

IN THE MATTER OF	*	BEFORE THE
CASHMIR LUKE, Pharm.D.	*	STATE BOARD
License No. 19006	*	OF PHARMACY
Respondent	*	Board Case Number: 10-009

\* \* \* \* \*

**FINAL ORDER OF REVOCATION  
OF THE RESPONDENT'S PHAMACIST'S LICENSE**

On October 29, 2009, the Maryland Board of Pharmacy (the "Board"), notified Cashmir Luke, Pharm.D., the Respondent, of its Intent to Revoke his pharmacist's license. The Notice also informed the Respondent that, unless he requested a hearing in writing within 30 days of receipt of said Notice, the Board would sign the Final Order herein, which was enclosed. More than 30 days have elapsed and the Respondent failed to timely request a hearing. Therefore, this revocation is final.

The basis for the Board's action was pursuant to the Administrative Procedure Act (the "APA"), Md. State Govt. Code Ann. § 10-226(c)(1) (2004 Repl. Vol.), and the Maryland Pharmacy Act, codified at Md. Health Occ. Code Ann. § 12-101, et seq., ("the Act") (2005 Repl. Vol. and 2008 Supp.).

The pertinent provision of § 10-226( c)(1) of the APA states:

*Revocation of suspension.( sic)*—(1) Except as provided in paragraph (2) of this subsection, a unit may not revoke or suspend a license unless the unit first gives the licensee:

- (i) written notice of the facts that warrant suspension or revocation; and,
- (ii) an opportunity to be heard.

The pertinent provisions of § 12-313 the Act state:

(a) In this section, "convicted" includes a determination of guilt, a guilty plea, or a plea of nolo contendere followed by a sentence.

(b) Subject to the hearing provisions of § 12-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant for a pharmacist's license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:

(22) 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 [;].

#### **FACTS THAT WARRANT THE REVOCATION OF THE RESPONDENT'S LICENSE**

1. At some of the times relevant, the Respondent was licensed by the Board to practice pharmacy in the State of Maryland. The Respondent was initially licensed on November 18, 2008. The Respondent's license expires on August 31, 2010.

2. On July 17, 2008, a grand jury returned a four count Superseding Indictment charging the Respondent with conspiracy to commit identification document fraud (Count One), aiding and abetting false statements in a passport application (Count 2); aiding and abetting the criminal misuse of a social security number (Count 3); and, aggravated identity theft (Count 4). After a six-day jury trial, which ended on March 23, 2009, the jury returned a verdict of guilty on Counts 1 and 4—Counts 2 and 3 were dismissed by the Court.

3. The evidence produced at the trial showed the following:

A. The Respondent was born in Nigeria as Chinedu Cashmir Osuagwu and immigrated to the United States in 1982. He was naturalized in 1984 and obtained a U.S. passport and Virginia driver's license in his birth name. In

1996, the Respondent legally changed his name to Cashmir Luke. He continued to maintain documents under those separate identities;

- B. In 2006, while working as a respiratory therapist at a rehabilitation hospital in Baltimore, Maryland, the Respondent stole the identity of a traumatic brain injury victim he was treating;
- C. The Respondent and another man then applied for a U.S. passport at the Catonsville, Maryland Post Office in the name of the victim. Discrepancies in the information submitted on the passport application led to an investigation which uncovered the fact that the Respondent had also submitted a second fraudulent passport application to the Philadelphia office using, without lawful authority, the identity of his estranged son, appearing at the office with another man and submitting an affidavit falsely attesting that the applicant was his son;
- D. In addition, the Respondent used the identifying information of his long-deceased daughter to prove identity to his brother, including getting a passport issued in the name of the daughter for the brother.

4. In July 2009, Judge Motz sentenced to the Respondent to 24 months as to Count 4, and three months, as to Count 1 to run consecutive, for a total of 27 months, after which the Respondent is to be placed on supervised probation.

5. As set forth above, the Respondent pled guilty to a felony and a crime of moral turpitude, in violation of the Act.


## CONCLUSIONS OF LAW

Based upon the foregoing Facts, the Board concludes that the Respondent violated its Act and that the revocation is warranted, pursuant to § 12-313 (a) and (b) (22) and § 10-226 (c) (1) of the APA.

## **NOTICE OF RIGHT OF APPEAL**

In accordance with Md. Health Occ. Code Ann. § 12-315 (2005 Repl. Vol.) and the Administrative Procedure Act, Md. State Govt. Code Ann. § 10-201, *et seq.*, (2004 Repl. Vol.) you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the aforecited authority.

February 17, 2010  
Date

  
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LaVerne G. Naesea, Executive Director  
Board of Pharmacy