

**STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY**

IN THE MATTER OF

**ROBERT M. SHUTTY
License Number 18077**

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**ORDER DENYING REQUEST
FOR HEARING**

To: ROBERT M. SHUTTY
18 North 6th Street
Lebanon, Pennsylvania 17046

This matter came on for consideration by the North Carolina Board of Pharmacy (the "Board") at its meeting of October 22, 2008. This matter was heard at the office of the Board by Board President L. Stan Haywood and Board members Rebecca W. Chater; J. Parker Chesson, Jr.; Betty H. Dennis; and Robert McLaughlin, Jr.; and Wallace E. Nelson. Robert M. Shutty did not appear at the hearing. Based upon the record in this proceeding and the statements and materials presented at the conference, the Board makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

The Board makes the following findings of fact:

1. On June 5, 2006, Robert M. Shutty voluntarily surrendered license number 18077.
2. On or about June 13, 2008, Mr. Shutty submitted a request for reinstatement of his license (the "Reinstatement Request"). The Reinstatement Request listed Mr. Shutty's address as the above-listed address in Lebanon, Pennsylvania.
3. On August 12, 2008, counsel for the Board attempted to communicate with Mr. Shutty via certified mail regarding setting a date for the hearing that Mr. Shutty had requested. That letter was sent to the above-listed address in Lebanon, Pennsylvania. It was returned unclaimed to counsel for the Board.

4. Having been unable to communicate with Mr. Shutty regarding an appropriate date for the hearing, on September 23, 2008, counsel for the Board sent a Notice of Hearing to Mr. Shutty via certified mail. That letter was also sent to the above-listed address in Lebanon, Pennsylvania. Again, the letter was returned unclaimed.

5. Neither the Board nor its counsel has had any other communications with Mr. Shutty since he submitted the Reinstatement Request, and they know of no more recent address for Mr. Shutty.

CONCLUSIONS OF LAW

Based upon the above findings of fact, the Board concludes as a matter of law:

1. Counsel for the Board sent a Notice of Hearing by certified mail as provided in 21 NCAC 46. 2001(a).

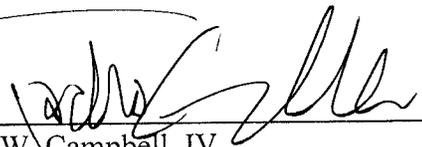
2. Because the Board has been unable to serve a Notice of Hearing due to Mr. Shutty's failure to claim the letter sent to the address that he provided the Board, the request for a hearing should be denied, without prejudice.

Based on the foregoing, IT IS THEREFORE ORDERED that the Reinstatement Request submitted by Robert M. Shutty is hereby DENIED, without prejudice.

This the 21st day of October, 2008.

NORTH CAROLINA BOARD OF PHARMACY

By: _____


Jack W. Campbell, IV
Executive Director