

ORIGINAL

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

11 In the Matter of the Accusation Against:

Case No. 2580

12 JOHN RAGAJI  
JOHN JAMES RAGAJI  
13 4919 Whitney Ave.  
Carmichael, CA 95608  
14 -or-  
1730 Hickory Hill Drive  
15 Columbus, Ohio 43228

**DEFAULT DECISION  
AND ORDER**

[Gov. Code, §11520]

16 Pharmacist License No. RPH 42208

17 Respondent.

18  
19 FINDINGS OF FACT

20 1. On or about October 18, 2002, Complainant Patricia F. Harris, in her  
21 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer  
22 Affairs, filed Accusation No. 2580 against John Ragaji, also known as John James Ragaji  
23 (Respondent) before the Board of Pharmacy.

24 2. On or about September 7, 1988, the Board of Pharmacy (Board) issued  
25 Pharmacist License No. RPH 42208 to Respondent. The Pharmacist License was in full force  
26 and effect at all times relevant to the charges brought herein, and will expire on January 31, 2004.

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1                   3.       On or about October 29, 2002, Catheleen Logan, an employee of the  
2 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.  
3 2580, Statement to Respondent, Notice of Defense, Request for Discovery, and Government  
4 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,  
5 which was and is 1730 Hickory Hill Drive, Columbus, Ohio 43228; and respondent was also  
6 served by certified and first class mail at his previous address of record which was 4919 Whitney  
7 Avenue, Carmichael, California 95608. A copy of the Accusation, the related documents, and  
8 Declaration of Service are attached as exhibit A, and are incorporated herein by reference.

9                   4.       Service of the Accusation was effective as a matter of law under the  
10 provisions of Government Code section 11505, subdivision (c).

11                   5.       On or about November 4, 2002, respondent signed the certified receipt of  
12 the Accusation and aforementioned documents at the Columbus, Ohio address of record.  
13 Respondent did not file a Notice of Defense.

14                   6.       On or about December 3, 2002, the Accusation and aforementioned  
15 documents that were served at his Carmichael, California address of record were returned by the  
16 U.S. Postal Service marked "Unclaimed" and "Refused." A copy of the postal returned  
17 documents are attached hereto as exhibit B, and are incorporated herein by reference.

18                   7.       Government Code section 11506 states, in pertinent part:

19                   "(c) The respondent shall be entitled to a hearing on the merits if the respondent  
20 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the  
21 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
22 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

23                   8.       Respondent failed to file a Notice of Defense within 15 days after service  
24 upon him of the Accusation, and therefore waived his right to a hearing on the merits of  
25 Accusation No. 2580.

26                   9.       California Government Code section 11520 states, in pertinent part:

27                   "(a) If the respondent either fails to file a notice of defense or to appear at the  
28 hearing, the agency may take action based upon the respondent's express admissions or

1 upon other evidence and affidavits may be used as evidence without any notice to  
2 respondent."

3 10. Pursuant to its authority under Government Code section 11520, the Board  
4 finds Respondent is in default. The Board will take action without further hearing and, based on  
5 Respondent's express admissions by way of default and the evidence before it, contained in  
6 exhibits A and B finds that the allegations in Accusation No. 2580 are true.

7 11. The total costs for investigation and enforcement are \$1,736.00  
8 (One Thousand Seven Hundred and Thirty-Six Dollars) as of November 24, 2002.

9 DETERMINATION OF ISSUES

10 1. Based on the foregoing findings of fact, Respondent John Ragaji has  
11 subjected his Pharmacist License No. RPH 42208 to discipline.

12 2. A copy of the Accusation and the related documents and Declaration of  
13 Service are attached.

14 3. The agency has jurisdiction to adjudicate this case by default.

15 4. The Board of Pharmacy is authorized to revoke Respondent's Pharmacist  
16 License No. RPH 42208 based upon the following violations alleged in the Accusation:

17 A. Respondent violated section 4301(h) of the Business and  
18 Professions Code in that he self-administered and used alcoholic beverages to the extent or in a  
19 manner dangerous or injurious to himself or others, or to the extent that the use impairs his  
20 ability to practice pharmacy with safety to the public as follows: (1) Respondent was terminated  
21 from the California Pharmacist Recovery Program (PRP) for failure to comply with the  
22 provisions of the program, including three relapses since entering the PRP; and the PRP  
23 determined that respondent's practice of pharmacy would pose a threat to the health and safety of  
24 the public; and (2) Respondent has four convictions for driving under the influence (DUI) of  
25 drugs and/or alcohol in the State of Ohio as set forth in the Accusation;

26 B. Respondent violated section 4301(n) of the Business and  
27 Professions Code based on disciplinary action taken against his pharmacist license in the State of  
28 Ohio in which his license was indefinitely suspended;

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C. Respondent violated sections 4301(k) and 4301(l) of the Business and Professions Code based on his four criminal convictions for driving under the influence (DUI) and his conviction for aggravated menacing; and

D. Respondent violated section 4301(f) of the Business and Professions Code based on his acts involving dishonesty, fraud or deceit in that he knowingly made false statements on his 1997 and 1998 Renewal Application for Pharmacist License in the State of Ohio.

ORDER

IT IS SO ORDERED that Pharmacist License No. RPH 42208, heretofore issued to Respondent John Ragaji, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on February 8, 2003.

It is so ORDERED January 9, 2003

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



JOHN D. JONES  
Board President

Attachments:

Exhibit A: Accusation No.2580, Related Documents, and Declaration of Service  
Exhibit B: Postal Return Documents

ORIGINAL

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7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:  
12  
13 JOHN RAGAJI  
JOHN JAMES RAGAJI  
4919 Whitney Avenue  
14 Carmichael, California 95608  
15 Pharmacist License No. RPH 42208  
16 Respondent.

Case No. 2580

**A C C U S A T I O N**

17  
18 Complainant alleges:

19 PARTIES

- 20 1. Patricia F. Harris (Complainant) brings this Accusation solely in her official  
21 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
22 2. On or about September 7, 1988, the Board of Pharmacy (Board) issued  
23 pharmacist License No. RPH 42208 to John Ragaji, also known as John James Ragaji  
24 (Respondent). The Pharmacist License was in full force and effect at all times relevant to the  
25 charges brought herein and will expire on January 31, 2004, unless renewed.

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STATUTORY PROVISIONS

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3. California Business and Professions Code Section (hereafter Code) 4301

provides, in pertinent part, that the Board shall take action against any holder of a license who is guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

...  
subdivision (h): The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

...  
subdivision (n): The revocation, suspension, or other discipline by another state of a license to practice pharmacy, operate a pharmacy, or do any other act for which a license is required by this chapter.

...  
subdivision (k): The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.

...  
subdivision (l): The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee.

...  
subdivision (f): The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption.

4. California Code of Regulations, Title 16, Section 1770, provides, in pertinent part, that a crime or act shall be considered substantially related to the qualifications, functions, or duties of a licensee if to a substantial degree it evidences present or potential unfitness of a

1 licensee to perform the functions authorized by his license in a manner consistent with the public  
2 health, safety or welfare.

3 5. Code Sections 4369 and 4370 provide, in pertinent part, that failure to comply  
4 with the Pharmacy Recovery Program (PRP) diversion treatment program, by a pharmacist  
5 referred to the PRP, shall be reported to the Board; and that the Board is not precluded from  
6 commencing disciplinary action against a licensee who is terminated for failure to comply with  
7 the provisions of the diversion program.

8 6. Code Section 4372 provides, in pertinent part, that Board records and records  
9 of the diversion program shall be kept confidential. However, Board records and records of the  
10 diversion program may be disclosed and testimony provided in connection with participation  
11 pursuant to Section 4369 or 4370, to the extent those records or testimony are relevant to the  
12 conduct for which the pharmacist was terminated from the program.

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

17 FIRST CAUSE FOR DISCIPLINE

18 (Self-administering or use of alcohol dangerous to self or others: section 4301(h))

19 8. Respondent is subject to disciplinary action under section 4301(h) in that he  
20 self-administered and used alcoholic beverages to the extent or in a manner dangerous or  
21 injurious to himself or others, or to the extent that the use impairs the ability of respondent to  
22 practice pharmacy with safety to the public. The circumstances are as follows:

23 A. On or about March 23, 2001, respondent was referred by the Board to the  
24 Pharmacist Recovery Program (PRP) in lieu of disciplinary action. Respondent was notified that  
25 he must comply with the terms of the PRP treatment program, and that noncompliance will result  
26 in the investigation being referred to the Office of the Attorney General for appropriate action.

27 B. On or about August 19, 2002, respondent was terminated from the Pharmacist  
28 Recovery Program (PRP) for failure to comply with the provisions of the program. Respondent

1 relapsed three times since entering the PRP, continuing to drink alcoholic beverages. Due to the  
2 nature of his alcohol dependence, his inability or unwillingness to use the recovery tools he was  
3 given in treatment and in the PRP, it was determined that respondent's practice of pharmacy  
4 would pose a threat to the health and safety of the public.

5 C. Respondent self-administered and used alcohol to such an extent to be  
6 dangerous to self or others as evidenced by his four convictions for driving under the influence  
7 (DUI) of drugs and/or alcohol in the State of Ohio on or about June 28, 1984 (Columbus, Ohio),  
8 June 11, 1987 (Columbus, Ohio), February 4, 1996 (Norton, Ohio), and July 29, 1997  
9 (Cuyahoga Falls, Ohio).

#### 10 SECOND CAUSE FOR DISCIPLINE

11 (Ohio State Board of Pharmacy Suspension: section 4301(n))

12 9. Respondent is subject to disciplinary action under section 4301(n) based on  
13 disciplinary action taken against his pharmacist license in the State of Ohio. The circumstances  
14 are as follows:

15 A. On or about July 13, 1999, by Settlement Agreement with the Ohio State  
16 Board of Pharmacy, *In the Matter of: JOHN JAMES RAGAJI, R.Ph.* (Pharmacist), Docket No. D-  
17 990305-036, Respondent's license to practice as a pharmacist was indefinitely suspended. The  
18 Ohio Board of Pharmacy found sufficient evidence that:

19 (1) Respondent abused alcohol or drugs to such a degree as to render him unfit to practice  
20 pharmacy based on four (4) misdemeanor convictions for driving under the influence (DUI) of  
21 alcohol and/or drugs on or about June 28, 1984 (Columbus, Ohio), June 11, 1987 (Columbus,  
22 Ohio), February 4, 1996 (Norton, Ohio), and July 29, 1997 (Cuyahoga Falls, Ohio); and that  
23 respondent admitted that he had a problem with alcohol which, on occasion, caused him to miss  
24 work and to take Ativan, Ibuprofen and Naprosyn from his employer to medicate himself for  
25 "hangovers";

26 (2) On or about May 20, 1997, respondent was convicted of Aggravated Menacing, a  
27 misdemeanor in *Village of Woodmere v. John James Ragaji*, Case No. 97-CRB-00071, Bedford  
28 Municipal Court (Ohio), in that he left fourteen threatening messages on his supervisor's

1 answering machine;

2 (3) On or about July 21, 1996, respondent made knowingly false statement(s) on his  
3 1997 renewal application for pharmacist license in Ohio when he stated that within the previous  
4 eighteen months there were no charges pending, nor had he been convicted of a felony or  
5 misdemeanor; when, in fact, on or about March 7, 1996, respondent had pled guilty to DUI; and

6 (4) On or about August 11, 1997, respondent made knowingly false statement(s) on his  
7 1998 renewal application for pharmacist license in Ohio when he stated that within the previous  
8 eighteen months there were no charges pending, nor had he been convicted of a felony or  
9 misdemeanor; when, in fact, on or about May 20, 1997, he was convicted of Aggravated  
10 Menacing, and on or about July 29, 1997, he was convicted of DUI.

11 THIRD CAUSE FOR DISCIPLINE

12 (Criminal Convictions-Sections 4301(k) and 4301(l) and CCR, Tit.16, Sec. 1770)

13 10. Respondent is subject to disciplinary action under section 4301(k), and  
14 section 4301(l) as defined by California Code of Regulations, Title 16, Section 1770, based on  
15 his four criminal convictions for DUI and his conviction for Aggravated Menacing as set forth  
16 above in paragraphs 9(A)(1) and 9(A)(2) which are incorporated by reference herein as though  
17 fully set forth.

18 FOURTH CAUSE FOR DISCIPLINE

19 (Acts involving dishonesty, fraud, deceit-Section 4301(f))

20 11. Respondent is subject to disciplinary action under section 4301(f) based on  
21 his acts involving dishonesty, fraud or deceit in that he knowingly made false statements on his  
22 1997 and 1998 Renewal Application for Pharmacist License in the State of Ohio as set forth  
23 above in paragraphs 9(A)(3) and 9(A)(4) which are incorporated by reference herein as though  
24 fully set forth.

25 PRAYER

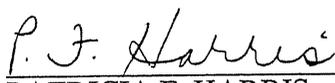
26 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
27 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

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1. Revoking or suspending Pharmacist License No. RPH 42208, issued to John Ragaji, also known as John James Ragaji;
2. Ordering John Ragaji to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 10/18/02

  
\_\_\_\_\_  
PATRICIA F. HARRIS  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant