

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition to Revoke Probation
Against:

JEFFERY QUON
23441 Cimarron Ct
Laguna Niguel, CA 92677

Pharmacist License No. RPH 29995

Respondent.

Case No. 3356

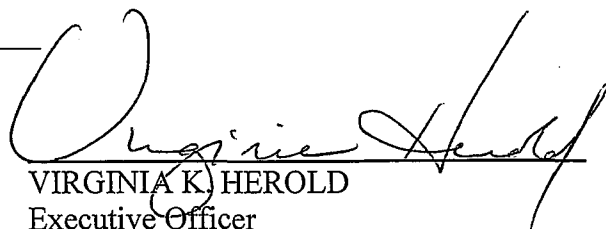
**WITHDRAWAL OF PETITION TO
REVOKE PROBATION**

On or about September 29, 2009, Complainant Virginia Herold ("Complainant"), in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Petition to Revoke Probation No. 3356 against Respondent Jeffery Quon, (Pharmacist License No. RPH 29995).

Complainant, exercising her discretionary authority pursuant to Title 16, California Code of Regulations, Section 1703, and acting on information submitted to her, and in the interest of justice, has determined that good cause exists to withdraw Petition to Revoke Probation No. 3356 against Respondent Jeffery Quon.

WHEREFORE, Complainant hereby withdraws Petition to Revoke Probation No. 3356, filed on or about September 29, 2009, against Respondent Jeffery Quon, (Pharmacist License No. RPH 29995).

DATED: 12/22/09



VIRGINIA K. HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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of the State of California
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Supervising Deputy Attorney General

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8 Attorneys for Complainant

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10 **BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke Probation
12 Against:

Case No. 3356

13 JEFFREY QUON, RPH
23441 Cimarron Ct.
14 Laguna Niguel, CA 92677

**PETITION TO REVOKE
PROBATION**

15 Pharmacist License No. RPH 29995

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this Petition to Revoke Probation
21 solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of
22 Consumer Affairs.

23 **LICENSE HISTORY**

24 2. On or about September 7, 2000, the Board of Pharmacy issued Original
25 Pharmacist License Number RPH 29995 to Jeffrey Quon (Respondent). Respondent's
26 Pharmacist License expired on or about July 31, 2008 and was not renewed. Said license was
27 placed on probation by the Board effective December 6, 2007.

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1 3. In a prior disciplinary action entitled "*In the Matter of Accusation Against*
2 *Jeffrey Quon,*" Case No. 3044, the Board of Pharmacy issued a decision, effective December 6,
3 2007, in which Respondent's Pharmacist License was revoked, however, the revocation was
4 stayed. Respondent's license was suspended until evaluated by the Pharmacy Recovery Program
5 and determined safe to return to the practice of pharmacy, and placed on probation for a period of
6 five (5) years with certain terms and conditions, including successful participation in the
7 Pharmacists Recovery Program. A copy of that decision is attached as Exhibit A and is
8 incorporated by reference:

9 4. Condition 15 of the Decision and Order states:

10 If Respondent violates probation in any respect, the Board, after giving
11 Respondent notice and an opportunity to be heard, may revoke probation and
12 carry out the disciplinary order which was stayed. If a petition to revoke
13 probation or an accusation is filed against Respondent during probation, the
14 Board shall have continuing jurisdiction and the period of probation shall be
15 extended, until the petition to revoke probation or accusation is heard and decided.

16 If Respondent has not complied with any term or condition of probation,
17 the Board shall have continuing jurisdiction over Respondent, and probation
18 shall automatically be extended until all terms and conditions have been satisfied
19 or the Board has taken other action as deemed appropriate to treat the failure to
20 comply as a violation of probation, to terminate probation, and to impose the
21 penalty which was stayed.

22 **JURISDICTION**

23 5. This Petition to Revoke Probation is brought before the Board of
24 Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws.
25 All section references are to the Business and Professions Code unless otherwise indicated.

26 6. Section 4300 of the Code states:

27 (a) Every license issued may be suspended or revoked.

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(d) The board may initiate disciplinary proceedings to revoke or suspend
any probationary certificate of licensure for any violation of the terms and
conditions of probation. Upon satisfactory completion of probation, the board
shall convert the probationary certificate to a regular certificate, free of conditions.

(e) The proceedings under this article shall be conducted in accordance
with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the

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1 Government Code, and the board shall have all the powers granted therein. The
2 action shall be final, except that the propriety of the action is subject to review by
the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

3 7. Section 118, subdivision (b), of the Code provides that the suspension,
4 expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to
5 proceed with a disciplinary action during the period within which the license may be renewed,
6 restored, reissued or reinstated.

7 8. California Code of Regulations, title 16, section 1773 states:

8 (a) Unless otherwise directed by the Board in its sole discretion, any
9 pharmacist who is serving a period of probation shall comply with the following
conditions:

10 (1) Obey all laws and regulations substantially related to the
11 practice of Pharmacy;

12 (2) Report to the Board or its designee quarterly either in person or
13 in writing as directed; the report shall include the name and address of the
probationer's employer. If the final probation report is not made as directed, the
period of probation shall be extended until such time as the final report is made;

14 (3) Submit to peer review if deemed necessary by the Board;

15 (4) Provide evidence of efforts to maintain skill and knowledge as
16 a pharmacist as directed by the Board;

17 (5) Inform all present and prospective employers of license
18 restrictions and terms of probation. Probationers employed by placement agencies
must inform all permittees in whose premises they work of license restrictions and
terms of probation.

19 (6) Not supervise any registered interns nor perform any of the
20 duties of a preceptor;

21 (7) The period of probation shall not run during such time that the
22 probationer is engaged in the practice of pharmacy in a jurisdiction other than
California.

23 (b) If ordered by the Board in an administrative action or agreed upon in
24 the stipulated settlement of an administrative action, any registered pharmacist
who is serving a period of probation shall comply with any or all of the following
conditions;

25 (1) Take and pass all or any sections of the pharmacist licensure
26 examination and/or attend continuing education courses in excess of the required
number in specific areas of practice if directed by the Board;

27 (2) Provide evidence of medical or psychiatric care if the need for
28 such care is indicated by the circumstances leading to the violation and is directed
by the Board;

1 (3) Allow the Board to obtain samples of blood or urine (at the
2 pharmacist's option) for analysis at the pharmacist's expense, if the need for such a
3 procedure is indicated by the circumstances leading to the violation and is directed
4 by the Board;

5 (4) If and as directed by the Board, practice only under the
6 supervision of a pharmacist not on probation to the Board. The supervision
7 directed may be continuous supervision, substantial supervision, partial
8 supervision, or supervision by daily review as deemed necessary by the Board for
9 supervision, partial supervision, or supervision by daily review as deemed
10 necessary by the Board for the protection of the public health and safety.

11 (c) When the circumstances of the case so require, the Board may impose
12 conditions of probation in addition to those enumerated herein by the terms of its
13 decision in an administrative case or by stipulation of the parties.

14 **FIRST CAUSE TO REVOKE PROBATION**

15 **(Reporting to the Board)**

16 9. At all times after the effective date of Respondent's probation, Condition 3
17 stated:

18 **Reporting to the Board**

19 Respondent shall report to the Board quarterly. The report shall be made
20 either in person or in writing, as directed. Respondent shall state under penalty of
21 perjury whether there has been compliance with all the terms and conditions of
22 probation. If the final probation report is **not** made as directed, probation shall be
23 extended automatically until such time as the final report is made and accepted by
24 the Board.

25 10. Respondent's probation is subject to revocation because he failed to
26 submit quarterly reports, in violation of Condition 3, referenced above.

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1 **SECOND CAUSE TO REVOKE PROBATION**

2 **(Interview With the Board)**

3 11. At all times after the effective date of Respondent's probation, Condition 4
4 stated:

5 **Interview with the Board**

6 Upon receipt of reasonable notice, Respondent shall appear in person for
7 interviews with the Board upon request at various intervals at a location to be
8 determined by the Board. Failure to appear for a scheduled interview without
9 prior notification to Board staff shall be considered a violation of probation.

10 12. Respondent's probation is subject to revocation because he failed to
11 appear in person for interviews with the Board upon request, in violation of Condition 4,
12 referenced above. The facts and circumstances regarding this violation are that on November 29,
13 2007, January 8, 2008 and September 17, 2008, the Board sent letters via First Class and
14 Certified Mail to Respondent's residential address requesting that he appear in person at a Board
15 probation office conference. The purpose of the office conference was to review the terms and
16 conditions of his probation. Respondent failed to appear at any of the each conferences as
17 requested. The certified letters were returned marked "Unclaimed" by the United States Postal
18 Service.

18 **THIRD CAUSE TO REVOKE PROBATION**

19 **(Reimbursement of Board Costs)**

20 13. At all times after the effective date of Respondent's probation, Condition 9
21 stated:

22 **Reimbursement of Board Costs**

23 Respondent shall pay to the Board its costs of investigation and
24 prosecution in the amount of \$7,747.25. Respondent shall make payments on
25 a payment plan approved by the Board.

26 The filing of bankruptcy by Respondent shall not relieve Respondent
27 of his responsibility to reimburse the Board its costs of investigation and
28 prosecution.

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1 14. Respondent's probation is subject to revocation because he failed to
2 submit cost recovery payments as approved by the Board, in violation of Condition 9, referenced
3 above. The facts and circumstances regarding this violation are that Respondent has not made
4 any payment to the Board for cost recovery. On September 8, 2008, the Board notified
5 Respondent, via First Class and Certified Mail of his failure to reimburse the Board its costs of
6 investigation and prosecution and his failure to enroll in the PRP. The certified letter was
7 returned marked "Unclaimed" by the United States Postal Service.

8 **FOURTH CAUSE TO REVOKE PROBATION**

9 **(Rehabilitation Program - Pharmacists Recovery Program)**

10 15. At all times after the effective date of Respondent's probation, Condition
11 17 stated:

12 **Rehabilitation Program - Pharmacists Recovery Program (PRP)**

13 Within 30 days of the effective date of this decision, Respondent shall
14 contact the Pharmacists Recovery Program for evaluation and shall successfully
15 participate in and complete the treatment contract and any subsequent addendums
as recommended and provided by the PRP and as approved by the Board. The
costs for PRP participation shall be borne by the Respondent.

16 If Respondent is currently enrolled in the PRP, said participation is now
17 mandatory and is no longer considered a self-referral under Business and
18 Professions Code section 4363, as of the effective date of this decision.
19 Respondent shall successfully participate in and complete his current contract and
20 any subsequent addendums with the PRP. Probation shall be automatically
21 extended until Respondent successfully completes his treatment contract. Any
person terminated from the program shall be automatically suspended upon notice
by the Board. Respondent may not resume the practice of pharmacy until notified
by the Board in writing. The Board shall retain jurisdiction to institute action to
terminate probation for any violation of this term.

22 16. Respondent's probation is subject to revocation because he failed to
23 successfully complete the Pharmacists Recovery Program (PRP) in violation of Probation
24 Condition 17, referenced above. The facts and circumstances regarding this violation are that
25 Respondent did not enroll in the program. On February 2, 2009, the Board received a letter from
26 the PRP confirming that Respondent had not enrolled in the PRP nor did Respondent ever
27 contact the PRP.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein

alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 3044 and imposing the disciplinary order that was stayed thereby revoking Pharmacist License No. 29995 issued to Jeffrey Quon;
2. Revoking Pharmacist License No. RPH 29995, issued to Jeffrey Quon;
3. Taking such other and further action as deemed necessary and proper.

DATED: 9/29/09

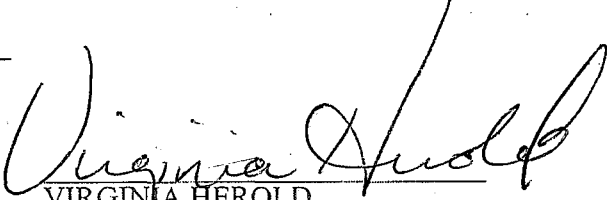

VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

Exhibit A
Decision and Order
Board of Pharmacy Case No. 3044

BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

JEFFERY QUON, RPH
24331 Cimarron Court
Laguna Niguel, CA 92677

Pharmacist No. RPH 29995

Respondent.

Case No. 3044

OAH No. L-2007031004

DECISION AND ORDER

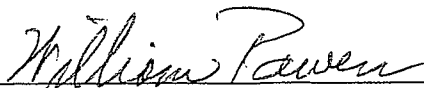
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on December 6, 2007.

It is so ORDERED November 6, 2007.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By


WILLIAM POWERS
Board President

1 EDMUND G. BROWN JR., Attorney General
of the State of California

2 JAMES M. LEDAKIS
Supervising Deputy Attorney General

3 ~~DIANE DE KERVOR, State Bar No. 174721~~

4 Deputy Attorney General
California Department of Justice
110 West "A" Street, Suite 1100
5 San Diego, CA 92101

6 P.O. Box 85266
San Diego, CA 92186-5266
7 Telephone: (619) 645-2611
8 Facsimile: (619) 645-2061

9 Attorneys for Complainant

10 **BEFORE THE**
11 **BOARD OF PHARMACY**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

15 JEFFERY QUON, RPH
24331 Cimarron Court
Laguna Niguel, CA 92677

16 Pharmacist No. RPH 29995

17 Respondent.

Case No. 3044

OAH No. L-2007031004

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18 In the interest of a prompt and speedy settlement of this matter, consistent with the
19 public interest and the responsibility of the Board of Pharmacy of the Department of Consumer
20 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
21 which will be submitted to the Board for approval and adoption as the final disposition of the
22 Accusation.

23 PARTIES

24 1. Virginia Herold (Complainant) is the Executive Officer of the Board of
25 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
26 by Edmund G. Brown Jr., Attorney General of the State of California, by Diane De Kervor,
27 Deputy Attorney General.

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1 2. Respondent Jeffery Quon, RPH (Respondent) is represented in this
2 proceeding by attorney Bruce Benson, Esquire, whose address is 17592 Irvine Boulevard
3 Tustin, CA 92673.

4 3. On or about December 3, 1975, the Board of Pharmacy issued Pharmacist
5 License No. RPH 29995 to Jeffery Quon, RPH (Respondent). Unless renewed, the Pharmacist
6 License will expire on July 31, 2008.

7 JURISDICTION

8 4. Accusation No. 3044 was filed before the Board of Pharmacy (Board),
9 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
10 and all other statutorily required documents were properly served on Respondent on January 23,
11 2007. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of
12 Accusation No. 3044 is attached as exhibit A and incorporated herein by reference.

13 ADVISEMENT AND WAIVERS

14 5. Respondent has carefully read, discussed with counsel, and fully
15 understands the charges and allegations in Accusation No. 3044. Respondent has also carefully
16 read, discussed with counsel, and fully understands the effects of this Stipulated Settlement and
17 Disciplinary Order.

18 6. Respondent is fully aware of his legal rights in this matter, including the
19 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
20 counsel at his own expense; the right to confront and cross-examine the witnesses against him;
21 the right to present evidence and to testify on his own behalf; the right to the issuance of
22 subpoenas to compel the attendance of witnesses and the production of documents; the right to
23 reconsideration and court review of an adverse decision; and all other rights accorded by the
24 California Administrative Procedure Act and other applicable laws.

25 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
26 each and every right set forth above.

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in
3 ~~Accusation No. 3044 with the exception that his conviction was reduced to a conviction for a~~
4 violation of Penal Code section 484 (petty theft), a misdemeanor.

5 9. Respondent agrees that his Pharmacist license is subject to discipline and
6 he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary
7 Order below.

8 CONTINGENCY

9 10. This stipulation shall be subject to approval by the Board of Pharmacy.
10 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
11 Pharmacy may communicate directly with the Board regarding this stipulation and settlement,
12 without notice to or participation by Respondent or his counsel. By signing the stipulation,
13 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind
14 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
15 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
16 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
17 between the parties, and the Board shall not be disqualified from further action by having
18 considered this matter.

19 OTHER MATTERS

20 11. The parties understand and agree that facsimile copies of this Stipulated
21 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
22 force and effect as the originals.

23 DISCIPLINARY ORDER

24 In consideration of the foregoing admissions and stipulations, the parties agree
25 that the Board may, without further notice or formal proceeding, issue and enter the following
26 Disciplinary Order:

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1 IT IS HEREBY ORDERED that Pharmacist License No. RPH 29995 issued to
2 Respondent Jeffery Quon, RPH is revoked. However, the revocation is stayed and Respondent is
3 placed on probation for five (5) years on the following terms and conditions.

4 1. **Actual Suspension - Pharmacist.** License No. RPH 22995, issued to
5 Respondent Jeffery Quon is suspended from the practice of pharmacy until evaluated by the
6 Pharmacist Recovery Program and determined safe to return to the practice of pharmacy.

7 During suspension, Respondent shall not enter any pharmacy area or any portion
8 of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other
9 distributor of drugs which is licensed by the Board, or any manufacturer, or where dangerous
10 drugs and devices or controlled substances are maintained. Respondent shall not practice
11 pharmacy nor do any act involving drug selection, selection of stock, manufacturing,
12 compounding, dispensing or patient consultation; nor shall Respondent manage, administer, or
13 be a consultant to any licensee of the Board, or have access to or control the ordering,
14 manufacturing or dispensing of dangerous drugs and devices or controlled substances.

15 Respondent shall not engage in any activity that requires the professional
16 judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of
17 pharmacy. Respondent shall not perform the duties of a pharmacy technician or an exemptee for
18 any entity licensed by the Board. Subject to the above restrictions, Respondent may continue to
19 own or hold an interest in any pharmacy in which he holds an interest at the time this decision
20 becomes effective unless otherwise specified in this order.

21 2. **Obey All Laws.** Respondent shall obey all state and federal laws and
22 regulations substantially related to or governing the practice of pharmacy.

23 Respondent shall report any of the following occurrences to the Board, in writing,
24 within 72 hours of such occurrence:

- 25 • an arrest or issuance of a criminal complaint for violation of any provision of the
26 Pharmacy Law, state and federal food and drug laws, or state and federal
27 controlled substances laws

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- 1 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to
- 2 any criminal complaint, information or indictment
- 3 • a conviction of any crime
- 4 • discipline, citation, or other administrative action filed by any state and federal
- 5 agency which involves Respondent's license or which is related to the practice
- 6 of pharmacy or the manufacturing, obtaining, handling or distribution or billing
- 7 or charging for any drug, device or controlled substance.

8 **3. Reporting to the Board.** Respondent shall report to the Board
9 quarterly. The report shall be made either in person or in writing, as directed. Respondent
10 shall state under penalty of perjury whether there has been compliance with all the terms and
11 conditions of probation. If the final probation report **is not** made as directed, probation shall
12 be extended automatically until such time as the final report is made and accepted by the
13 Board.

14 **4. Interview with the Board.** Upon receipt of reasonable notice,
15 Respondent shall appear in person for interviews with the Board upon request at various
16 intervals at a location to be determined by the Board. Failure to appear for a scheduled
17 interview without prior notification to Board staff shall be considered a violation of probation.

18 **5. Cooperation with Board Staff.** Respondent shall cooperate with the
19 Board's inspectional program and in the Board's monitoring and investigation of Respondent's
20 compliance with the terms and conditions of his probation. Failure to comply shall be
21 considered a violation of probation.

22 **6. Continuing Education.** Respondent shall provide evidence of efforts
23 to maintain skill and knowledge as a pharmacist as directed by the Board.

24 **7. Notice to Employers.** Respondent shall notify all present and
25 prospective employers of the decision in case number 3044 and the terms, conditions and
26 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of
27 this decision, and within 15 days of Respondent undertaking new employment, Respondent
28 shall cause his direct supervisor, pharmacist-in-charge and/or owner to report to the Board in

1 writing acknowledging the employer has read the decision in case number 3044.

2 If Respondent works for or is employed by or through a pharmacy employment
3 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at
4 every pharmacy of the and terms conditions of the decision in case number 3044 in advance of
5 the Respondent commencing work at each pharmacy.

6 "Employment" within the meaning of this provision shall include any full-time, part-
7 time, temporary, relief or pharmacy management service as a pharmacist, whether the
8 Respondent is considered an employee or independent contractor.

9 8. **No Preceptorships, Supervision of Interns, Being Pharmacist-in-**
10 **Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern
11 pharmacist or perform any of the duties of a preceptor, nor shall Respondent be the
12 pharmacist-in-charge of any entity licensed by the Board unless otherwise specified in this
13 order.

14 9. **Reimbursement of Board Costs.** Respondent shall pay to the Board
15 its costs of investigation and prosecution in the amount of \$7,747.25. Respondent shall make
16 payments on a payment plan approved by the Board.

17 The filing of bankruptcy by Respondent shall not relieve Respondent of his
18 responsibility to reimburse the Board its costs of investigation and prosecution.

19 10. **Probation Monitoring Costs.** Respondent shall pay the costs
20 associated with probation monitoring as determined by the Board each and every year of
21 probation. Such costs shall be payable to the Board at the end of each year of probation.
22 Failure to pay such costs shall be considered a violation of probation.

23 11. **Status of License.** Respondent shall, at all times while on probation,
24 maintain an active current license with the Board, including any period during which
25 suspension or probation is tolled.

26 If Respondent's license expires or is cancelled by operation of law or otherwise,
27 upon renewal or reapplication, Respondent's license shall be subject to all terms and
28 conditions of this probation not previously satisfied.

1 12. **License Surrender while on Probation/Suspension.** Following the
2 effective date of this decision, should Respondent cease practice due to retirement or health, or
3 be otherwise unable to satisfy the terms and conditions of probation, Respondent may tender
4 his license to the Board for surrender. The Board shall have the discretion whether to grant
5 the request for surrender or take any other action it deems appropriate and reasonable. Upon
6 formal acceptance of the surrender of the license, Respondent will no longer be subject to the
7 terms and conditions of probation.

8 Upon acceptance of the surrender, Respondent shall relinquish his pocket
9 license to the Board within 10 days of notification by the Board that the surrender is accepted.
10 Respondent may not reapply for any license from the Board for three years from the effective
11 date of the surrender. Respondent shall meet all requirements applicable to the license sought
12 as of the date the application for that license is submitted to the Board.

13 13. **Notification of Employment/Mailing Address Change.** Respondent
14 shall notify the Board in writing within 10 days of any change of employment. Said
15 notification shall include the reasons for leaving and/or the address of the new employer,
16 supervisor or owner and work schedule if known. Respondent shall notify the Board in
17 writing within 10 days of a change in name, mailing address or phone number.

18 14. **Tolling of Probation.** Should Respondent, regardless of residency, for
19 any reason cease practicing pharmacy for a minimum 40 hours per calendar month in
20 California, Respondent must notify the Board in writing within 10 days of cessation of the
21 practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time
22 shall not apply to the reduction of the probation period. It is a violation of probation for
23 Respondent's probation to remain tolled pursuant to the provisions of this condition for a
24 period exceeding three years.

25 "Cessation of practice" means any period of time exceeding 30 days in which
26 Respondent is not engaged in the practice of pharmacy as defined in Section 4052 of the
27 Business and Professions Code.

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1 Respondent shall work at least 40 hours in each calendar month as a pharmacist
2 and at least an average of 80 hours per month in any six consecutive months. Failure to do so
3 will be a violation of probation. ~~If Respondent has not complied with this condition during~~
4 the probationary term, and Respondent has presented sufficient documentation of his good
5 faith efforts to comply with this condition, and if no other conditions have been violated, the
6 Board, in its discretion, may grant an extension of Respondent's probation period up to one
7 year without further hearing in order to comply with this condition.

8 15. **Violation of Probation.** If Respondent violates probation in any
9 respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke
10 probation and carry out the disciplinary order which was stayed. If a petition to revoke
11 probation or an accusation is filed against Respondent during probation, the Board shall have
12 continuing jurisdiction and the period of probation shall be extended, until the petition to
13 revoke probation or accusation is heard and decided.

14 If Respondent has not complied with any term or condition of probation, the
15 Board shall have continuing jurisdiction over Respondent, and probation shall automatically
16 be extended until all terms and conditions have been satisfied or the Board has taken other
17 action as deemed appropriate to treat the failure to comply as a violation of probation, to
18 terminate probation, and to impose the penalty which was stayed.

19 16. **Completion of Probation.** Upon successful completion of probation,
20 Respondent's license will be fully restored.

21 17. **Rehabilitation Program - Pharmacists Recovery Program (PRP).**
22 Within 30 days of the effective date of this decision, Respondent shall contact the Pharmacists
23 Recovery Program for evaluation and shall successfully participate in and complete the
24 treatment contract and any subsequent addendums as recommended and provided by the PRP
25 and as approved by the Board. The costs for PRP participation shall be borne by the
26 Respondent.

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1 If Respondent is currently enrolled in the PRP, said participation is now
2 mandatory and is no longer considered a self-referral under Business and Professions Code
3 section 4363, as of the effective date of this decision. Respondent shall successfully
4 participate in and complete his current contract and any subsequent addendums with the PRP.
5 Probation shall be automatically extended until Respondent successfully completes his
6 treatment contract. Any person terminated from the program shall be automatically suspended
7 upon notice by the Board. Respondent may not resume the practice of pharmacy until notified
8 by the Board in writing. The Board shall retain jurisdiction to institute action to terminate
9 probation for any violation of this term.

10 18. **Random Drug Screening.** Respondent, at his own expense, shall
11 participate in random testing, including but not limited to biological fluid testing (urine,
12 blood), breathalyzer, hair follicle testing, or a drug screening program approved by the Board.
13 The length of time shall be for the entire probation period and the frequency of testing will be
14 determined by the Board. At all times Respondent shall fully cooperate with the Board, and
15 shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics,
16 hypnotics, dangerous drugs or other controlled substances. Failure to submit to testing as
17 directed shall constitute a violation of probation. Any confirmed positive drug test shall result
18 in the immediate suspension of practice by Respondent. Respondent may not resume the
19 practice of pharmacy until notified by the Board in writing.

20 19. **Abstain from Drugs and Alcohol Use.** Respondent shall completely
21 abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their
22 associated paraphernalia except when the drugs are lawfully prescribed by a licensed
23 practitioner as part of a documented medical treatment. Upon request of the Board,
24 Respondent shall provide documentation from the licensed practitioner that the prescription
25 was legitimately issued and is a necessary part of the treatment of the Respondent.

26 20. **Supervised Practice.** Respondent shall practice only under the
27 supervision of a pharmacist not on probation with the Board. Respondent shall not practice
28 until the supervisor is approved by the Board. The supervision shall be, as required by the

1 Board, either:

2 Continuous - 75% to 100% of a work week

3 Substantial - At least 50% of a work week

4 Partial - At least 25% of a work week

5 Daily Review - Supervisor's review of probationer's daily activities within 24
6 hours

7 Within 30 days of the effective date of this decision, Respondent shall have his
8 supervisor submit notification to the Board in writing stating the supervisor has read the
9 decision in case number 3044 and is familiar with the level of supervision as determined by
10 the Board.

11 If Respondent changes employment, Respondent shall have his new supervisor,
12 within 15 days after employment commences, submit notification to the Board in writing
13 stating the direct supervisor and pharmacist-in-charge have read the decision in case number
14 3044 and is familiar with the level of supervision as determined by the Board.

15 Within 10, days of leaving employment, Respondent shall notify the Board in
16 writing.

17 21. **No Ownership of Premises.** Respondent shall not own, have any legal
18 or beneficial interest in, or serve as a manager, administrator, member, officer, director,
19 associate, or partner of any business, firm, partnership, or corporation currently or hereinafter
20 licensed by the Board. Respondent shall sell or transfer any legal or beneficial interest in any
21 entity licensed by the Board within 90 days following the effective date of this decision and
22 shall immediately thereafter provide written proof thereof to the Board.

23 Respondent shall not acquire any new ownership, legal or beneficial interest
24 nor serve as a manager, administrator, member, officer, director, trustee, associate, or partner
25 of any additional business, firm, partnership, or corporation licensed by the Board. If
26 Respondent currently owns or has any legal or beneficial interest in, or serves as a manager,
27 administrator, member, officer, director, associate, or partner of any business, firm,
28 partnership, or corporation currently or hereinafter licensed by the Board, Respondent may


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continue to serve in such capacity or hold that interest, but only to the extent of that position or interest as of the effective of this decision.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, San Diego Regional Office. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 9/19/07


Jeffery Quon, RPH
Respondent

I have read and fully discussed with Respondent Jeffery Quon, RPH the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 9/19/07

B. Benson
BRUCE BENSON, ESQUIRE
Attorney for Respondent

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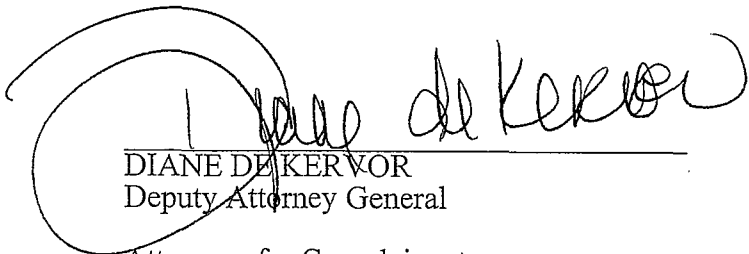
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 9/19/07

EDMUND G. BROWN JR., Attorney General
of the State of California



DIANE DEKERVOR
Deputy Attorney General
Attorneys for Complainant

DOJ Matter ID: SD2006802280
80165334.wpd



Exhibit A
Accusation No. 3044

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1 BILL LOCKYER, Attorney General
of the State of California
2 MARGARET A. LAFKO
Supervising Deputy Attorney General
3 DIANE DE KERVOR, State Bar No. 174721

Deputy Attorney General
4 California Department of Justice
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5 San Diego, CA 92101

6 P.O. Box 85266
San Diego, CA 92186-5266
7 Telephone: (619) 645-2611
Facsimile: (619) 645-2061

8 Attorneys for Complainant

9
10 **BEFORE THE**
BOARD OF PHARMACY
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 3044

13 JEFFEREY QUON, RPH
14 P.O. Box 17862
Anaheim Hills, CA 92817

15 24331 Cimarron Ct
16 Laguna Niguel, CA 92677

17 Pharmacist No. RPH 29995

A C C U S A T I O N

18 Respondent.

19
20 Complainant alleges:

21 **PARTIES**

22 1. Virginia Herold (Complainant) brings this Accusation solely in her official
23 capacity as the Interim Executive Officer of the Board of Pharmacy, Department of Consumer
24 Affairs.

25 2. On or about December 3, 1975, the Board of Pharmacy issued Pharmacist
26 License Number RPH 29995 to Jefferey Quon, RPH (Respondent). The Pharmacist License
27 will expire on July 31, 2008, unless renewed.

28 ///

JURISDICTION AND STATUTORY PROVISIONS

1
2 3. This Accusation is brought before the Board of Pharmacy, under the
3 authority of the following laws. All section references are to the Business and Professions Code
4 unless otherwise indicated.

5 4. Code section 118, subdivision (b), states, in pertinent part, that the
6 expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
7 action during the period within which the license may be renewed, restored, reissued or
8 reinstated.

9 5. Code section 482 states:

10 "Each board under the provisions of this code shall develop criteria to evaluate the
11 rehabilitation of a person when:

12 "(a) Considering the denial of a license by the board under Section 480; or

13 "(b) Considering suspension or revocation of a license under Section 490.

14 "Each board shall take into account all competent evidence of rehabilitation
15 furnished by the applicant or licensee."

16 6. Section 490 of the Code states, in pertinent part:

17 "A board may suspend or revoke a license on the ground that the licensee has been
18 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties
19 of the business or profession for which the license was issued. A conviction within the meaning
20 of this section means a plea or verdict of guilty or a conviction following a plea of nolo
21 contendere. . . ."

22 7. Code section 493 states:

23 "Notwithstanding any other provision of law, in a proceeding conducted by a board
24 within the department pursuant to law to deny an application for a license or to suspend or revoke
25 a license or otherwise take disciplinary action against a person who holds a license, upon the
26 ground that the applicant or the licensee has been convicted of a crime substantially related to the
27 qualifications, functions, and duties of the licensee in question, the record of conviction of the
28 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,

1 and the board may inquire into the circumstances surrounding the commission of the crime in
2 order to fix the degree of discipline or to determine if the conviction is substantially related to the
3 qualifications, functions, and duties of the licensee in question.

4 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
5 'registration.'"

6 8. Section 4022 of the Code states:

7 "Dangerous drug" or "dangerous device" means any drug or device unsafe for
8 self-use, except veterinary drugs that are labeled as such, and includes the following:

9 "(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing
10 without prescription," "Rx only," or words of similar import.

11 "(b) Any device that bears the statement: "Caution: federal law restricts this
12 device to sale by or on the order of a _____," "Rx only," or words of similar import, the
13 blank to be filled in with the designation of the practitioner licensed to use or order use of the
14 device.

15 "(c) Any other drug or device that by federal or state law can be lawfully
16 dispensed only on prescription or furnished pursuant to Section 4006."

17 9. Section 4059 of the Code states, in pertinent part:

18 "(a) A person may not furnish any dangerous drug, except upon the prescription of
19 a physician, dentist, podiatrist, optometrist, or veterinarian. A person may not furnish any
20 dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, or
21 veterinarian."

22 10. Section 4060 of the Code states:

23 "No person shall possess any controlled substance, except that furnished to a
24 person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished
25 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse
26 practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1. This
27 section shall not apply to the possession of any controlled substance by a manufacturer,
28 wholesaler, pharmacy, physician, podiatrist, dentist, veterinarian, certified nurse-midwife, nurse

1 practitioner, or physician assistant, when in stock in containers correctly labeled with the name
2 and address of the supplier or producer.

3 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner,
4 or a physician assistant to order his or her own stock of dangerous drugs and devices."

5 11. Section 4081 of the Code states:

6 "(a) All records of manufacture and of sale, acquisition, or disposition of
7 dangerous drugs or dangerous devices shall be at all times during business hours open to
8 inspection by authorized officers of the law, and shall be preserved for at least three years from
9 the date of making. A current inventory shall be kept by every manufacturer, wholesaler,
10 pharmacy, veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian,
11 laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked
12 certificate, license, permit, registration, or exemption under Division 2 (commencing with
13 Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000)
14 of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or
15 dangerous devices.

16 "(b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary
17 food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge or exemptee,
18 for maintaining the records and inventory described in this section.

19 "(c) The pharmacist-in-charge or exemptee shall not be criminally responsible for
20 acts of the owner, officer, partner, or employee that violate this section and of which the
21 pharmacist-in-charge or exemptee had no knowledge, or in which he or she did not knowingly
22 participate."

23 12. Section 4300 of the Code states, in pertinent part:

24 "(a) Every license issued may be suspended or revoked."

25 13. Section 4301 of the Code states, in pertinent part:

26 "The board shall take action against any holder of a license who is guilty of
27 unprofessional conduct or whose license has been procured by fraud or misrepresentation or
28 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the

1 following:

2 "(a) Gross immorality.

3 ". . . .

4 "(f) The commission of any act involving moral turpitude, dishonesty, fraud,
5 deceit, or corruption, whether the act is committed in the course of relations as a licensee or
6 otherwise, and whether the act is a felony or misdemeanor or not.

7 ". . . .

8 "(i) Except as otherwise authorized by law, knowingly selling, furnishing, giving
9 away, or administering or offering to sell, furnish, give away, or administer any controlled
10 substance to an addict.

11 "(j) The violation of any of the statutes of this state or of the United States
12 regulating controlled substances and dangerous drugs.

13 ". . . .

14 "(l) The conviction of a crime substantially related to the qualifications, functions,
15 and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
16 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
17 substances or of a violation of the statutes of this state regulating controlled substances or
18 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
19 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
20 The board may inquire into the circumstances surrounding the commission of the crime, in order
21 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
22 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
23 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty
24 or a conviction following a plea of nolo contendere is deemed to be a conviction within the
25 meaning of this provision. The board may take action when the time for appeal has elapsed, or
26 the judgment of conviction has been affirmed on appeal or when an order granting probation is
27 made suspending the imposition of sentence, irrespective of a subsequent order under Section
28 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a

1 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information,
2 or indictment.

3 ". . . .

4 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or
5 abetting the violation of or conspiring to violate any provision or term of this chapter or of the
6 applicable federal and state laws and regulations governing pharmacy, including regulations
7 established by the board."

8 14. Health and Safety Code section 11171 states:

9 "No person shall prescribe, administer, or furnish a controlled substance except under the
10 conditions and in the manner provided by this division."

11 15. Health and Safety Code section 11173 provides, in pertinent part:

12 "(a) No person shall obtain or attempt to obtain controlled substances, or procure or
13 attempt to procure the administration of or prescription for controlled substances, (1) by fraud,
14 deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact."

15 16. Health and Safety Code section 11350 provides:

16 "(a) Except as otherwise provided in this division, every person who possesses (1) any
17 controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of
18 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or
19 specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section
20 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic
21 drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian
22 licensed to practice in this state, shall be punished by imprisonment in the state prison."

23 17. California Code of Regulations, title 16, section 1769 states:

24 ". . . .

25 "(b) When considering the suspension or revocation of a facility or a personal
26 license on the ground that the licensee or the registrant has been convicted of a crime, the board,
27 in evaluating the rehabilitation of such person and his present eligibility for a license will
28 consider the following criteria:

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"(1) Nature and severity of the act(s) or offense(s).

"(2) Total criminal record.

"(3) The time that has elapsed since commission of the act(s) or offense(s).

"(4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

"(5) Evidence, if any, of rehabilitation submitted by the licensee."

18. California Code of Regulations, title 16, section 1770 states:

"For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare."

COST RECOVERY

19. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUGS

20. Vicodin ES, generic name Hydrocodone/APAP 7.5-750, is a pain reliever. It is a dangerous drug pursuant to section 4022 and a Schedule III controlled substance pursuant to Health and Safety Code section 11056(e)(4).

FIRST CAUSE FOR DISCIPLINE

(October 10, 2006 Criminal Conviction - Grand Theft on or about December 5, 2005)

21. Grounds exist to revoke Respondent's license under sections 490, 493, and 4301(f), (j), (l), and (o) for a criminal conviction that is substantially related to the qualifications, functions, and duties of a Pharmacist.

///

1 22. On or about October 7, 2005, the Management of the Sav-On Drug Store,
2 located at 1240 E. Yorba Linda Road, in Placentia, California, learned about the loss of a large
3 quantity of Vicodin from the store. It was determined that the losses only occurred on the days
4 that Respondent was working at the store as the Pharmacy Manager. Videocameras were
5 installed at the store, pointing to where the Vicodin was kept. On November 22, 2005, the video
6 cameras caught Respondent taking bottles of Vicodin and concealing them under the front
7 counter of the pharmacy. The video did not show Respondent taking the Vicodin from the store.

8 23. On December 5, 2005, Respondent admitted in a written statement that he
9 had been stealing Vicodin to give to his girlfriend, D.A., for her addiction for the past year. In a
10 verbal interview, he also admitted that he knew he was wrong and that he "has taken care of [his]
11 girlfriend's problem of addiction, but [he] knows continuation of employment is not an option."
12 He further admitted that the quantity of tablets stolen over the previous year was undecided, but
13 was not less than 800, which amounted to his estimation of value of approximately \$384.00.
14 Respondent admitted to the store management that he had stolen between 800 to 1,000 Vicodin
15 tablets over the span of one year. He admitted that he would put the Vicodin in his pocket and
16 walk out of the store.

17 24. On December 21, 2005, the store informed the Board of the issue. A
18 subsequent investigation and audit revealed much greater losses than estimated by the store.
19 Inventory records of the quantity of Hydrocodone/APAP 7.5-750 at the pharmacy were not
20 accurately maintained. Accordingly, the actual amount taken by Respondent was never
21 determined.

22 25. On April 20, 2006, the District Attorney charged Respondent with
23 violations of Code section 4060 (Possession of a Controlled Substance without a Prescription),
24 Penal Code section 487(a) (Grand Theft), and Penal Code sections 484(a)-488 (Petty Theft).
25 determined.

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1 26. On or about October 10, 2006 in the Superior Court for the County of
2 Orange, in a case entitled *People vs. Jeffrey Quon* (Sup. Ct., Orange, 2006, Case No.
3 06NM05326 M A), respondent pled guilty to a violation of Penal Code section 487(a) (Grand
4 Theft), a misdemeanor. Counts one and three of the complaint were dismissed.

5 27. Pursuant to a plea agreement, on or about October 10, 2006, Respondent
6 was ordered to complete 400 hours of community service in lieu of 50 days in county jail and he
7 was placed on 3 years probation. Respondent was also ordered to pay \$120 in fines and fees.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Furnishing Dangerous Drugs Without a Prescription**
10 **in Violation of Pharmacy and Drug Laws)**

11 28. Respondent is subject to disciplinary action under sections 4301(j) and (o)
12 as well as 4059(a) in that he stole approximately 800 to 1,000 pills of **Hydrocodone/APAP 7.5-**
13 **750**, a dangerous drug pursuant to Code section 4022(a), from the pharmacy where he worked as
14 the Pharmacy Manager and provided it to a known addict and without a prescription for the
15 medication. The circumstances of this cause for discipline are set forth in paragraphs 22-27
16 above, and are incorporated by reference herein.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Furnishing Controlled Substances Without a Prescription to an Addict**
19 **in Violation of Pharmacy and Drug Laws)**

20 29. Respondent is subject to disciplinary action under section 4301(i), (j), and
21 (o) as well as Health and Safety Code section 11171 in that he stole 800 to 1,000 pills of
22 Hydrocodone/APAP 7.5-750, a dangerous drug pursuant to Code section 4022(a), from the
23 pharmacy where he worked as the Pharmacy Manager, and provided it to a known addict and
24 without a prescription for the medication. The circumstances of this cause for discipline are set
25 forth in paragraphs 22-27 above, and are incorporated by reference herein.

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1 FOURTH CAUSE FOR DISCIPLINE

2 (Procurement and Possession of Controlled Substances By Theft
3 in Violation of Pharmacy and Drug Laws)

4 30. Respondent is subject to disciplinary action under section 4301(j) and (o),
5 section 4060, and Health and Safety Code sections 11173(a) and 11350(a) in that he stole 800 to
6 1,000 pills of Hydrocodone/APAP 7.5-750, a dangerous drug pursuant to Code section 4022(a),
7 from the pharmacy where he worked as the Pharmacy Manager, and provided it to a known
8 addict and without a prescription for the medication. The circumstances of this cause for
9 discipline are set forth in paragraphs 22-27 above, and are incorporated by reference herein.

10 FIFTH CAUSE FOR DISCIPLINE

11 (Unprofessional Conduct Involving Gross Immorality, Moral Turpitude,
12 and Dishonesty and in Violation of Pharmacy and Drug Laws)

13 31. Respondent is subject to disciplinary action under section 4301(a), (f), (j),
14 and (o) in that he stole 800 to 1,000 pills of Hydrocodone/APAP 7.5-750, a dangerous drug
15 pursuant to Code section 4022(a), from the pharmacy where he worked as the Pharmacy
16 Manager, and provided it to a known addict and without a prescription for the medication. The
17 circumstances of this cause for discipline are set forth in paragraphs 22-27 above, and are
18 incorporated by reference herein.

19 SIXTH CAUSE FOR DISCIPLINE

20 (Failure to Maintain Accurate Pharmacy Records
21 in Violation of Pharmacy and Drug Laws)

22 32. Respondent is subject to disciplinary action under section 4301 (j) and (o)
23 and 4081 in that he failed to maintain accurate records of Hydrocodone/APAP 7.5-750, a
24 dangerous drug pursuant to Code section 4022(a), at the pharmacy where he worked as the
25 Pharmacy Manager. Audits by the Pharmacy and the Pharmacy Board reflected inaccurate
26 records for the disposition of this and other narcotics, and failed to account for the loss of over
27 1,000 pills of Hydrocodone/APAP 7.5-750 in the one year that Respondent worked as the
28 Pharmacy Manager at the pharmacy. A subsequent investigation and audit revealed that

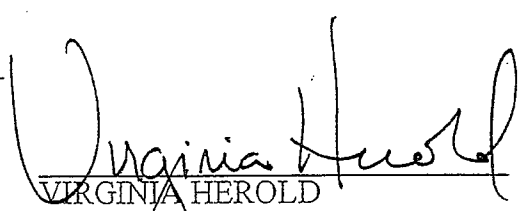
1 Inventory records of the quantity of Hydrocodone/APAP 7.5-750 at the pharmacy were not
2 accurately maintained. Accordingly, the actual amount taken by Respondent was never
3 determined.

4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein
6 alleged, and that following the hearing, the Pharmacy Board issue a decision:

- 7 1. Revoking or suspending Pharmacist Number RPH 29995, issued to
8 Jefferey Quon, RPH.
9 2. Ordering Jeffery Quon to pay the Pharmacy Board the reasonable costs of
10 the investigation and enforcement of this case, pursuant to Business and Professions Code
11 section 125.3;
12 3. Taking such other and further action as deemed necessary and proper.

13
14 DATED: 1/11/07

15 
16 VIRGINIA HEROLD
17 Interim Executive Officer
18 Board of Pharmacy
19 Department of Consumer Affairs
20 State of California
21 Complainant

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