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7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 4568

11 **JOHN EDWARD GILLESPIE**  
12 **18333 Hatteras Street, #110**  
13 **Tarzana, CA 91356**

**ACCUSATION**

14 **Pharmacist License No. RPH 25025**

15 Respondent.

16  
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 July 18, 1967, the Board of Pharmacy issued Pharmacist License  
22 Number RPH 25025 to John Edward Gillespie (Respondent). The Pharmacist License expired on  
23 July 31, 2012, and has not been renewed.

24 **JURISDICTION**

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

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

4           5.    Section 4300 provides, in pertinent part, that every license issued by the Board is  
5 subject to discipline, including suspension or revocation.

6           6.    Section 4301 of the Code states:

7                   “The board shall take action against any holder of a license who is guilty of  
8 unprofessional conduct or whose license has been procured by fraud or misrepresentation or  
9 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the  
10 following:

11                           ....

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

14                           ....

15                           (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting  
16 the violation of or conspiring to violate any provision or term of this chapter or of the applicable  
17 federal and state laws and regulations governing pharmacy, including regulations established by  
18 the board.”

19           7.    Section 4113 of the Code, subdivision (b) states:

20                           “(b) The pharmacist-in-charge shall be responsible for a pharmacy's compliance with  
21 all state and federal laws and regulations pertaining to the practice of pharmacy.”

22           8.    Section 4306.5 of the Code, subdivision (a) states:

23                           “(a) Acts or omissions that involve, in whole or in part, the inappropriate exercise of  
24 his or her education, training, or experience as a pharmacist, whether or not the act or omission  
25 arises in the course of the practice of pharmacy or the ownership, management, administration, or  
26 operation of a pharmacy or other entity licensed by the board.”

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28                           ///



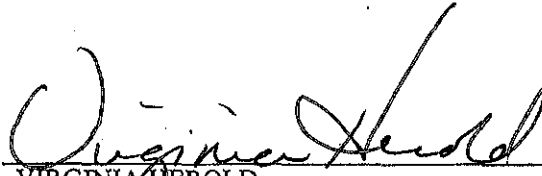
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2. Ordering John Edward Gillespie to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED:

9/6/12



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

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