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

10  
11 In the Matter of the Accusation Against:

Case No. 3587

12 JOHN C. MURPHY  
79685 Star Flower Trail  
13 La Quinta, CA 92253

**WITHDRAWAL OF ACCUSATION**

14 Pharmacist License No. RPH 22398

15 Respondent.

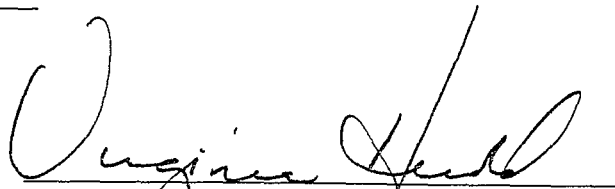
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18 On or about June 3, 2010, Complainant Virginia Herold ("Complainant"), in her official  
19 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,  
20 filed Accusation No. 3587 against Respondent John C. Murphy (Pharmacist License No. RPH  
21 22398).

22 Complainant, exercising her discretionary authority pursuant to Title 16, California Code  
23 of Regulations, Section 1703, and acting on information submitted to her, and in the interest of  
24 justice, has determined that good cause exists to withdraw Accusation No. 3587 against  
25 Respondent John C. Murphy.

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1           WHEREFORE, Complainant hereby withdraws Accusation No. 3587, filed on or about  
2 June 3, 2010, against Respondent John C. Murphy (Pharmacist License No. RPH 22398).

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4           DATED: 10/5/10

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6           

7           VIRGINIA K. HEROLD  
8           Executive Officer  
9           Board of Pharmacy  
10          Department of Consumer Affairs  
11          State of California

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Complainant

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8  
9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 Case No. 3587

12 In the Matter of the Accusation Against:

13 JOHN C. MURPHY  
79685 Star Flower Trail  
La Quinta, CA 92253

14 Pharmacist License No. RPH 22398

15 Respondent.

16 **A C C U S A T I O N**

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about February 5, 1962, the Board of Pharmacy issued Pharmacist License  
22 Number RPH 22398 to John C. Murphy (Respondent). The Pharmacist License was in full force  
23 and effect at all times relevant to the charges brought herein and will expire on January 31, 2011,  
24 unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Pharmacy (Board), Department of  
27 Consumer Affairs, under the authority of the following laws. All section references are to the  
28 Business and Professions Code unless otherwise indicated.





1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct – Committing Acts Involving**  
5 **Moral Turpitude, Dishonesty, Fraud or Deceit)**

6 11. Respondent is subject to disciplinary action under section 4301, subdivision (f), in  
7 that Respondent stole and self administered dangerous drugs while performing duties as a  
8 pharmacist. The circumstances are as follows:

9 12. Between April 10, 2008 and December 18, 2008, while working as a pharmacist at  
10 Ralphs Pharmacy 160, located at 49908 Jefferson Street in Indio, California, Respondent stole  
11 and self-administered Hydrocodone, and Diphenoxylate/atropin tablets.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Unlawful Self-Administration of a Controlled Substance)**

14 13. Respondent is subject to disciplinary action under section 4301, subdivision (h), in  
15 that Respondent stole and self-administered dangerous drugs while performing duties as a  
16 pharmacist as set forth in paragraph 12 above, which is incorporated here by this reference.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Unlawful Possession of a Controlled Substance)**

19 14. Respondent is subject to disciplinary action under section 4301, subdivisions (j) and  
20 (o) in that Respondent stole dangerous drugs while performing duties as a pharmacist as set forth  
21 in paragraph 12, above which is incorporated here by this reference.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct - Working While Under the Influence of Dangerous Drugs)**

24 15. Respondent is subject to disciplinary action under section 4301, subdivision (o), for  
25 violation of section 4327 in that Respondent used dangerous drugs without a valid prescription  
26 while performing duties as a pharmacist. The circumstances are set forth in paragraph 12, which  
27 are incorporated here by this reference.

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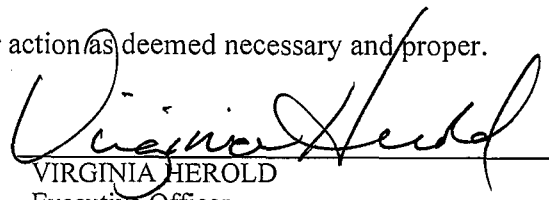
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**PRAYER**

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 or suspending Pharmacist Number RPH 22398, issued to John C. Murphy;
2. Ordering John C. Murphy to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action ~~as~~ deemed necessary and proper.

DATED: 6/3/10



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

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