

1 BILL LOCKYER, Attorney General
of the State of California
2 JAMI L. CANTORE, State Bar No. 165410
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2569
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:
11 LAWRENCE NOBLE
12 1232 - A Westlake Blvd.
Westlake Village, CA 91361
13 Pharmacist License No. RPH 36495
14 Respondent.

Case No. 2599
OAH No. L-2003 100 723
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
17 above-entitled proceedings 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 Jami L. Cantore, Deputy
22 Attorney General.

23 2. Lawrence Noble (Respondent) is representing himself in this proceeding
24 and has chosen not to exercise his right to be represented by counsel.

25 3. On or about August 18, 1981, the Board of Pharmacy issued Pharmacist
26 License No. RPH 36495 to Lawrence Noble (Respondent). The License was in full force and
27 effect at all times relevant to the charges brought in Accusation No. 2599 and will expire on
28 April 30, 2005, unless renewed.

1 unable to make payment in full within ninety (90) days of the effective date of the Order,
2 Respondent will be placed on probation with the following conditions until costs are fully paid.

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

5 1. **Obey All Laws.** Respondent shall obey all state and federal laws and
6 regulations substantially related to or governing the practice of pharmacy.

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

- 9 • an arrest or issuance of a criminal complaint for violation of any provision of the
10 Pharmacy Law, state and federal food and drug laws, or state and federal
11 controlled substances laws
- 12 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to
13 any criminal complaint, information or indictment
- 14 • a conviction of any crime
- 15 • discipline, citation, or other administrative action filed by any state and federal
16 agency which involves Respondent's license or which is related to the practice
17 of pharmacy or the manufacturing, obtaining, handling or distribution or billing
18 or charging for any drug, device or controlled substance.

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

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

1 4. **Cooperation with Board Staff.** Respondent shall cooperate with the
2 Board's inspectional program and in the Board's monitoring and investigation of Respondent's
3 compliance with the terms and conditions of his probation. Failure to comply shall be
4 considered a violation of probation.

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

7 6. **Notice to Employers.** Respondent shall notify all present and
8 prospective employers of the decision in case number 2599 and the terms, conditions and
9 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of
10 this decision, and within 15 days of Respondent undertaking new employment, Respondent
11 shall cause his direct supervisor, pharmacist-in-charge and/or owner to report to the Board in
12 writing acknowledging the employer has read the decision in case number 2599.

13 If Respondent works for or is employed by or through a pharmacy employment
14 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at
15 every pharmacy of the and terms conditions of the decision in case number 2599 in advance of
16 the Respondent commencing work at each pharmacy.

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

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

25 8. **Probation Monitoring Costs.** Respondent shall pay the costs
26 associated with probation monitoring as determined by the Board each and every year of
27 probation. Such costs shall be payable to the Board at the end of each year of probation.
28 Failure to pay such costs shall be considered a violation of probation.

1 9. **Status of License.** Respondent shall, at all times while on probation,
2 maintain an active current license with the Board, including any period during which
3 suspension or probation is tolled.

4 If Respondent's license expires or is canceled by operation of law or otherwise,
5 upon renewal or reapplication, Respondent's license shall be subject to all terms and
6 conditions of this probation not previously satisfied.

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

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

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

24 12. **Tolling of Probation.** Should Respondent, regardless of residency, for
25 any reason cease practicing pharmacy for a minimum of 40 hours per calendar month in
26 California, Respondent must notify the Board in writing within 10 days of cessation of the
27 practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time
28 shall not apply to the reduction of the probation period. It is a violation of probation for

1 Respondent's probation to remain tolled pursuant to the provisions of this condition for a
2 period exceeding three years.

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

6 13. **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.

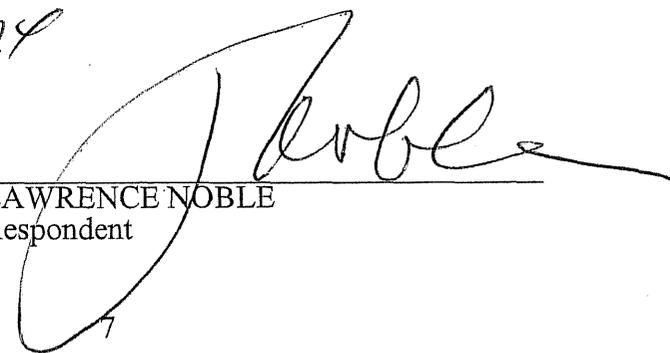
12 If Respondent has not complied with any term or condition of probation, the
13 Board shall have continuing jurisdiction over Respondent, and probation shall automatically
14 be extended until all terms and conditions have been satisfied or the Board has taken other
15 action as deemed appropriate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

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

19
20 ACCEPTANCE

21 I have carefully read the Stipulated Settlement and Disciplinary Order. I
22 understand the stipulation and the effect it will have on my Pharmacist License. I enter into
23 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
24 and agree to be bound by the Decision and Order of the Board of Pharmacy.

25 DATED: AUG. 18, 2004

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27 
28 LAWRENCE NOBLE
Respondent

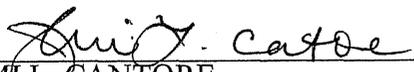
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ENDORSEMENT

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: 8/25/04

BILL LOCKYER, Attorney General
of the State of California


JAMIL L. CANTORE
Deputy Attorney General
Attorneys for Complainant

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DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

LAWRENCE NOBLE
1232 - A Westlake Blvd.
Westlake Village, CA 91361

Pharmacist License No. RPH 36495

Respondent.

Case No. 2599

OAH No. L-2003 100 723

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 November 6, 2004.

It is so ORDERED October 7, 2004.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY W. GOLDENBERG
Board President

Exhibit A

Accusation No. 2599

1 BILL LOCKYER, Attorney General
of the State of California
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Deputy Attorney General
3 California Department of Justice
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4 Los Angeles, CA 90013
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12 1232 A West Lake Blvd.	
13 Westlake Village, CA 91361	
14 Pharmacist License No. RPH 36495	
15 Respondent.	

16 Complainant alleges:

17 PARTIES

- 18 1. Patricia F. Harris (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
20 Affairs.
- 21 2. On or about August 18, 1981, the Board of Pharmacy issued Pharmacist
22 License Number RPH 36495 to Lawrence Noble (Respondent). The Pharmacist License was in
23 full force and effect at all times relevant to the charges brought herein and will expire on April
24 30, 2005, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board of Pharmacy (Board),
27 Department of Consumer Affairs, under the authority of the below mentioned statutes and
28

1 regulations.¹

2 4. Section 4300 of the Code permits the Board to take disciplinary action to
3 suspend or revoke a license or permit.

4 5. Section 118, subdivision (b), of the Code states, in pertinent part:

5 "The suspension, expiration, or forfeiture by operation of law of a license issued
6 by a Board in the department, or its suspension, forfeiture, or cancellation by order of the Board
7 or by order of a court of law, or its surrender without the written consent of the Board, shall not,
8 during any period in which it may be renewed, restored, reissued, or reinstated, deprive the Board
9 of its authority to institute or continue a disciplinary proceeding against the licensee."

10 6. Section 4301 of the Code states in pertinent part:

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

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

19 "(g) Knowingly making or signing any certificate or other document that falsely
20 represents the existence or nonexistence of a state of facts.

21

22 "(j) The violation of any of the statutes of this state or of the United States
23 regulating controlled substances and dangerous drugs.

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28 1. All statutory references are to the Business and Professions Code (Code) unless otherwise indicated.

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

6 7. Section 4022 of the Code defines "Dangerous Drugs" as any drug that is
7 unsafe for self-medication and which by federal or state law can be lawfully dispensed only on
8 prescription.

9 8. Section 4059, subdivision (a), of the Code states:

10 A person may not furnish any dangerous drug, except upon the prescription of a
11 physician, dentist, podiatrist, optometrist, or veterinarian. No person shall furnish any dangerous
12 device, except upon the prescription of a physician, dentist, podiatrist, optometrist, or
13 veterinarian.

14 9. Section 4324, subdivision (a), of the Code states:

15 "Every person who signs the name of another, or of a fictitious person, or falsely
16 makes, alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription
17 for any drugs is guilty of a forgery and upon conviction thereof shall be punished by
18 imprisonment in the state prison, or by imprisonment in the county jail for not more than one
19 year."

20 10. California Code of Regulations, title 16, section 1770, states:

21 "For the purpose of denial, suspension, or revocation of a personal or facility
22 license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions
23 Code, a crime or act shall be considered substantially related to the qualifications, functions or
24 duties of a licensee or registrant if to a substantial degree it evidences present or potential
25 unfitness of a licensee or registrant to perform the functions authorized by his license or
26 registration in a manner consistent with the public health, safety, or welfare."

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28 ///

