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**CONSTITUTION AND BYLAWS**

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**OF THE**

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**PHARMACISTS' ASSOCIATION**

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9

**OF WESTERN NEW YORK, INC.**

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35 **CONSTITUTION**

36 **PREAMBLE**

37 We, the pharmacists of Western New York, seeking to improve both the delivery of  
38 pharmaceutical services and the advancement of professional and business proficiency, knowing  
39 that concerted action and comparison of ideas are necessary for the advancement these  
40 fundamentals, do hereby organize ourselves into a permanent association, affiliated with the  
41 Pharmaceutical Society of the State of New York for this purpose, and hereby adopt the following  
42 Constitution and By-laws as our permanent guide.

43 **ARTICLE I: NAME**

44 The name of this association shall be the Pharmacists' Association of Western New York, Inc.

45 **ARTICLE II: OBJECTIVES**

46 The aims and purposes of this Association shall be:

- 47 1. To unite all pharmacists in (the eight (8) area counties of) Western New York for mutual  
48 aid, guidance and assistance.
- 49 2. To coordinate the efforts of all pharmacists in the encouragement, improvement, elevation  
50 and promotion of the interest of the pharmacists of this area.
- 51 3. To promote and foster friendly relationship among those engaged in the practice of  
52 pharmacy in this area and in the State of New York.
- 53 4. To handle collectively the problems of the pharmacists and to cooperate for the  
54 improvement of conditions of the pharmacists in the area.
- 55 5. To study, initiate and advise the enactment of legislation in the interests of the public and  
56 the profession of pharmacy; and secure the defeat of proposed ordinances and statutes  
57 adversely affecting the pharmacist and the public at large.
- 58 6. To procure coordination and standardization in policies, practices and operation of

59 pharmacies in the State of New York.

60 7. To solicit the pharmacists of this Association to join all state and national pharmaceutical  
61 societies and to assist all other pharmaceutical societies in their endeavors.

62 8. This organization shall provide a vehicle for combined dialog in the many areas of mutual  
63 interest for the pharmacists of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara,  
64 Orleans, Wyoming counties; (and. effective January 1, 1993. Steuben County.)

65 **ARTICLE III: MEMBERSHIP**

66 Section 1. This Association shall consist of active, associate, student, corporate, honorary and  
67 retired members.

68 Section 2. ACTIVE members shall be graduates of Schools of Pharmacy, licensed to practice by a  
69 Board of Pharmacy. Only active members in good standing shall be eligible to vote or  
70 hold office in the Association.

71 Section 3. ASSOCIATE members shall be non-pharmacists, active; in the pharmaceutical or allied  
72 fields.

73 Section 4. STUDENT members shall be students enrolled in an accredited pharmacy, college or  
74 university.

75 Section 5. CORPORATE members shall be manufacturers, wholesalers, or resident offices of  
76 companies doing business in the pharmaceutical field.

77 Section 6. HONORARY members shall be persons associated with the profession of pharmacy  
78 who are deemed worthy of such recognition. In addition, any registered pharmacist who  
79 has been a dues paying member of PAWNY, or, his or her local pharmacy association  
80 for 10 years and has reached the age of 70 may be eligible for honorary membership  
81 at the discretion of the Board of Directors. Such members shall be exempt from dues  
82 and other assessments, but shall retain all rights of ACTIVE members in good standing.

83 Section 7. Retired members shall be persons who are pharmacists not actively practicing.

84 Section 8. A member or an applicant approved for membership, shall be continued as a member  
85 until receipt of resignation or for non-payment of dues. A member being removed from  
86 the membership rolls, for non-payment of dues, shall not be removed from the  
87 membership rolls for three (3) calendar months following the member's anniversary  
88 date of payment of dues.

89

90 **ARTICLE IV: OFFICERS AND EXECUTIVE BOARD**

91 Section 1. The Officers and Board of Directors shall govern the Association.

92 Section 2. The Officers of the Association shall be the President, President Elect,  
93 Vice-President, Treasurer, Secretary and Chairman of the Board. (who shall be the  
94 immediate Past-President). In extraordinary circumstances, the Chairman of the  
95 Board shall be nominated and elected from the Board of Directors at the first meeting  
96 of the Board following the Annual Election of Officers.

97 Section 3. Term of office for all officers shall be for one (1) year. All officers shall hold office until  
98 their successor has been installed. There is no limitation on the number of terms that  
99 officers may serve, except for the office of President & President Elect which shall  
100 each have a 2 term limit.

101 Section 4. a) The President of the Association shall automatically assume the office of immediate  
102 Past President/Chairman of the board upon completion of his/her term (s) as President

103

104 b) The President shall automatically assume the office of President upon the completion  
105 of the Presidents' term (s).

106 Section 5. a) A vacancy occurring in the office of the President that may occur for any reason shall

107 be filled by the President Elect who shall, continue the duties of the President.

108 b) A vacancy occurring in the office of President Elect may be filled for the  
109 remaining term of office by the Vice-President.

110 Section 6. a) The Vice-President of the Association shall automatically be a nominee for  
111 election to the office of the President Elect in the following year's elections  
112 of officers.

113 Section 7. a) Nominations for regular vacancies shall be opened no more than 120 days before the  
114 Annual Installation Banquet and shall close at least 60 days before the Annual  
115 Installation Banquet. Regular elections shall take place via mail balloting 60 days  
116 before the Annual Installation Banquet and shall end no later than 30 days before the  
117 Annual Installation Banquet.

118 b) All other vacancies on the Executive Committee shall be filled by nominations and  
119 election by the Board of Directors at the next regular meeting of the board following  
120 such vacancy.

121 Section 8. The qualifications for nomination and election to the office of President, President Elect,  
122 Vice-President, Treasurer and Secretary shall be that he/she has completed 3 (three)  
123 years as a member of this association, is a licensed pharmacist, and at the time of  
124 installation will have completed two years as a member of the Board of  
125 Directors. Any active member meeting these qualifications may be nominated by any  
126 active member in good-standing in this association. As a further clarification of this  
127 section; any active member of this association not serving on the present Board of  
128 Directors who has previously served two years as a member of the Board of Directors,  
129 shall be eligible for nomination and election as President, President-Elect, Vice-  
130 President, Treasurer and Secretary.

131 Section 9. Each Director elected or appointed and each Associate Advisor, appointed to the Board  
132 by the President of this association, shall be afforded a single vote on any matter that  
133 requires a vote by the members of the Board of Directors; provided they are:  
134 a) Members in good standing in the association.  
135 b) Provide disclosure of perceived conflicts of interest and/or duality per policy of the  
136 Pharmacists' Association of Western New York Inc.

137

138 **ARTICLE V: DUTIES OF OFFICERS AND EXECUTIVE DIRECTOR**

139 Section 1. The President shall preside at all annual meetings of the Association; call special  
140 meetings at the written request of members of the Board of Directors; shall present at  
141 each annual meeting report of the operation of the Association and perform such  
142 other duties as  
143 pertain to the office.

144 Section 2. The President Elect, in the absence or inability of the President, shall preside at  
145 all meetings and perform all such other duties as pertain to the Office of President. The  
146 President Elect shall be a member of the Finance Committee.

147 Section 3. The Vice-President, in the absence or inability of the President Elect, shall  
148 perform the duties as pertain to the Office of President Elect. The Vice-  
149 President shall be a member of the Third Party Committee.

150 Section 4. The Secretary shall have general supervision of all proceedings of the Association and  
151 shall act also as Secretary of the Board of Directors.

152 Section 5. The Treasurer shall have general supervision of all funds of the Association and shall  
153 submit regularly at meetings of the Board of Directors, statements, receipts and  
154 disbursements to date and submit at the Annual Meeting a statement of receipts and

155 disbursements covering the fiscal year. All vouchers, checks and notes for payment and  
156 expenses and other financial documents and agreements shall be signed or endorsed by  
157 the President, Treasurer, Secretary or Executive Director, (any two of the four). The  
158 Treasurer shall be the chairman of the finance committee.

159 Section 6. It shall be the duty of the Secretary and Treasurer to turn over to their successors,  
160 without unnecessary delay, all papers and property belonging to the Association  
161 committed to their care.

162 Section 7. The Board of Directors shall designate the type and coverage of bond, which shall be  
163 secured by the Association.

164 Section 8. The Executive Committee shall review and make recommendations on all matters  
165 pertaining to the Association between meetings of the Board of Directors and the  
166 Association.

167 Section 9. The Executive Committee shall be charged with making recommendations to the Board  
168 of Directors regarding the assets of the Association and its investments.

169 Section 10. The Executive Committee has the power to incur indebtedness and to authorize  
170 payments thereof. On all proposals to incur indebtedness or to authorize expenditures  
171 in excess of regularly established association procedure, the Executive Committee  
172 shall submit such proposals to the Finance Committee for its consideration and  
173 recommendations before final action is taken.

174  
175 Section 11. Proposals for association expenditures, outside regularly established association  
176 procedure, may be initiated by the Executive Committee or the Board of Directors or at  
177 a regular meeting of the membership.

178 Section 12. a) The Executive Director shall be empowered by the Executive Committee with



179 approval by the Board of Directors to carry on the duties of administration of  
180 PAWNY such as daily operations of the office, hiring & oversight of subordinate  
181 staff, and human resource details and other duties as requested by the Board.

182 b) The Executive Director shall keep a roll of member's names, residence, date of  
183 admission and any subsequent changes.

184 c) The Executive Director shall read all communications, coordinate all correspondence  
185 of the Society, notify all members four weeks in advance of each annual meeting and  
186 at each annual meeting, render a report of the duties performed by him since the last  
187 annual meeting and in conjunction with the Executive Committee, shall superintend  
188 such publications as the society shall direct.

189 d) The Executive Director, shall receive compensation approved by the Executive  
190 Committee after an annual review, as determined by the board, supported by the  
191 Board of Directors commensurate with the services rendered and budgetary  
192 allowances.

193

194 **ARTICLE VI: BOARD OF DIRECTORS**

195 Section 1. a) The Board of Directors shall consist of twelve (12) Active members, ten (10)  
196 student members, and up to six (6) associate advisors who shall be considered ex-  
197 officio members

198 b) Six (6) active members will be elected each year for a 2 year term.

199 c) The ten (10) student members shall be comprised of 2 SPAWNY students from  
200 each professional year of Pharmacy school and 2 officers from the Student chapter  
201 of ASCP and shall be entitled to 1 collective vote.

202 Section 2. The Chairman of the Board will preside at all Board of Director's meetings. In the

203 absence of the Chairman of the Board, the President shall be the presiding officer.

204 Section 3. The Board of Directors shall have charge of the revision of the rolls, investigation of  
205 the applications for membership, the audit of all bills against the Association, direction  
206 of the activities of the Association, and in all respects have full charge of all the  
207 business not otherwise assigned to the Executive Board

208 Section 4. In addition to directors as provided in Section 1 of this article, the officers of the  
209 Association shall also serve as members of the Board of Directors for the term of their  
210 elective office.

211 Section 5. All vacancies on the Board of Directors shall be filled by the President, with the  
212 approval of a majority of the Board of Directors, at the next regular meetings of the  
213 Board following such vacancy, according to, or limited by Sections 1 or 2 of this  
214 Article. Such person or persons so appointed, shall normally hold office for the  
215 un-expired term of the person or persons so replaced and shall be eligible for re-election  
216 at the next annual election of officers.

217 Section 6. Failure to attend three successive meetings of the Board of Directors in a year, *may* be  
218 considered automatic resignation of that officer, director or advisor. Reinstatement  
219 *is* subject to action by the Board of Directors.

220

221 **ARTICLE VII: MEETINGS**

222 Section 1. Annual Meeting. The Annual Meeting of the Association shall be held in the month of  
223 June each year or, at such a time and place as the Board of Directors shall select.

224 Section 2. Regular Meetings. The regular meetings of the Association shall be held and scheduled  
225 at such times and places as the Board of Directors shall select.

226 Section 3. Special meetings may be called by the President upon the written request of three

227 Members of the Board of Directors or ten members of the Association. Due notice  
228 of such meetings shall be given to every member of the Association and shall state the  
229 Object of such meetings and no other business shall be transacted at such meetings.

230 Section 4. Regular meetings of the Board of Directors shall be held on such other time and place as  
231 may be previously directed by the Board of Directors

232

233 **ARTICLE VIII: AMENDMENTS OF CONSTITUTION**

234 Amendments or alterations to this Constitution shall be submitted in writing and sent to the Board  
235 of Directors who shall present the amendment at the next regularly scheduled general meeting of  
236 the Association, then subsequently communicated to the members of the Association in a secure  
237 manner determined by the Board of Directors for a ballot within sixty days. Upon receiving the  
238 affirmative vote of two thirds of the vote cast, it shall become part of this Constitution.

239

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241

242 **BYLAWS**

243 **ARTICLE I: QUORUM**

244 Twenty-five Association members, or majority of current Board shall constitute a quorum for the  
245 transaction of business at all annual, regular or special meetings of the Association. A majority of  
246 the current voting board members at all meetings of the Board of Directors and a majority of the  
247 members on a committee at all meetings of such committee, shall constitute a quorum for those  
248 meetings.

249  
250 **ARTICLE II: DUES**

251 The Board of Directors shall set the annual dues of the Association. Dues may vary in amounts  
252 depending upon different classifications of membership. Only members in good standing (i.e. paid  
253 up dues) shall be entitled to the rights, privileges and benefits of Association membership.

254  
255 **ARTICLE III: STANDING COMMITTEES**

256 The President, with approval of two-thirds of the Board of Directors, shall appoint the following  
257 Standing Committees:

258 **1. Membership**

259 **2. Publications**

260 **3. Third party**

261 **4. Special Programs and Nominations**

262 **(Installation banquets, Golf, CE Programs)**

263 **5. Finance and Insurance**

264 **6. Public and Professional relations (including UBSOPPS & DYCSOP) and Peer**

265 **Review**

266 **7. Legislative**

267 All standing committees shall consist of not less than three members of which at least one shall be  
268 from the membership of the Board of Directors (or designee). This board member may serve as a  
269 liaison to the committee to which he or she is named. The nominating committee shall be  
270 composed of five individuals from the current Board of Directors and/or from a list of past  
271 presidents. The President shall appoint these persons.

272 All committees shall serve one year or until the appointment of their successors.

273 The President shall be an ex-officio member of all committees. The Executive Director shall be a  
274 non-voting member of all committees.

275

276 **ARTICLE IV: DUTIES OF COMMITTEES**

277

278 Section 1. a) The President, with the approval of the Board of Directors, will assign the duties and  
279 functions of each committee.

280 b) The President shall notify members of their election, and also furnish each member of  
281 all committees with names of their associates of said committee, in addition to his  
282 other duties as directed or assigned in accordance with subdivision, thereof.

283 Section 2. The Membership Committee shall use its best efforts to secure new members for the  
284 Association and refer such applications for membership to the Board of Directors. All  
285 other applications for membership received by the Association shall be referred to this  
286 committee for investigation after which it shall report its findings to the Board of  
287 Directors.

288 Section 3. The Publications Committee shall be responsible for the compilation and publication of  
289 the bi-monthly magazine, newsletters, special surveys and other publications.

290 Section 4. The Third Party Committee shall have the responsibility to study and report current  
291 trends in third party administration in New York State and the country.

292 Section 5. Special Programs and Nominations Committee shall be responsible for coordination of  
293 activities for members. The following are subcommittees that function for designated  
294 events.

295 a) Nominations Committee shall be responsible for drawing up a new slate of  
296 officers for each year's election as well as awards/recognitions.

297 b) Installation Banquet Committee

298 c) Golf Committee shall have charge of the annual golf tournament

299 d) CE Program Committee shall have charge of all education programs for members

300 Section 6. The Finance and Insurance Committee shall investigate insurance opportunities for  
301 members. Additionally, shall, along with the Treasurer, deal with the necessary financial  
302 responsibilities and commitments of the organization, and shall submit a budget to the  
303 Board at the beginning of the new fiscal year.

304 Section 7. The Public and Professional Relations Committee/Peer Review shall develop  
305 interprofessional relations programs between pharmacy and the other health  
306 professions. Additionally, it will conduct continuous programs of recruitment, Public  
307 information and education with all public except the health professions, shall develop  
308 and maintain communications and input with the School of Pharmacy and  
309 Pharmaceutical Sciences, University at Buffalo, regarding issues of importance to  
310 alumni and other pharmacy graduates, such as continuing education, etc.

311 Section 8. The Legislative Committee shall gather and report upon all legislative news pertaining to

312 or affecting pharmacy and shall foster, support or oppose such proposed legislation as  
313 directed by the members of the Association. The Chairman of the Committee shall be the  
314 correspondent for association with all legislative bodies.

315

316 **ARTICLE V: SPECIAL COMMITTEES AND TASK FORCES**

317 The President may appoint special Committees as occasions arise and require, and such  
318 committees shall be limited to the scope of the resolution under which they act.

319

320 **ARTICLE VI: ORDER OF BUSINESS**

321 The presiding officer shall submit the order of business or agenda of all meetings of the  
322 Association and Board of Directors.

323

324 **ARTICLE VII: PARLIAMENTARY PROCEDURES**

325 Robert’s Rules of order (current edition) shall be the official guide of parliamentary procedure at  
326 all meetings except as otherwise provided for in the Constitution and Bylaws or the Association.

327 The Chairman of the Board will ensure that the proper order of business is followed.

328

329 **ARTICLE VIII: CODE OF ETHICS**

330 The code of Ethics of the Pharmacists Society of the State of New York as at present constituted,  
331 or as may hereafter be revised, shall be assumed as a part of these by-laws.

332

333 **ARTICLE IX: DISCLAIMER**

334 Notwithstanding the affiliation of the Pharmacists’ Association of Western New York. Inc with the  
335 Pharmacists Society of the State of New York, and, notwithstanding any other provision of the

336 Constitution or Bylaws of the Pharmacists' Association of Western New York, Inc. or rule of law,  
337 the Pharmacists' Association of Western New York, Inc. hereby disclaims responsibility for  
338 actions or representatives of the Pharmacists Society of the State of New York. The Pharmacists'  
339 Association of Western New York, Inc. is a separate and distinct organization and as such is not an  
340 agent for any other organization (expressed, implied, apparent or otherwise). The Pharmacists'  
341 Association of Western New York Inc. may act on behalf of the Pharmacists Society of the State of  
342 New York only when they duly authorize such action, in writing, and such writing states an  
343 expiration date of such authority, and the Pharmacist's Association of Western New York, Inc.  
344 accepts such authority by responding in writing, with the official seal of The Pharmacists'  
345 Association of Western New York, Inc. and signed by the President and the Secretary of the  
346 Pharmacists' Association of Western New York, Inc.

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348 **ARTICLE X: TERMINATION OF MEMBERSHIP**

349 Membership may be terminated at the discretion of the Board of Directors by a two-thirds vote.  
350 The member so terminated may appeal to the Board of Directors for reinstatement.

351

352 **ARTICLE XI: REMOVAL OR IMPEACHMENT OF OFFICERS**

353 Any officer failing to perform his duties, as prescribed in the Constitution and Bylaws or  
354 Procedures Manual of this Association may be removed or impeached from office by a two-thirds  
355 vote of the members present at a special meeting of the Association called for such purpose.

356 The following procedure for impeachment shall prevail: Written charge for impeachment must be  
357 submitted to the Board of Directors, a copy of which must be served upon the officer so charged  
358 and notified to appear before the Board of Directors who shall examine the charges and hear the  
359 officer so charged in this defense. The Board of Directors is then to decide by a two-thirds vote of



360 the members of the Board of Directors present at a meeting duly called for said purpose, whether to  
361 submit said charges for impeachment to the membership, in which case the Board of Directors  
362 shall arrange for the time and place of the special meeting to be called for such purpose. The  
363 officer so charged may have the right to appeal from the decision of the assembly at such special  
364 meeting.

365

366 **ARTICLE XII: AMENDMENTS**

367 Amendments or alterations to these By-laws shall be submitted in writing and sent to the Board of  
368 Directors who shall present the amendment at the next regularly scheduled general meeting of the  
369 Association, then subsequently submit it to the members of the Associations for a mail ballot  
370 within sixty days. Upon receiving the vote of two thirds of the votes cast, it shall become part of  
371 these By-laws.

372 This Constitution and By-Laws was last amended on June 1, 1990, January 1, 1991 and April 1,  
373 1995, June 1, 2000, January 3, 2005, June 1, 2006 and June 1, 2013.

374 **AFFIRMATION:**

375 **James A. Walsh Pharm.D.** \_\_\_\_\_

376 Chairman of Constitution & By-Laws Committee Date

377 **Todd E. Martino Pharm.D.** \_\_\_\_\_

378 President Date

379 **Mary Lou Notaro, R.Ph.** \_\_\_\_\_

380 Secretary Date

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**PHARMACISTS’ ASSOCIATION OF WESTERN NEW YORK. INC**

**BOARD OF DIRECTORS**

**OPERATING STATEMENT**

**DISCLOSURE OF PERCEIVED CONFLICTS OF INTEREST AND/OR DUALITY**

The Pharmacists’ Association of Western New York, Inc. (PAWNY) Board of Directors has adopted the following policy regarding conflicts and/or duality of interest:

1. Any conflict and/or duality of interest on the part of any Board member should be disclosed to the other Board members and made a matter of record, through an annual procedure and when the interest is related to a matter of Board action.
2. Any Board member having a possible conflict of interest on any matter should not vote or use his/her personal influence on the matter, and he/she should not be counted in determining the quorum for the meeting, even when permitted by law. The minutes of the meeting should reflect that a disclosure was made, the abstention from voting, and quorum situation.
3. No Board member or employee shall engage, directly or indirectly, in conduct which is disloyal, disruptive, or damaging to the Association.
4. No Board member shall at any time disclose to others or use for that individual’s benefit or the benefit of others any confidential or proprietary information owned, possessed or used by the Association, except as authorized by the Association and for its benefit. This does not include information that is publicly available or received from other non-PAWNY sources.
5. By majority vote of the Board of Directors, any individual with an actual or potential conflict

411 of interest may, in addition to being excluded from voting on the matter in question, be also  
412 excluded from any participation in the matter and/or may be excluded from the meeting during  
413 consideration and voting upon the matter in question.

414

415 6. In the event a Board member is involved in activities or organizations which constitute either  
416 a real or apparent conflict of interest that significantly affects his/her continued service as a  
417 member of the board of Directors he/she shall take prompt action to resolve the conflict by (a)  
418 terminating the conflicting activity or organizational association; or (b) by resigning from the  
419 Board of Directors.

420

421 7. If any question shall arise as to whether or particular activity or organization association  
422 constitutes a conflict of interest for a Board member, the question shall be submitted to the Board  
423 of Directors for a decision. A majority vote of the Board of Directors shall decide such questions.  
424 In cases where the board of Directors feels the conflict is a problem relative to continued service  
425 on the Board, the Board member shall take the action required under #6 of this policy statement. If  
426 the Board member fails to take the action required under #6, the Board of Directors may dismiss  
427 the Board member by a two- thirds vote of the members present, as permitted in Article XII, page  
428 3B, of the PAWNY Bylaws.

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430 8. The foregoing requirements should not be construed as preventing the Board member from  
431 briefly stating his/her position in the matter, nor from answering pertinent questions of other Board  
432 members since his/her knowledge may be of great assistance.

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**PHARMACIST’S ASSOCIATION OF WESTERN NEW YORK, INC.**  
**BOARD OF DIRECTORS**  
**INTERESTS DISCLOSURE STATEMENT**

I have read and am familiar with the details of the Pharmacists’ Association of Western New York Operating Policy Statement titled, “Disclosure of Potential Conflicts of Interest and/or Duality” and ...  
( ) To the best of my knowledge, as of this date, neither I nor my family have any personal circumstances or interests that would post a conflict and/or duality of interest for Pharmacists Association of Western New York Board, Inc. actions during my term of office, but will disclose such circumstances as they may change or unforeseen Board actions arise.

**OR**

( ) The following is a list of circumstances or interests that may pose a conflict of interest and/or a duality of interest in my place of employment, the industry advisory panels on which I serve, and/or the pharmacy associations memberships:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To the best of my knowledge, as of this date, this list of existing interests is complete but I will disclose such circumstances as they may change or unforeseen Board actions arise.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Board Position \_\_\_\_\_

