1	KAMALA D. HARRIS Attorney General of California
2	LINDA K. SCHNEIDER Senior Assistant Attorney General
3	JOSHUA A. ROOM Supervising Deputy Attorney General
4	State Bar No. 214663 455 Golden Gate Avenue, Suite 11000
5	San Francisco, CA 94102-7004 Telephone: (415) 703-1299
6	Facsimile: (415) 703-5480 Attorneys for Complainant
7	BEFORE THE
8	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS
~ 9	STATE OF CALIFORNIA
. 10	In the Matter of the Accusation Against: Case No. 5401
11	SHAO-LUN LEE
12	1022 Whitebrick Drive San Jose, CA 95129A C C U S A T I O N
13	Pharmacist License No. RPH 48518
14	Respondent.
15 16	
10	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 March 7, 1996, the Board of Pharmacy issued Pharmacist License
22	Number RPH 48518 to Shao-Lun Lee (Respondent). The Pharmacist License was in full force
23	and effect at all times relevant to the charges brought herein and will expire on December 31,
24	2017, 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 (Code) unless otherwise indicated.
	1
	(SHAO-LUN LEE) ACCUSATION

i i

.

ų :

4. Section 4011 of the Code provides that the Board shall administer and enforce both 1 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances 2 Act [Health & Safety Code, § 11000 et seq.]. 3 5. Section 4300 of the Code provides that every license issued by the Board may be 4 suspended or revoked. 5 6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or 6 suspension of a Board-issued license, the placement of a license on a retired status, or the 7 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to 8 9 commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

11

10

## STATUTORY AND REGULATORY PROVISIONS

7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action 12 against any holder of a license who is guilty of "unprofessional conduct," defined to include, but 13 not be limited to, any of the following: 14

15

(1) The conviction of a crime substantially related to the qualifications, functions, and duties 16 of a licensee under this chapter.... 17

18

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

For the purpose of denial, suspension, or revocation of a personal or facility license 19 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a 2021crime 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 22 23 licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare. 24

25

## COST RECOVERY

9. Section 125.3 of the Code provides, in pertinent part, that a Board may request the 26 administrative law judge to direct a licentiate found to have committed a violation of the licensing 27 28 act to pay a sum not to exceed the reasonable costs of investigation and enforcement of the case.

2

FIRST CAUSE FOR DISCIPLINE
(Conviction of Substantially Related Crime(s))
10. Respondent is subject to disciplinary action under Code section 4301, subsection (l),
in that he has been convicted of crimes substantially related to the qualifications, functions, and
duties of a licensee. The circumstances are as follows:
11. On or about April 9, 2015, in Santa Clara Superior Court case number C1372122,
Respondent was convicted of having violated California Penal Code section 415(2) (disturbing
the peace). The conviction was based on an incident which occurred on or about November 4,
2013, during which Respondent attacked his spouse, physically restrained her and threatened her
with a knife. Pursuant to his plea on April 9, 2015, Respondent was ordered to participate in
domestic violence counseling and was ordered to stay away from his spouse. Respondent was
sentenced on or about September 15, 2015. At that time, the court issued a three-year domestic
violence protective order in order to protect Respondent's spouse.
SECOND CAUSE FOR DISCIPLINE
(Unprofessional Conduct)
12. Respondent is subject to disciplinary action under Code section 4301 in that he has
engaged in unprofessional conduct, as described above in paragraph 10.
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 License Number RPH 48518, issued to Shao-Lun
Lee (Respondent);
2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
enforcement of this case, pursuant to Business and Professions Code section 125.3;
3 (SHAO-LUN LEE) ACCUSATION

t :

, É 4

<sup>(</sup>SHAO-LUN LEE) ACCUSATION

Taking such other and further action as is deemed necessary and proper. 3. 22/16 DATED: VIRGINIA HEROLD Executive Officer Board of Pharmacy Department of Consumer Affairs State of California Complainant t (SHAO-LUN LEE) ACCUSATION