

Jack W. Campbell, IV  
Executive Director

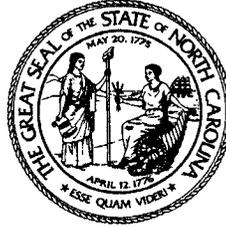
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March 31, 2009

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Ms. Donna Vargas  
10102 Summit Park Place  
Louisville, Kentucky 40241

Aaron Johnson  
Top Rx Partners  
5001 Main Street  
Moss Point, Mississippi 39562

**CEASE & DESIST**

Dear Ms. Vargas and Mr. Johnson:

An investigation by the North Carolina Board of Pharmacy has established that Top Rx Partners is soliciting pharmacies in North Carolina via facsimile. Ms. Vargas, you admitted to sending solicitation documents. Mr. Johnson, Ms. Vargas identified you as the administrative contact for Top Rx Partners.

The Board has obtained copies of the faxes sent to pharmacies in North Carolina. The material sent in your faxes solicits North Carolina pharmacies to act as "fulfillment centers" for prescriptions generated pursuant to Internet-based "consultations." Specific prescription drugs mentioned in your materials include Ultram, Soma, Fioricet, Cialis, Flexeril, Levitra, Lexapro, and Viagra, Xenical, and Zoloft.

Such activity violates North Carolina and federal law in at least two ways.

*First*, Top Rx Partners does not hold a pharmacy permit with the Board. North Carolina law specifically prohibits pharmacies from dispensing, mailing, or shipping medications into North Carolina without a valid permit.

*Second*, even if Top Rx Partner did hold a pharmacy permit, its activities would nonetheless violate federal and state law. North Carolina law expressly prohibits pharmacists from filling any prescription that is not generated pursuant to a physical examination and a prior prescriber-patient relationship. 21 N.C.A.C. 46.1801(b). The materials that you have distributed to pharmacies in North Carolina state explicitly that the "prescriptions" to be referred to affiliated pharmacy "fulfillment centers" will be generated pursuant to on-line "consultations." Thus, on their face, your materials propose that North Carolina pharmacies agree to aid and abet Top Rx Partners' production of illegal prescriptions and to directly violate North Carolina law by filling such prescriptions. Furthermore, distribution of any controlled substances in this manner violates both the North Carolina and federal controlled substances acts, as well as the Ryan Haight Online Pharmacy Consumer Protection Act.

Our Board, with cooperation with other state and federal law enforcement, has been active in shutting down illegal Internet businesses such as yours. And we are prepared to do the same in your case.

By copy of this letter, I am alerting the federal Drug Enforcement Administration, the North Carolina Attorney General's office, and appropriate legal authorities in Kentucky and Mississippi of the nature of your business.

Accordingly, you are ordered to **IMMEDIATELY CEASE AND DESIST** any further solicitations of pharmacies in North Carolina or otherwise facilitating the dispensing of prescription drugs in violation of federal and state law. Failure to abide by this order will result in the Board taking all available legal options. Please give this order your immediate, most serious attention.

Sincerely,



Jay Campbell  
Executive Director

cc: Clinton Pinyan, Esq., North Carolina Board of Pharmacy Counsel  
Karen Matthew, North Carolina Board of Pharmacy Director  
of Investigations and Inspections  
Crecy Johnson, North Carolina Assistant Attorney General  
Brian Reise, Drug Enforcement Administration  
Michael Burlison, Executive Director, Kentucky Board of Pharmacy  
Leland McDivitt, Executive Director, Mississippi Board of Pharmacy