminate his probation to the Board. On October 24, 2016, the Board received the results of Mr. Peaco’s criminal history records check, which included new information about which Mr. Peaco never notified the Board.

In lieu of instituting formal proceedings against Mr. Peaco, in accordance with the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 *et seq.*, and Board regulations, COMAR 10.34.01, the Board proposed, and Mr. Peaco agreed, to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. On or about April 22, 2011, the Board received an application for registration as a pharmacy technician from Mr. Peaco. On his application, Mr. Peaco 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?” Mr. Peaco’s criminal history records check revealed that he pled guilty in 2006 to one count of Sex Offense-Third Degree and one count of Assault-Second Degree, for which he served 18 months of incarceration and 5 years of supervised probation. Mr. Peaco also pled guilty in 2008 to a violation of his probation for failing to register as a sex offender, for which he was sentenced to two years of incarceration and 5 years of supervised probation.

2. On September 9, 2011, the Board notified Mr. Peaco of its intent to deny his registration application. A Case Resolution Conference (“CRC”) was held on November 16, 2011, at which Mr. Peaco explained significant mitigating factors related to his convictions and provided multiple letters of recommendation. Following the CRC, on December 2, 2011, the Board and Mr. Peaco entered into a Consent Order pursuant to which Mr. Peaco was issued a registration and placed on two years of probation, during which he was required, among other things, to “immediately report to the Board if he is the subject of any criminal investigation” and to submit to a criminal history records check at the conclusion of the period of probation.

3. Mr. Peaco’s registration expired on September 30, 2015.

4. On or about September 30, 2016, the Board received an application from Mr. Peaco to reinstate his pharmacy technician registration. On his reinstatement application, Mr. Peaco answered “no” to all of the personal attestation questions, including the questions regarding criminal history. On or about October 7, 2016, the Board received a petition from Mr. Peaco to

terminate his probation.

5. On or about October 24, 2016, the Board received the results of the criminal history records check required pursuant to Mr. Peaco's December 2011 Consent Order with the Board. The criminal history records check indicated that Mr. Peaco was convicted for failing to register as a sex offender in 2014, for which he was sentenced to five days in jail one year of supervised probation.

6. Upon a request from the Board, Mr. Peaco provided a lengthy explanation for his 2014 conviction to the Board. He also disclosed that he was investigated by the Harford County Police Department in 2015, but no charges stemmed from the incident.

7. A review of the public case judiciary information system also revealed that Mr. Peaco pled guilty of driving on a suspended license on September 10, 2013, and was sentenced to one year of supervised probation. Mr. Peaco also pled guilty to driving on a suspended license on November 14, 2014, and was sentenced to 3 days in jail and two years of unsupervised probation.

8. Despite the requirements of his December 2011 Consent Order with the Board, Mr. Peaco never reported these criminal investigations or convictions to the Board.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Mr. Peaco is subject to discipline pursuant to Md. Code Ann., Health Occ. §§ 12-6B-09(22), (23), & (25).

ORDER

It is this 3RD day of March, 2017, by an affirmative vote of the Maryland Board of Pharmacy, hereby:

ORDERED that Mr. Peaco's registration to practice as a pharmacy technician be

REINSTATED, provided that he is otherwise qualified for reinstatement; and be it further,

ORDERED that Mr. Peaco's registration be placed on immediate PROBATION for at least TWO (2) YEARS, during which he shall:

1. Provide a copy of this Consent Order to any pharmacy employer within five (5) days of commencing employment and ensure that his pharmacy employer provides quarterly employer reports to the Board; and,

2. Immediately report to the Board if he is the subject of any criminal investigations; and be it further,

ORDERED that Mr. Peaco shall provide the Board with a signed release authorizing his probation officer to release information on his criminal probation to the Board; and be it further,

ORDERED that after two (2) years of probation, Mr. Peaco shall submit to a State criminal history records check; and be it further,

ORDERED that after two (2) year of probation, Mr. Peaco may petition the Board to terminate probation, provided that the Board has received the results of his criminal history records check, and that he has been fully compliant with the terms of this Order and does not have any pending complaints filed against him; and be it further,

ORDERED that in the event Mr. Peaco's criminal history records check indicates further criminal activity, the Board may impose further disciplinary action against Mr. Peaco's registration, including suspension or revocation, after notice and an opportunity for a hearing; and be it further,

ORDERED that Mr. Peaco shall at all times cooperate with the Board in the monitoring, supervision, and investigation of Mr. Peaco's compliance with the terms and conditions of this Order; and be it further,


ORDERED that Mr. Peaco'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 in the event the Board finds in good faith that Mr. Peaco has violated any of the conditions of this Order, or in the event the Board finds in good faith that Mr. Peaco has committed a violation of Title 12 of the Health Occupations Article or regulations adopted thereunder, the Board may impose further disciplinary action against Mr. Peaco's registration, including suspension or revocation, after notice and an opportunity for a hearing; and be it further,

ORDERED that Mr. Peaco shall bear the expenses associated with this Order; and be it further,

ORDERED that this is a formal order of the Maryland Board of Pharmacy and as such is a public document pursuant to Maryland Code Ann., General Provisions § 4-333(b).


3-3-17
Date


Deena Speights-Napata, Executive Director
for
Mitra Gavgani, President
Maryland Board of Pharmacy

CONSENT

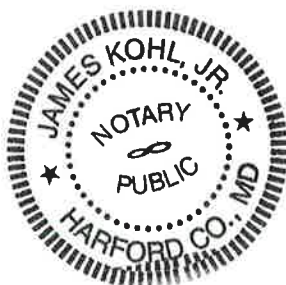
1. By signing this Consent, I hereby affirm the findings of fact contained herein and agree to be bound by the foregoing Consent Order and its conditions.
2. By this Consent, I submit to the foregoing Consent Order as a resolution of this matter. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
3. I acknowledge that this is a formal order of the Board and as such is a public document.
4. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
5. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.


2/23/17
Date


Daniel Peaco, Pharmacy Technician

STATE OF MARYLAND
COUNTY/CITY OF Harford :

I hereby certify that on this 23rd day of February, 2017, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared DANIEL PEACO, and made an oath in due form that the foregoing Consent was his voluntary act and deed.




Notary Public
My commission expires: 02-21-20