

1 BILL LOCKYER, Attorney General
of the State of California
2 JULIE A. CABOS, State Bar No. 162356
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
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Telephone: (213) 897-2560
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6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

12 LEON FREIS
38215 Rita Street
Palmdale, CA 93550

13 Original Pharmacist License No. RPH 28118

14 Respondent.

Case No. 2538

OAH No. L2002100218

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15
16 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
17 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 Julie A. Cabos, Deputy Attorney
22 General.

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

26 3. On or about July 14, 1972, the Board of Pharmacy issued Original
27 Pharmacist License No. RPH 28118 to Leon Freis. The license is due to expire June 30, 2003.

28 ///

CONTINGENCY

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

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the (Board) may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Original Pharmacist License No. RPH 28118, issued to Respondent Leon Freis is surrendered and accepted by the Board of Pharmacy.

13. The surrender of Respondent's Original Pharmacist License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

14. Respondent shall lose all rights and privileges as a pharmacist in California as of the effective date of the Board's Decision and Order.

15. Respondent shall cause to be delivered to the Board both his wall and pocket license certificate on or before the effective date of the Decision and Order.

1 16. Respondent fully understands and agrees that if he ever files an application
 2 for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a
 3 petition for reinstatement. Respondent must comply with all the laws, regulations and
 4 procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all
 5 of the charges and allegations contained in Accusation No. 2538, except paragraphs 10a through
 6 10c, shall be deemed to be true, correct, and admitted by Respondent when the Board determines
 7 whether to grant or deny the petition.

8 17. Respondent shall pay the Board its costs of investigation and enforcement
 9 in the amount of \$3,525.75 prior to issuance of a new or reinstated license.

10 ACCEPTANCE

11 I have carefully read the above Stipulated Surrender of License and Order and
 12 have fully discussed it with my attorney, Donald B. Brown, Esq.. I understand the stipulation
 13 and the effect it will have on my Original Pharmacist License. I enter into this Stipulated
 14 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound
 15 by the Decision and Order of the Board of Pharmacy.

16 DATED: APR 3 2003

17
 18 
 19 LEON FREIS
 Respondent

21 I have read and fully discussed with Respondent Leon Freis the terms and
 22 conditions and other matters contained in this Stipulated Surrender of License and Order. I
 23 approve its form and content.

24 DATED: APR 3 2003

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 26 
 27 DONALD B. BROWN, ESQ.
 Attorney for Respondent

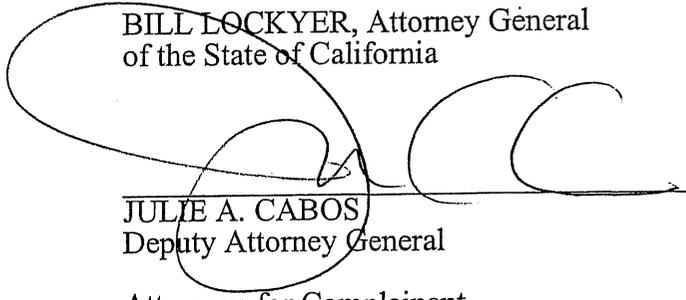
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ENDORSEMENT

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

DATED: April 7, 2003

BILL LOCKYER, Attorney General
of the State of California



JULIE A. CABOS
Deputy Attorney General

Attorneys for Complainant

DOJ Docket Number: 03583110-LA2002AD0999
version 4/3/03 3:20 p.m.

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

In the Matter of the Accusation Against:

LEON FREIS
38215 Rita Street
Palmdale, CA 93550

Original Pharmacist License No. RPH 28118

Respondent.

Case No. 2538

OAH No. L2002100218

DECISION AND ORDER

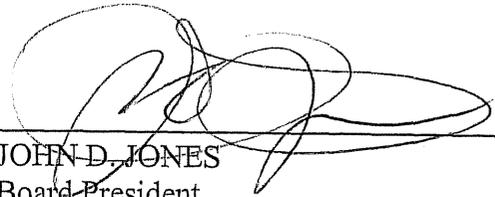
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 4, 2003.

It is so ORDERED May 5, 2003.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



JOHN D. JONES
Board President

Exhibit A
Accusation No. 2538

1 BILL LOCKYER, Attorney General
of the State of California
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9 **BOARD OF PHARMACY**
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2538

13 LEON FREIS
38215 Rita Street
Palmdale, CA 93550

A C C U S A T I O N

14 Original Pharmacist License No. RPH 28118

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

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

22 2. On or about July 14, 1972, the Board of Pharmacy issued Original
23 Pharmacist License Number RPH 28118 to Leon Freis (Respondent). The Original Pharmacist
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on June 30, 2003, unless renewed.

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1 renewed. (Certified copies of the Oregon Board of Pharmacy's Order of Immediate License
2 Suspension and Notice of Rights, Notice of Proposed License Revocation, and Consent Order are
3 attached to this Accusation as exhibit A, and are incorporated herein by reference.) The
4 circumstances surrounding the disciplinary action are as follows:

5 a. Between November 1994 and July 1997, while practicing as a
6 pharmacist at the Lebanon Community Hospital, Respondent on forty-one occasions
7 without authorization from a practitioner distributed prescription drugs, including
8 controlled substances, to his son, to his daughter, and to a family friend.

9 b. Between November 1994 and July 1997, while practicing as a
10 pharmacist at the Lebanon Community Hospital, Respondent on forty-one occasions stole
11 quantities of prescription drugs, including controlled substances, from his employer and
12 delivered them to his son, to his daughter and to a family friend.

13 c. Between November 1994 and July 1997, while practicing as a
14 pharmacist at the Lebanon Community Hospital, Respondent on forty-one occasions
15 falsified pharmacy records when he stole quantities of prescription drugs, including
16 controlled substances, from his employer and delivered them to his son, to his daughter,
17 and to a family friend.

18 d. Between November 1994 and July 1997, while practicing as a
19 pharmacist at the Lebanon Community Hospital, Respondent stole approximately \$300 in
20 cash and some computer equipment from his employer, Lebanon Community Hospital.

21 e. In July or August of 1997, Respondent destroyed computer records
22 of his employer Lebanon Community Hospital in an attempt to cover up his illegal
23 conduct.

24 SECOND CAUSE OF DISCIPLINE

25 (Unprofessional Conduct - Acts Involving Moral Turpitude,

26 Dishonesty, Fraud, or Deceit)

27 11. Respondent has subjected his license to discipline pursuant to section
28 4300 of the Code for unprofessional conduct as defined in section 4301(f) of the Code, and

1 California Code of Regulations, title 16, section 1770, in that Respondent stole and improperly
2 distributed prescription drugs (including controlled substances), stole computer equipment and
3 approximately \$300 in cash from his employer, Lebanon Community Hospital, and destroyed
4 computer records of his employer in an attempt to cover up his illegal conduct, as described in
5 detail above in paragraphs 10(a) through 10(e).

6 PRAYER

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

9 A. Revoking or suspending Original Pharmacist License Number RPH
10 28118, issued to Leon Freis;

11 B. Ordering Leon Freis to pay the Board of Pharmacy the reasonable costs of
12 the investigation and enforcement of this case, pursuant to Business and Professions Code
13 section 125.3;

14 C. Taking such other and further action as deemed necessary and proper.

15 DATE: July 31, 2002

16 P. F. Harris
17 PATRICIA F. HARRIS
18 Executive Officer
19 Board of Pharmacy
20 Department of Consumer Affairs
21 State of California
22 Complainant