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7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

11 RAYMOND POON
12 1146 Volante Drive
13 Arcadia, CA 91107
14 Pharmacist License No. RPH 39503,

Respondent.

Case No. 2472

OAH No. L-2002050386

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
17 above-entitled proceeding that the following matters are true:

18 PARTIES

19 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of
20 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
21 by Bill Lockyer, Attorney General of the State of California, by Gillian E. Friedman, Deputy
22 Attorney General.

23 2. Respondent Raymond Poon (Respondent) is represented in this proceeding
24 by attorney Donald B. Brown , whose address is Law Offices of Donald B. Brown, 3848 Carson
25 Street, Suite 206, Torrance, CA 90503.

26 3. On or about August 28, 1985, the Board of Pharmacy issued Pharmacist
27 License No. RPH 39503 (License) to Respondent.
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1 this proceeding, or any other proceedings in which the Board of Pharmacy or other professional
2 licensing agency is involved, and shall not be admissible in any other criminal or civil
3 proceeding.

4 CONTINGENCY

5 11. This stipulation shall be subject to approval by the Board of Pharmacy.
6 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
7 Pharmacy may communicate directly with the Board regarding this stipulation and settlement,
8 without notice to or participation by Respondent or his counsel. By signing the stipulation,
9 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind
10 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
11 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
12 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
13 between the parties, and the Board shall not be disqualified from further action by having
14 considered this matter.

15 12. The parties understand and agree that facsimile copies of this Stipulated
16 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
17 force and effect as the originals.

18 13. In consideration of the foregoing admissions and stipulations, the parties
19 agree that the Board may, without further notice or formal proceeding, issue and enter the
20 following Disciplinary Order:

21 DISCIPLINARY ORDER

22 IT IS HEREBY ORDERED that License No. RPH 39503 issued to Respondent
23 Raymond Poon is revoked. However, the revocation is stayed and Respondent is placed on
24 probation for three (3) years on the following terms and conditions.

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26 1. **Actual Suspension - Pharmacist.** License number RPH 39503, issued to
27 Respondent Raymond Poon is suspended for a period of 15 days .
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1 During suspension, Respondent shall not enter any pharmacy area or any portion
2 of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other
3 distributor of drugs which is licensed by the Board, or any manufacturer, or where dangerous
4 drugs and devices or controlled substances are maintained. Respondent shall not practice
5 pharmacy nor do any act involving drug selection, selection of stock, manufacturing,
6 compounding, dispensing or patient consultation; nor shall Respondent manage, administer, or
7 be a consultant to any licensee of the Board, or have access to or control the ordering,
8 manufacturing or dispensing of dangerous drugs and devices or controlled substances.

9 Respondent shall not engage in any activity that requires the professional
10 judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of
11 pharmacy. Respondent shall not perform the duties of a pharmacy technician or an exemptee for
12 any entity licensed by the Board. Subject to the above restrictions, Respondent may continue to
13 own or hold an interest in any pharmacy in which he holds an interest at the time this decision
14 becomes effective unless otherwise specified in this order.

15 2. **Obey All Laws.** Respondent shall obey all state and federal laws and
16 regulations substantially related to or governing the practice of pharmacy.

17 Respondent shall report any of the following occurrences to the Board, in writing,
18 within 72 hours of such occurrence:

- 19 • an arrest or issuance of a criminal complaint for violation of any provision of the
20 Pharmacy Law, state and federal food and drug laws, or state and federal
21 controlled substances laws
- 22 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to
23 any criminal complaint, information or indictment
- 24 • a conviction of any crime
- 25 • discipline, citation, or other administrative action filed by any state and federal
26 agency which involves Respondent's license or which is related to the practice
27 of pharmacy or the manufacturing, obtaining, handling or distribution or billing
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1 or charging for any drug, device or controlled substance.

2 3. **Reporting to the Board.** Respondent shall report to the Board
3 quarterly. The report shall be made either in person or in writing, as directed. Respondent
4 shall state under penalty of perjury whether there has been compliance with all the terms and
5 conditions of probation. If the final probation report **is not** made as directed, probation shall
6 be extended automatically until such time as the final report is made and accepted by the
7 Board.

8 4. **Interview with the Board.** Upon receipt of reasonable notice,
9 Respondent shall appear in person for interviews with the Board upon request at various
10 intervals at a location to be determined by the Board. Failure to appear for a scheduled
11 interview without prior notification to Board staff shall be considered a violation of probation.

12 5. **Cooperation with Board Staff.** Respondent shall cooperate with the
13 Board's inspectional program and in the Board's monitoring and investigation of Respondent's
14 compliance with the terms and conditions of his probation. Failure to comply shall be
15 considered a violation of probation.

16 6. **Continuing Education.** Respondent shall provide evidence of efforts
17 to maintain skill and knowledge as a pharmacist as directed by the Board.

18 7. **Notice to Employers.** Respondent shall notify all present and
19 prospective employers of the decision in case number 2472 and the terms, conditions and
20 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of
21 this decision, and within 15 days of Respondent undertaking new employment, Respondent
22 shall cause his direct supervisor, pharmacist-in-charge and/or owner to report to the Board in
23 writing acknowledging the employer has read the decision in case number 2472.

24 If Respondent works for or is employed by or through a pharmacy employment
25 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at
26 every pharmacy of the and terms conditions of the decision in case number 2472 in advance of
27 the Respondent commencing work at each pharmacy.

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1 "Employment" within the meaning of this provision shall include any full-time, part-
2 time, temporary, relief or pharmacy management service as a pharmacist, whether the
3 Respondent is considered an employee or independent contractor.

4 8. **No Preceptorships, Supervision of Interns, Being Pharmacist-in-**
5 **Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern
6 pharmacist or perform any of the duties of a preceptor, nor shall Respondent be the
7 pharmacist-in-charge of any entity licensed by the Board unless otherwise specified in this
8 order.

9 9. **Reimbursement of Board Costs.** Respondent shall pay to the Board
10 its costs of investigation and prosecution in the amount of \$5,000. Respondent shall make
11 said payments on a quarterly basis during the period of the three year probation so that the
12 sum of not less than \$416 is paid to the Board each quarter of the fiscal year.

13 The filing of bankruptcy by Respondent shall not relieve Respondent of his
14 responsibility to reimburse the Board its costs of investigation and prosecution.

15 10. **Probation Monitoring Costs.** Respondent shall pay the costs
16 associated with probation monitoring as determined by the Board each and every year of
17 probation. Such costs shall be payable to the Board at the end of each year of probation.
18 Failure to pay such costs shall be considered a violation of probation.

19 11. **Status of License.** Respondent shall, at all times while on probation,
20 maintain an active current license with the Board, including any period during which
21 suspension or probation is tolled.

22 If Respondent's license expires or is cancelled by operation of law or otherwise,
23 upon renewal or reapplication, Respondent's license shall be subject to all terms and
24 conditions of this probation not previously satisfied.

25 12. **License Surrender while on Probation/Suspension.** Following the
26 effective date of this decision, should Respondent cease practice due to retirement or health, or
27 be otherwise unable to satisfy the terms and conditions of probation, Respondent may tender
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1 his license to the Board for surrender. The Board shall have the discretion whether to grant
2 the request for surrender or take any other action it deems appropriate and reasonable. Upon
3 formal acceptance of the surrender of the license, Respondent will no longer be subject to the
4 terms and conditions of probation.

5 Upon acceptance of the surrender, Respondent shall relinquish his pocket
6 license to the Board within 10 days of notification by the Board that the surrender is accepted.
7 Respondent may not reapply for any license from the Board for three years from the effective
8 date of the surrender. Respondent shall meet all requirements applicable to the license sought
9 as of the date the application for that license is submitted to the Board.

10 **13. Notification of Employment/Mailing Address Change.** Respondent
11 shall notify the Board in writing within 10 days of any change of employment. Said
12 notification shall include the reasons for leaving and/or the address of the new employer,
13 supervisor or owner and work schedule if known. Respondent shall notify the Board in
14 writing within 10 days of a change in name, mailing address or phone number.

15 **14. Tolling of Probation.** Should Respondent, regardless of residency, for
16 any reason cease practicing pharmacy for a minimum of 40 hours per calendar month in
17 California. Respondent must notify the Board in writing within 10 days of cessation of the
18 practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time
19 shall not apply to the reduction of the probation period. It is a violation of probation for
20 Respondent's probation to remain tolled pursuant to the provisions of this condition for a
21 period exceeding three years.

22 "Cessation of practice" means any period of time exceeding 30
23 days in which Respondent is not engaged in the practice of
24 pharmacy as defined in Section 4052 of the Business and
25 Professions Code.

26 Respondent shall work at least 40 hours in each calendar month as a pharmacist
27 and at least an average of 80 hours per month in any six consecutive months. Failure to do so
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1 will be a violation of probation. If Respondent has not complied with this condition during
2 the probationary term, and Respondent has presented sufficient documentation of his good
3 faith efforts to comply with this condition, and if no other conditions have been violated, the
4 Board, in its discretion, may grant an extension of Respondent's probation period up to one
5 year without further hearing in order to comply with this condition.

6 15. **Violation of Probation.** If Respondent violates probation in any
7 respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke
8 probation and carry out the disciplinary order which was stayed. If a petition to revoke
9 probation or an accusation is filed against Respondent during probation, the Board shall have
10 continuing jurisdiction and the period of probation shall be extended, until the petition to
11 revoke probation or accusation is heard and decided.

12 If Respondent has not complied with any term or condition of probation, the
13 Board shall have continuing jurisdiction over Respondent, and probation shall automatically
14 be extended until all terms and conditions have been satisfied or the Board has taken other
15 action as deemed appropriate to treat the failure to comply as a violation of probation, to
16 terminate probation, and to impose the penalty which was stayed.

17 16. **Completion of Probation.** Upon successful completion of probation,
18 Respondent's license will be fully restored.

19 17. **No Ownership of Premises.** Respondent shall not own, have any legal
20 or beneficial interest in, or serve as a manager, administrator, member, officer, director,
21 associate, or partner of any business, firm, partnership, or corporation currently or hereinafter
22 licensed by the Board. Respondent shall sell or transfer any legal or beneficial interest in any
23 entity licensed by the Board within 90 days following the effective date of this decision and
24 shall immediately thereafter provide written proof thereof to the Board.

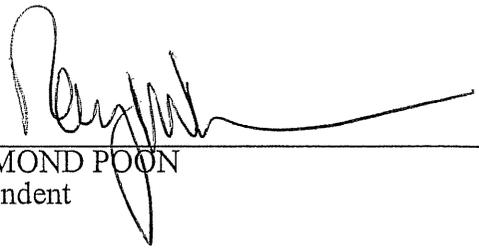
25 Respondent shall not acquire any new ownership, legal or beneficial interest
26 nor serve as a manager, administrator, member, officer, director, trustee, associate, or partner
27 of any additional business, firm, partnership, or corporation licensed by the Board. If
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1 Respondent currently owns or has any legal or beneficial interest in, or serves as a manager,
2 administrator, member, officer, director, associate, or partner of any business, firm,
3 partnership, or corporation currently or hereinafter licensed by the Board, Respondent may
4 continue to serve in such capacity or hold that interest, but only to the extent of that position
5 or interest as of the effective of this decision.

6 ACCEPTANCE

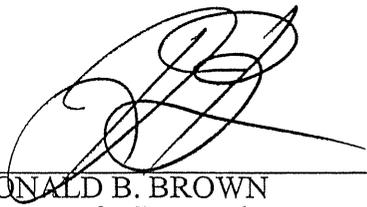
7 I have carefully read the above Stipulated Settlement and Disciplinary Order
8 and have fully discussed it with my attorney, Donald B. Brown . I understand the stipulation
9 and the effect it will have on my Pharmacist License No. RPH 39503. I enter into this
10 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and
11 agree to be bound by the Decision and Order of the Board of Pharmacy.

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13 DATED: 6/12/02

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15 
16 RAYMOND POON
17 Respondent

18 I have read and fully discussed with Respondent Raymond Poon the terms and
19 conditions and other matters contained in the above Stipulated Settlement and Disciplinary
20 Order. I approve its form and content.

21 DATED: JUN 6 2002

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23 
24 DONALD B. BROWN
25 Attorney for Respondent

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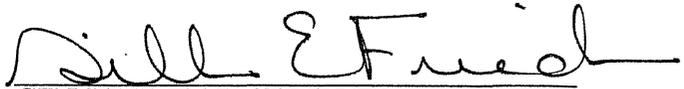
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: June 25, 2002

BILL LOCKYER, Attorney General
of the State of California



GILLIAN E. FRIEDMAN
Deputy Attorney General

Attorneys for Complainant

DOJ Docket Number: 03583110-LA2001AD2184
Stipulation 8/31/01

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

RAYMOND POON
1146 Volante Drive
Arcadia, CA 91107

Pharmacist License No. RPH 39503,
Respondent.

Case No. 2472

OAH No. L-2002050386

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on August 29, 2002.

It is so ORDERED July 30, 2002.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By: 
JOHN D. JONES
Board President

1 BILL LOCKYER, Attorney General
of the State of California
2 GILLIAN E. FRIEDMAN, State Bar No. 169207
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
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5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

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**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

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11 In the Matter of the Accusation Against:

Case No. 2472

12 RAYMOND POON
1146 Volante Drive
13 Arcadia, CA 91007

OAH No.

A C C U S A T I O N

14 Pharmacist License No. RPH 39503

15 Respondent.

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17 Complainant alleges:

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PARTIES

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

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23 2. On or about August 28, 1985, the Board of Pharmacy issued Pharmacist
License Number RPH 39503 to Raymond Poon (Respondent). The Pharmacist License was in
24 full force and effect at all times relevant to the charges brought herein and will expire on
25 November 30, 2002, unless renewed.

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JURISDICTION

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28 3. This Accusation is brought before the Board of Pharmacy (Board), under
the authority of the following sections of the Business and Professions Code (Code).

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4. Section 4301 of the Code states:

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

. . . .

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

. . . .

(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of Chapter 9 (commencing with Section 4000) of the Business and Professions Code or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board.

(p) Actions or conduct that would have warranted denial of a license.

5. Section 125.3 of the Code states, 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 enforcement of the case.

CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

6. Respondent is subject to disciplinary action under section 4301(f), (o) and (p) of the Code for unprofessional conduct in that Respondent committed an act involving moral turpitude, dishonesty and fraud.

7. Respondent, while a manager of the pharmacy department of Vons, A Safeway Company, engaged in dishonest acts and theft of cash from his employer.

///

