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Regulated Industries Complaints Office  
Department of Commerce and Consumer Affairs  
State of Hawaii  
Leiopapa A Kamehameha Building  
235 S. Beretania Street, Suite 900  
Honolulu, Hawaii 96813  
Telephone: 586-2660

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LICENSES DIVISION  
2012 DEC 14 A 9:14  
DEPT. OF COMMERCE  
& CONSUMER AFFAIRS  
STATE OF HAWAII  
DEPT. OF COMMERCE  
AND CONSUMER AFFAIRS  
2013 JAN 18 P 12:29  
HEARINGS OFFICE

Attorney for Department of Commerce  
and Consumer Affairs

BOARD OF PHARMACY  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
STATE OF HAWAII

In the Matter of the ) PHA 2010-44-L  
Pharmacist's License of )  
) SETTLEMENT AGREEMENT AFTER  
LORI M. BRANDT, ) FILING OF PETITION FOR DISCIPLINARY  
) ACTION AND BOARD'S FINAL ORDER;  
Respondent. ) EXHIBIT "1"  
)  
) Administrative Hearings Officer:  
) Sheryl Lee A. Nagata

241092407

SETTLEMENT AGREEMENT AFTER FILING OF PETITION  
FOR DISCIPLINARY ACTION AND BOARD'S FINAL ORDER

Petitioner, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS'  
REGULATED INDUSTRIES COMPLAINTS OFFICE (hereinafter "RICO" or "Petitioner"),  
through its undersigned attorneys, and Respondent LORI M. BRANDT (hereinafter  
"Respondent"), enter into this Settlement Agreement on the terms and conditions set forth below.

A. UNCONTESTED FACTS:

1. At all relevant times herein, Respondent was licensed by the Board of Pharmacy  
(hereinafter the "Board") as a pharmacist under license number PH 2180. The license was issued  
on or about November 26, 2001, expired on December 31, 2011 and is due to be forfeited on  
December 31, 2014.

2. Respondent's mailing address for purposes of this action is 22802 Connell's Prairie Road, E, Buckley, Washington 98321.

3. On or about July 2, 2012, RICO filed a Petition for Disciplinary Action alleging that Respondent violated the following statute(s) and/or rule(s): Hawaii Revised Statutes ("HRS") § 461-8(f) (failure to provide the Board with documentation verifying compliance with the continuing education requirement within sixty (60) days of notification); HRS §461-21(a)(4) (Violation of any of the provisions of Chapter 461 or the rules adopted pursuant thereto) and HRS § 461-21(a)(9) (Making a false statement on any document submitted or required to be filed by this chapter, including a false certification of compliance with the continuing education requirement).

4. RICO received a complaint alleging that Respondent had failed to submit proof of Hawaii approved continuing education requirements to the Board by the May 3, 2010 deadline despite receiving a letter advising Respondent to do so.

5. Respondent recently submitted proof of her continuing education documents in November of 2012 and was found by the Board to have now completed the continuing education requirement for the renewal of her Hawaii pharmacist license for the 2010-2011 biennium. A copy of the from the Board to Respondent dated November 2, 2012 from Lee Ann Teshima, Executive Officer, is attached hereto as Exhibit "1."

6. The foregoing allegations, if proven at an administrative hearing before the Board, would constitute violations of the following statute(s) and/or rule(s): Hawaii Revised Statutes ("HRS") § 461-8(f) (failure to provide the Board with documentation verifying compliance with the continuing education requirement within sixty (60) days of notification); HRS §461-21(a)(4) (Violation of any of the provisions of Chapter 461 or the rules adopted pursuant thereto) and

HRS § 461-21(a)(9) (Making a false statement on any document submitted or required to be filed by this chapter, including a false certification of compliance with the continuing education requirement).

7. The Board has jurisdiction over the subject matter herein and over the parties hereto.

**B. REPRESENTATIONS BY RESPONDENT:**

1. Respondent is fully aware that she has the right to be represented by an attorney of her choosing and voluntarily waives that right.

2. Respondent enters into this Settlement Agreement freely, knowingly, voluntarily, and under no coercion or duress.

3. Respondent is aware of the right to have a hearing to adjudicate the issues in the case. Pursuant to HRS § 91-9(d), Respondent freely, knowingly, and voluntarily waives the right to a hearing and agrees to dispose of this case in accordance with the terms and conditions of this Settlement Agreement.

4. Respondent being at all times relevant herein licensed as a pharmacist by the Board acknowledges that Respondent is subject to penalties including but not limited to, revocation, suspension or limitation of the license and administrative fines, if the foregoing allegations are proven at hearing.

5. Respondent neither admits nor denies to the veracity of the allegation and that Respondent's acts violate the following statute(s) and/or rule(s): Hawaii Revised Statutes ("HRS") § 461-8(f) (failure to provide the Board with documentation verifying compliance with the continuing education requirement within sixty (60) days of notification); HRS §461-21(a)(4) (Violation of any of the provisions of Chapter 461 or the rules adopted pursuant thereto) and

HRS § 461-21(a)(9) (Making a false statement on any document submitted or required to be filed by this chapter, including a false certification of compliance with the continuing education requirement).

6. Respondent enters into this Settlement Agreement as a compromise of the claims and to conserve on the expenses of proceeding with an administrative hearing on this matter.

7. Respondent agrees that this Settlement Agreement is intended to resolve the issues raised in RICO's investigation in RICO Case No. PHA 2010-44-L.

8. Respondent understands this Settlement Agreement is public record pursuant to HRS Chapter 92F.

C. TERMS OF SETTLEMENT:

1. Administrative Fine. Respondent agrees to pay a fine in the amount of FIVE HUNDRED AND NO/100 DOLLARS (\$500.00). Payment shall be made by **cashier's check or money order made payable to "DCCA – Compliance Resolution Fund"** and mailed to the Regulated Industries Complaints Office, Attn: Diane Corn, Esq., 235 S. Beretania Street, 9<sup>th</sup> Floor, Honolulu, Hawaii 96813. Payment of the fine shall be due at the time this fully executed Settlement Agreement is returned to RICO.

2. Failure to Comply with Settlement Agreement. If Respondent fails to fully and timely comply with the terms of this Settlement Agreement as set forth in paragraph(s) C.1 above, Respondent's license shall be automatically revoked upon RICO's filing of an affidavit with the Board attesting to such failure. In case of such revocation, Respondent shall turn in all indicia of the license to the Executive Officer of the Board within ten (10) days after receipt of notice of the revocation. In case of such revocation, Respondent understands Respondent cannot apply for a new license until the expiration of at least five (5) years after the effective date of the

revocation. Respondent understands that if Respondent desires to become licensed again, Respondent must apply to the Board for a new license pursuant to and subject to HRS §§ 92-17, 436B-21, and all other applicable laws and rules in effect at the time.

3. Possible Further Sanction. The Board, at its discretion, may pursue additional disciplinary action as provided by law to include further fines and other sanctions as the Board may deem appropriate if Respondent violates any provision of the statutes or rules governing the conduct of pharmacists in the State of Hawaii, or if Respondent fails to abide by the terms of this Settlement Agreement.

4. Approval of the Board. Respondent agrees that, except for the representations, agreements and covenants contained in Paragraphs C.5, C.6, C.7 and C.8 below, this Settlement Agreement shall not be binding on any of the parties unless and until it is approved by the Board.

5. No Objection if Board Fails to Approve. If the Board does not approve this Settlement Agreement, does not issue an order pursuant thereto, or does not approve a lesser remedy, but instead an administrative hearing is conducted against Respondent in the Board's usual and customary fashion pursuant to the Administrative Procedure Act, Respondent agrees that neither Respondent nor any attorney that Respondent may retain, will raise as an objection in any administrative proceeding or in any judicial action, to the Board's proceeding against Respondent on the basis that the Board has become disqualified to consider the case because of its review and consideration of this Settlement Agreement.

6. Any Ambiguities Shall be Construed to Protect the Consuming Public. It is agreed that any ambiguity in this Settlement Agreement is to be read in the manner that most completely protects the interests of the consuming public.

7. No Reliance on Representations by RICO. Other than the matters specifically stated in this Settlement Agreement, neither RICO nor anyone acting on its behalf has made any representation of fact, opinion or promise to Respondent to induce entry into this Settlement Agreement, and Respondent is not relying upon any statement, representation or opinion or promise made by RICO or any of its agents, employees, representatives or attorneys concerning the nature, extent or duration of exposure to legal liability arising from the subject matter of this Settlement Agreement or concerning any other matter.

8. Complete Agreement. This Settlement Agreement is a complete settlement of the rights, responsibilities and liabilities of the parties hereto with respect to the subject matter hereof; contains the entire agreement of the parties; and may only be modified, changed or amended by written instrument duly executed by all parties hereto.

IN WITNESS WHEREOF, the parties have signed this Settlement Agreement on the date(s) set forth below.

DATED: Emmeleau, WA, 11/30/12  
(City) (State) (Date)

Lori M. Brandt-Hill  
LORI M. BRANDT aka LORI M. HILL  
Respondent

DATED: Honolulu, Hawaii, DEC 1 1 2012

Diane R. Corn  
DIANE R. CORN  
Attorneys for Department of Commerce  
and Consumer Affairs

IN THE MATTER OF THE PHARMACIST'S LICENSE OF LORI M. BRANDT;  
SETTLEMENT AGREEMENT AFTER FILING OF PETITION FOR DISCIPLINARY  
ACTION AND BOARD'S FINAL ORDER; CASE NO. PHA 2010-44-L

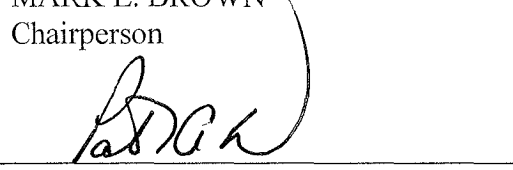
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APPROVED AND SO ORDERED:  
BOARD OF PHARMACY  
STATE OF HAWAII



MARK E. BROWN  
Chairperson

1/17/13  
DATE

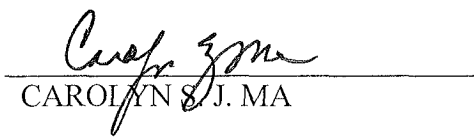


PATRICK ADAMS  
Vice Chairperson



TODD INAFUKU

GARRETT A. LAU



CAROLYN S. J. MA



JILL OLIVEIRA GRAY



LYDIA KUMASAKA

STATE OF Washington )  
 ) SS.  
COUNTY OF KING )

On this 30 day of NOVEMBER, 2012, before me personally appeared LORIMAY BRANDT-HILL, to me known to be the person described, and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

This \_\_\_\_\_-page \_\_\_\_\_ document dated \_\_\_\_\_, 2012 was acknowledged before me by \_\_\_\_\_ this 30 day of NOVEMBER, 2012, in the City of Enumclaw, in the County of King, in the State of Washington.

Phil C. Moller  
Name: Phil C. Moller  
Notary Public, State of Washington

My Commission expires: 9/7/2014



NEIL ABERCROMBIE  
GOVERNOR

BRIAN SCHATZ  
LIEUTENANT GOVERNOR



KEALI'I S. LOPEZ  
DIRECTOR

DEPARTMENT OF COMMERCE  
AND CONSUMER AFFAIRS

CELIA C. SUZUKI  
LICENSING ADMINISTRATOR

2012 NOV -2 P 3: 02

BOARD OF PHARMACY  
STATE OF HAWAII  
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
P.O. BOX 3469  
HONOLULU, HAWAII 96801  
[www.hawaii.gov/dcca/pvl](http://www.hawaii.gov/dcca/pvl)

REGULATED INDUSTRIES  
COMPLAINTS OFFICE

9C COFY

November 2, 2012

Lorimay Hill  
22802 Connells Prairie Road  
Buckley, Washington 98321

Dear Ms. Hill:

RE: Continuing Education Requirement 2010-2011 Biennium  
Compliance with Audit

This letter is to acknowledge receipt of your continuing education documents.

Upon review, we find that the information indicates that you have completed the continuing education requirement for the renewal of your Hawaii pharmacist license for the 2010-2011 biennium.

However, since you did not meet the May 3, 2010 submission deadline, your case was previously referred to the Regulated Industries Complaints Office for their review and appropriate action. You will still have to respond to the complaint that has been filed against you for failing to comply with the continuing education requirement pursuant to Hawaii Revised Statutes, 461-8(f).

Thank you for your cooperation in this matter. If you have any questions, please feel free to contact me at (808) 586-2695 or by email at [pharmacy@dcca.hawaii.gov](mailto:pharmacy@dcca.hawaii.gov)

Very Truly Yours,

Lee Ann Teshima  
Executive Officer

c: Licensing Branch  
Diane Corn, Staff Attorney, Regulated Industries Complaints Office ✓

EXHIBIT 1