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

11 In the Matter of the Accusation Against:

Case No. 5216

12 **ANDREW PAUL CARROLL**  
1639 Tivoli Drive  
13 Redlands, CA 92374

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

14 **Pharmacist License No. RPH 60030**

15 Respondent.

16  
17  
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about September 12, 2007, the Board issued Pharmacist License Number RPH  
23 60030 to Andrew Paul Carroll (Respondent). The Pharmacist License was in full force and effect  
24 at all times relevant to the charges brought herein and will expire on August 31, 2015, unless  
25 renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board, under the authority of the following  
28 laws.



1 As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,'  
2 and 'registration.'

3 8. Section 4301 states:

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

8 ...

9 (h) The administering to oneself, of any controlled substance, or the use  
10 of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be  
11 dangerous or injurious to oneself, to a person holding a license under this chapter, or  
12 to any other person or to the public, or to the extent that the use impairs the ability of  
13 the person to conduct with safety to the public the practice authorized by the license.

14 ...

15 (k) The conviction of more than one misdemeanor or any felony involving  
16 the use, consumption, or self-administration of any dangerous drug or alcoholic  
17 beverage, or any combination of those substances.

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

### REGULATORY PROVISION

9. 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.

1 **COST RECOVERY**

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

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Conviction of a Substantially Related Crime)**

8 11. Respondent is subject to disciplinary action under sections 490 and 4301, subdivision  
9 (I), in conjunction with California Code of Regulations, title 16, section 1770, in that Respondent  
10 committed an act of unprofessional conduct when on March 10, 2014, in *People v. Andrew Paul*  
11 *Carroll* (Super. Ct., Inyo County, 2014, No. MB-CR-M-13-0056042), Respondent was convicted  
12 of one count of public intoxication (Pen. Code, § 647, subd. (f)). The Court sentenced  
13 Respondent to three years summary probation. The conviction was based upon the following  
14 allegations:

15 12. On or about November 17, 2013, an Inyo County Sheriff's Deputy was dispatched to  
16 Paiute Palace Casino in Bishop, California, regarding an intoxicated male subject causing a  
17 disturbance. When the Sheriff's Deputy arrived at the casino, he saw a Paiute Palace Casino  
18 Security Guard on top of Respondent, who was laying face down on the concrete. When the  
19 Sheriff's Deputy approached Respondent, he observed that Respondent's eyes were red and  
20 watery, that his speech was slurred, and that a strong odor of an alcoholic beverage was coming  
21 from Respondent's breath and person. According to witnesses from the casino, Respondent had  
22 been inside the casino gambling, and while he was waiting at the cashier's cage, he exposed his  
23 penis and began to urinate on the casino floor in front of other patrons. The security personnel  
24 from the casino escorted Respondent out of the casino, and once outside, Respondent began to  
25 flail his hands. Based on Respondent's behavior, the security guard placed Respondent on the  
26 ground for safety.

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**SECOND CAUSE FOR DISCIPLINE**  
**(Conviction Involving an Alcoholic Beverage)**

13. Respondent is subject to disciplinary action under section 4301, subdivision (k), in that Respondent committed an act of unprofessional conduct when he was convicted of a misdemeanor involving the use, consumption, or self-administration of an alcoholic beverage. Complainant refers to, and by this reference incorporates, the allegations set forth in paragraphs 11 and 12, above.

**THIRD CAUSE FOR DISCIPLINE**  
**(Dangerous Use of Alcohol)**

14. Respondent is subject to disciplinary action under section 4301, subdivision (h), in that Respondent committed an act of unprofessional conduct when he used an alcoholic beverage to the extent or in a manner as to be dangerous or injurious to himself or to another person or the public. Complainant refers to, and by this reference incorporates, the allegations set forth in paragraph 12, above.

**DISCIPLINARY CONSIDERATIONS**

15. In order to determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges the following:

16. On or about August 1, 2013, the Board issued Citation and Fine No. CI 2012-54852 to Respondent for violations of section 4301, subdivisions (h) and (l). The Citation and Fine were based on Respondent's November 29, 2012 arrest for driving under the influence of alcohol or drugs and driving with a blood-alcohol content of 0.08% or more, and Respondent's June 5, 2013 conviction for reckless driving (Veh. Code, § 23103, subd. (a)).

**PRAYER**

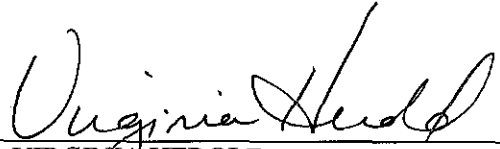
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Pharmacist License Number RPH 60030, issued to Respondent;

1           2.    Ordering Respondent to pay the Board the reasonable costs of the investigation and  
2 enforcement of this case, pursuant to section 125.3;

3           3.    Taking such other and further action as deemed necessary and proper.  
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5  
6 DATED: 5/28/15



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

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