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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:  
13 **JOHN ROBERT FORMAN**  
13 **330 Channing Way, # 5**  
14 **San Rafael, CA 94903**  
15 **Pharmacist License No. RPH 74026**  
16 Respondent.

Case No. 6046  
**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 (Board).  
21 2. On or about November 10, 2015, the Board issued Pharmacist License Number RPH  
22 74026 to John Robert Forman (Respondent). The Pharmacist License was in full force and effect  
23 at all times relevant to the charges brought herein and will expire on March 31, 2019, unless  
24 renewed.

25 JURISDICTION

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



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

2 “For the purpose of denial, suspension, or revocation of a personal or facility license  
3 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
4 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
5 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
6 licensee or registrant to perform the functions authorized by her license or registration in a manner  
7 consistent with the public health, safety, or welfare.”

8 COSTS

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

12 FIRST CAUSE FOR DISCIPLINE

13 (Conviction of Substantially Related Crime)

14 11. Respondent is subject to discipline under section 4301(l) and/or section 490 of the  
15 Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of  
16 a substantially related crime, in that on or about November 2, 2016, in the criminal case *People of*  
17 *the State of California v. John Robert Forman*, Superior Court of California, County of Marin,  
18 Case No. CR197568, Respondent was convicted by his negotiated plea of guilty to violation of  
19 Vehicle Code section 23152, subdivision (b) (Driving While Having a .08% or Higher Blood  
20 Alcohol),<sup>1</sup> a misdemeanor. The Court suspended the imposition of sentence and placed  
21 Respondent on conditional sentence probation for a period of 3 (three) years subject but not  
22 limited to the condition that he complete a First-Offender Drinking Driver program within 365  
23 days and to submit proof of completion to the Court Clerk by November 2, 2017. Further,  
24 Respondent was ordered to provide the Court with proof of compliance with all Court-ordered  
25 terms and conditions prior to the Court’s administrative review scheduled for December 4, 2017.

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28 <sup>1</sup> Respondent had a tested blood alcohol level (BAC) of .17/.18%.

1 In addition, Respondent was ordered to pay a total of \$1,858.00 in fines and fees. The  
2 underlying circumstances are as follows:

3 12. On or about June 4, 2016, at approximately 0027 hours, California Highway Patrol  
4 (CHP) officers were dispatched to investigate a report of a possible DUI driver of a dark Toyota  
5 Prius who was observed weaving and speeding on the freeway, nearly colliding with other  
6 vehicles. Further, the driver exited the freeway at SR-131 and began driving in opposite lanes of  
7 traffic and nearly colliding with a pole before pulling into the parking lot of a McDonalds drive-  
8 thru on Redwood Highway Frontage Road. A CHP officer initiated an enforcement stop of the  
9 suspect vehicle in the McDonalds parking lot and contacted the driver identified through his  
10 Massachusetts driver's license as John Robert Forman (Respondent). While speaking with  
11 Respondent, the officer detected the strong odor of alcoholic beverage emitting from the vehicle  
12 and observed that Respondent's eyes were red and watery and that his speech was slurred. The  
13 officer continued to detect the strong odor of an alcoholic beverage emitting from Respondent's  
14 breath and person. Respondent admitted that he consumed approximately 3-4 drinks in the  
15 afternoon and evening. Respondent further related that he drank approximately two "Coors  
16 Light" beers and two vodka and juices from 1500 to 1900 hours in Santa Clara and San Francisco.  
17 When asked if he had taken any medicine or drugs, Respondent admitted to the officer that he had  
18 taken "1 bowl" of Marijuana 2 or 3 hours prior but denied feeling the effects of the drug.  
19 Respondent submitted to Field Sobriety Testing (FST) and failed to perform as requested. Based  
20 on Respondent's poor performance on the FST, objective signs and symptoms of intoxication, as  
21 well as his admissions to having consumed alcohol prior to driving, Respondent was arrested and  
22 charged with Driving Under the Influence of Alcohol. Respondent submitted to chemical/breath  
23 testing at approximately 0051 hours with the results of .17% and .18% BAC. Respondent  
24 declined any additional testing and was subsequently transported to Marin County Jail.

25 SECOND CAUSE FOR DISCIPLINE

26 (Dangerous Use of Alcoholic Beverages)

27 13. Respondent is subject to discipline under section 4301(h) of the Code, by reference to  
28 California Code of Regulations, title 16, section 1770, in that, as described in paragraphs 11 and

1 12, above, Respondent used alcohol to the extent and/or in a manner, as to be dangerous or  
2 injurious to himself, or to any other person or to the public, and/or to the extent that the use  
3 impaired his ability to conduct with safety to the public the practice authorized by his license.

4 THIRD CAUSE FOR DISCIPLINE

5 (Unprofessional Conduct)

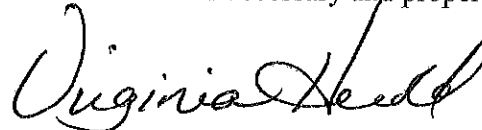
6 14. Respondent is subject to discipline under section 4301 of the Code, by reference to  
7 California Code of Regulations, title 16, section 1770, in that, as described in paragraphs 11-12  
8 above, Respondent engaged in unprofessional conduct.

9 PRAAYER

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

- 12 1. Revoking or suspending Pharmacist License Number RPH 74026, issued to John  
13 Robert Forman;
- 14 2. Ordering John Robert Forman to pay the Board of Pharmacy the reasonable costs of  
15 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
16 125.3; and,
- 17 3. Taking such other and further action as deemed necessary and proper.

18  
19 DATED: 5/8/17



20 VIRGINIA HEROLD  
21 Executive Officer  
22 Board of Pharmacy  
23 Department of Consumer Affairs  
24 State of California  
25 Complainant

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