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

11 In the Matter of the Accusation Against:
12 **PAUL ADLOPH BAUMAN**
13 **20990 Christopher Circle**
Sonora, CA 95370
14 **Pharmacist License No. RPH 39495**
15 Respondent.

Case No. 6058
AMENDED
ACCUSATION

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 August 27, 1985, the Board of Pharmacy issued Pharmacist License
22 Number RPH 39495 to Paul Adloph Bauman (Respondent). The Pharmacist License was in full
23 force and effect at all times relevant to the charges brought herein and will expire on October 31,
24 2018, 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 unless otherwise indicated.

1 4. Section 4300 of the Code provides that any license issued by the Board may be
2 suspended or revoked.

3 5. Section 4300.1 of the Code states:

4 The expiration, cancellation, forfeiture, or suspension of a board-issued license by
5 operation of law or by order or decision of the board or a court of law, the placement
6 of a license on a retired status, or the voluntary surrender of a license by a licensee
7 shall not deprive the board of jurisdiction to commence or proceed with any
8 investigation of, or action or disciplinary proceeding against, the licensee or to render
9 a decision suspending or revoking the license.

10 STATUTORY PROVISIONS

11 6. Section 4301 of the Code states:

12 The board shall take action against any holder of a license who is guilty of
13 unprofessional conduct or whose license has been issued by mistake. Unprofessional
14 conduct shall include, but is not limited to, any of the following:

15 (f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
16 corruption, whether the act is committed in the course of relations as a licensee or
17 otherwise, and whether the act is a felony or misdemeanor or not.

18

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

29 REGULATORY PROVISION

30 7. Title 16 of the California Code of Regulations ("CCR"), section 1762, states in part:

31 In addition to those acts detailed in Business and Professions Code Section 4301, the
32 following shall also constitute unprofessional conduct:

33

1 (c) Commission of any act resulting in the requirement that a licensee or applicant
2 registers as a sex offender. The board may revoke the license of any licensee and
3 deny the application of any applicant who is required to register as a sex offender
pursuant to Section 290 of the Penal Code or any other equivalent federal, state or
territory's law that requires registration as a sex offender.

4 **COST RECOVERY**

5 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
6 administrative law judge to direct a licentiate found to have committed a violation or violations of
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
8 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
9 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
included in a stipulated settlement.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Criminal Conviction)**

12 9. Respondent is subject to disciplinary action for unprofessional conduct under section
13 4301, subsection (d) in that on or about November 4, 2016, in the case of *People v. Paul A.*
14 *Bauman*, (Super. Ct. Tuolumne County, Case No. CRF51596), Respondent was convicted by the
15 Court on his plea of guilty for violating Penal Code section 311.1(a) and Penal Code section
16 311.11(a), misdemeanors. The circumstances of the crime are as follows:

17 On or about October 11, 2016, Respondent printed and possessed materials depicting
18 child(ren) in sexual conduct/obscene matter knowing that the person(s) depicted is under the age
19 of 18, in violation of Penal Code section 311.1(a). Further, on or about October 11, 2016,
20 Respondent possessed or controlled materials depicting child or youth pornography knowing that
21 the person(s) depicted is under the age of 18, in violation of Penal Code section 311.11(a). The
22 crimes are substantially related to the qualifications, functions or duties of a pharmacist.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Act of Moral Turpitude)**

25 10. Respondent is subject to disciplinary action for unprofessional conduct under section
26 4301, subsection (f) in that on or about October 11, 2016, Respondent committed acts involving
27 moral turpitude, dishonesty, fraud, deceit, or corruption, as further set forth in paragraph 9, above.
28

1 THIRD CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 11. Respondent is subject to disciplinary action for unprofessional conduct under section
4 4301, as defined in 16 CCR 1762, subsection (c), June 26, 2017, Respondent was sentenced on
5 his previous plea of guilty, and ordered to register under Penal Code section 290. Respondent
6 was also placed on probation for 3 years, is subject to search and seizure, ordered to complete 4
7 months of home detention, complete community service and complete counseling for 1 year with
8 a Psychologist or Psychiatrist.

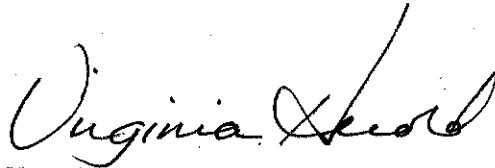
9 PRAYER

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 39495, issued to Paul
13 Adolph Bauman;
- 14 2. Ordering Paul Adolph Bauman 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
20 DATED: _____

10/6/17



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

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12 **PAUL ADLOPH BAUMAN**
13 **20990 Christopher Circle**
Sonora, CA 95370

A C C U S A T I O N

14 **Pharmacist License No. RPH 39495**

15 Respondent.

16
17 Complainant alleges:

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17 otherwise, and whether the act is a felony or misdemeanor or not.

18 ...

19 (i) The conviction of a crime substantially related to the qualifications, functions, and
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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
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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
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COST RECOVERY

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

1 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
2 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
3 included in a stipulated settlement.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Criminal Conviction)**

6 8. Respondent is subject to disciplinary action under section 4301, subsection (I) in that
7 on or about November 4, 2016, in the case of *People v. Paul A. Bauman*, (Super. Ct. Tuolumne
8 County, Case No. CRF51596), Respondent was convicted by the Court on his plea of guilty for
9 violating Penal Code section 311.1(a) and Penal Code section 311.11(a), felonies. The
10 circumstances of the crime are as follows:

11 On or about October 11, 2016, Respondent printed and possessed printed materials
12 depicting child(ren) in sexual conduct knowing that the person(s) depicted is under the age of 18,
13 in violation of Penal Code section 311.1(a). Further, on or about October 11, 2016, Respondent
14 possessed photographs of child or youth pornography knowing that the person(s) depicted is
15 under the age of 18, in violation of Penal Code section 311.11(a). The crimes are substantially
16 related to the qualifications, functions or duties of a pharmacist.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Act of Moral Turpitude)**

19 9. Respondent is subject to disciplinary action under section 4301, subsection (f) in that
20 on or about October 11, 2016, Respondent committed acts involving moral turpitude, dishonesty,
21 fraud, deceit, or corruption, as further set forth in paragraph 8, above.

22 **PRAYER**

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

25 1. Revoking or suspending Pharmacist License Number RPH 39495, issued to Paul
26 Adolph Bauman;

27 ///

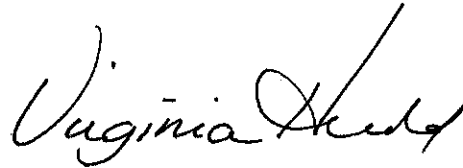
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1 2. Ordering Paul Adolph Bauman to pay the Board of Pharmacy the reasonable costs of
2 the investigation and enforcement of this case, pursuant to Business and Professions Code section
3 125.3; and,

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

5
6
7 DATED: _____

4/12/17



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

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