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

11
12 In the Matter of the Accusation Against:

Case No. 5569

13 **KAREN LYNN KOENIG**
2016 Chalcedony Street
14 San Diego, CA 92109

**NOTICE OF WITHDRAWAL OF
ACCUSATION**

15 **Pharmacist License No. RPH 45647**

16 Respondent.

17
18 TO ALL INTERESTED PARTIES:

19 PARTIES

20 1. On or about September 12, 2015, Virginia K. Herold, Executive Officer of the
21 California State Board of Pharmacy (hereinafter "Board"), filed Accusation No. 5569 solely in
22 her official capacity.

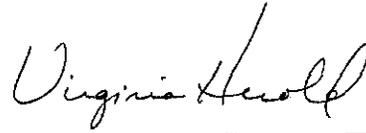
23 2. On or about August 31, 1992, the Board issued Pharmacist License Number RPH
24 45647 to Karen Lynn Koenig (hereinafter "Respondent"). The Pharmacist License was in full
25 force and effect at all times relevant to the charges brought herein and will expire on March 31,
26 2016, unless renewed.

27 3. The basis for withdrawing the pending Accusation in Case No. 5569 is that
28 Respondent is deceased.

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4. WHEREFORE, Accusation No. 5569 is hereby withdrawn with prejudice.

DATED: April 15, 2015



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

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

13 In the Matter of the Accusation Against:

Case No. 5569

14 **KAREN LYNN KOENIG**
15 **2016 Chalcedony Street**
San Diego, CA 92109

A C C U S A T I O N

16 **Pharmacist License No. RPH 45647**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about August 31, 1992, the Board of Pharmacy issued Pharmacist License
24 Number RPH 45647 to Karen Lynn Koenig (Respondent). The Pharmacist License was in full
25 force and effect at all times relevant to the charges brought herein and will expire on March 31,
26 2016, unless renewed.

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1 discipline or to determine if the conviction is substantially related to the qualifications,
2 functions, and duties of the licensee in question.

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

5 9. Section 4301 of the Code states:

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

10

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

16

17 (l) The conviction of a crime substantially related to the qualifications, functions,
18 and duties of a licensee under this chapter. The record of conviction of a violation of
19 Chapter 13 (commencing with Section 801) of Title 21 of the United States Code
20 regulating controlled substances or of a violation of the statutes of this state regulating
21 controlled substances or dangerous drugs shall be conclusive evidence of unprofessional
22 conduct. In all other cases, the record of conviction shall be conclusive evidence only of
23 the fact that the conviction occurred. The board may inquire into the circumstances
24 surrounding the commission of the crime, in order to fix the degree of discipline or, in
25 the case of a conviction not involving controlled substances or dangerous drugs, to
26 determine if the conviction is of an offense substantially related to the qualifications,
27 functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a
28 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 PROVISIONS

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

. . . .

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

- 1 (1) Nature and severity of the act(s) or offense(s).
- 2 (2) Total criminal record.
- 3 (3) The time that has elapsed since commission of the act(s) or offense(s).
- 4 (4) Whether the licensee has complied with all terms of parole, probation,
- 5 restitution or any other sanctions lawfully imposed against the licensee.
- 6 (5) Evidence, if any, of rehabilitation submitted by the licensee.

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

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

12 COST RECOVERY

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

17 FIRST CAUSE FOR DISCIPLINE

18 (June 26, 2015 Criminal Conviction for DUI on March 2, 2015)

19 13. Respondent is subject to disciplinary action under sections 490 and 4301,
20 subdivision (l) of the Code that she was convicted of a crime that is substantially related to the
21 qualifications, functions and duties of a Pharmacist. The circumstances are as follows:

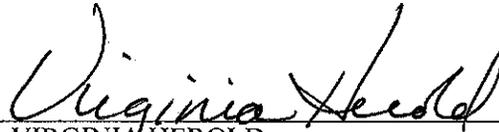
22 a. On or about June 26, 2015, in a criminal proceeding entitled *The People of the*
23 *State of California v. Karen Lynn Koenig*, in San Diego County Superior Court, case number
24 M198499, Respondent was convicted on her plea of guilty to violating Vehicle Code section
25 23152, subdivision (b), driving with a blood alcohol concentration (BAC) of .08 percent or more,
26 a misdemeanor. Pursuant to a plea agreement, the court dismissed the additional misdemeanor
27 count of violating Vehicle Code section 23152, subdivision (a) driving under the influence of
28 alcohol.

1 2. Ordering Karen Lynn Koenig to pay the Board of Pharmacy the reasonable costs of
2 the investigation and enforcement of this case, pursuant to Business and Professions Code section
3 125.3;

4 3. Taking such other and further action as deemed necessary and proper.
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8 DATED: _____

9 9/12/13

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11 VIRGINIA HEROLD
12 Executive Officer
13 Board of Pharmacy
14 Department of Consumer Affairs
15 State of California
16 *Complainant*

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