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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:

Case No. 032753

11 CHARLES CRAIG FORET  
2901 Forest Hollow Ln. #2515  
12 Arlington, Texas 76006

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

13 License No. RPH 50387

14 Respondent.

15 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
16 proceeding that the following matters are true:

17 PARTIES

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

22 2. CHARLES CRAIG FORET (Respondent) is representing himself in this  
23 proceeding and has chosen not to exercise his right to be represented by counsel.

24 3. On or about September 3, 1998, the Board of Pharmacy issued Pharmacist  
25 License No. RPH 50387 to CHARLES CRAIG FORET.

26 JURISDICTION

27 4. Accusation No. 032753 was filed before the Board of Pharmacy (Board),  
28

1 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
2 and all other statutorily required documents were properly served on Respondent on April 28,  
3 2004. Respondent filed a Notice of Defense contesting the Accusation. A copy of Accusation  
4 No. 032753 is attached as exhibit A and incorporated herein by reference.

#### 5 ADVISEMENT AND WAIVERS

6 5. Respondent has carefully read, and understands the charges and allegations  
7 in Accusation No. 032753. Respondent also has carefully read, and understands the effects of  
8 this Stipulated Surrender of License and Order.

9 6. Respondent is fully aware of his legal rights in this matter, including the  
10 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
11 counsel, at his own expense; the right to confront and cross-examine the witnesses against him;  
12 the right to present evidence and to testify on his own behalf; the right to the issuance of  
13 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
14 reconsideration and court review of an adverse decision; and all other rights accorded by the  
15 California Administrative Procedure Act and other applicable laws.

16 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
17 each and every right set forth above.

#### 18 CULPABILITY

19 8. Respondent admits the truth of each and every charge and allegation in  
20 Accusation No. 032753, agrees that cause exists for discipline and hereby surrenders his  
21 Pharmacy License No. RPH 50387 for the Board's formal acceptance.

22 9. Respondent understands that by signing this stipulation, he enables the  
23 Board to issue an order accepting the surrender of his pharmacy license without further process.

#### 24 CONTINGENCY

25 10. This stipulation shall be subject to approval by the Board of Pharmacy.  
26 Respondent understands and agrees that counsel for Complainant and the staff of the Board of  
27 Pharmacy may communicate directly with the Board regarding this stipulation and settlement,  
28 without notice to or participation by Respondent. By signing the stipulation, Respondent



1 of the surrendered license by the Board shall constitute the imposition of discipline against  
2 Respondent. This stipulation constitutes a record of the discipline and shall become a part of  
3 Respondent's license history with the Board.

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

6  
7 ACCEPTANCE

8 I have carefully read the Stipulated Surrender of License and Order. I understand  
9 the stipulation and the effect it will have on my Pharmacy License RPH 50387. I enter into this  
10 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to  
11 be bound by the Decision and Order of the Board of Pharmacy.

12 DATED: 10/15/04.

13  
14   
15 CHARLES CRAIG FORET  
Respondent

16 ENDORSEMENT

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

19 DATED: 10-19-04.

20 BILL LOCKYER, Attorney General  
of the State of California

21   
22 JESSICA M. AMGWERD  
23 Deputy Attorney General

24 Attorneys for Complainant

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26 DOJ Docket Number/Matter ID:  
SA2004100725 (03583 110)

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

In the Matter of the Accusation Against:

Case No. 032753

CHARLES CRAIG FORET  
2901 Forest Hollow Ln. #2515  
Arlington, Texas 76006

License No. RPH 50387

Respondent.

**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 December 23, 2004.

It is so ORDERED November 23, 2004.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



STANLEY W. GOLDENBERG  
Board President

**Exhibit A**  
**Accusation No. 032753**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 JESSICA M. AMGWERD, State Bar No. 155757  
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6 **Attorneys for Complainant**

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

10 Agency Case No. 03 <sup>2753</sup>~~2756~~

11 In the Matter of the Accusation Against:

12 **CHARLES CRAIG FORET**  
2901 Forest Hollow Ln. #2515  
13 Arlington, Texas 76006

**ACCUSATION**

14 License No. RPH 50387

15 Respondent.

16 Patricia F. Harris, for causes for discipline, alleges:

17 1. Complainant Patricia F. Harris makes and files this Accusation in her  
18 official capacity as Executive Officer of the Board of Pharmacy, Department of Consumer  
19 Affairs, State of California (hereinafter, "the Board").

20 **I.**

21 **LICENSE INFORMATION**

22 2. On September 3, 1998, the Board issued Original Pharmacist License  
23 No. RPH 50387 to Charles Craig Foret (hereinafter "Respondent"), to act as a pharmacist in  
24 California. Respondent's registration will expire on February 28, 2006, unless renewed.

25 3. On June 21, 2001, Respondent was issued License No. 39935 to practice  
26 as a pharmacist in Texas.  
27  
28

1 II.

2 STATUTES

3 4. The California Business and Professions Code section 490 provides as  
4 follows:

5 **§ 490. Conviction of a crime; relationship of crime**  
6 **to licensed activity**

7 A board may suspend or revoke a license on the ground that the  
8 licensee has been convicted of a crime if the crime is substantially  
9 related to the qualifications, functions, or duties of the business or  
10 profession for which the license was issued. A conviction within  
11 the meaning of this section means a plea or verdict of guilty or a  
12 conviction following a plea of nolo contendere. Any action  
13 which a board is permitted to take following the establishment of  
14 a conviction may be taken when the time for appeal has elapsed,  
15 or the judgment of conviction has been affirmed on appeal, or  
16 when an order granting probation is made suspending the  
17 imposition of sentence, irrespective of a subsequent order under  
18 the provisions of Section 1203.04 of the Penal Code.

19 ...

20 5. The California Business and Professions Code section 4301 states in  
21 pertinent part as follows:

22 **§4301. Unprofessional conduct; licenses procured through**  
23 **misrepresentation, fraud or mistake**

24 The board shall take action against any holder of a license who is  
25 guilty of unprofessional conduct . . . Unprofessional conduct shall  
26 include, but is not limited to, any of the following:

27 ...

28 (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.

...

(h) The administering to oneself, of any controlled  
substance, or the use of any dangerous drug or  
alcoholic beverages to the extent or in a manner as  
to be dangerous or injurious to oneself, to a person  
holding a license under this chapter, 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  
law.

...

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

5 (l) The conviction of a crime substantially related to  
6 the qualifications, functions, and duties of a  
7 licensee under this chapter. . .

8 . . .

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

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

17 **III.**

18 **FACTUAL BACKGROUND**

19 7. A misdemeanor criminal action was filed against Respondent in  
20 Hahnville, Louisiana, for allegedly driving under the influence. Respondent pled guilty to  
21 driving under the influence, and was placed on a 6-month probation beginning April 7, 2001.

22 8. Respondent was arrested and criminally charged (Case No.0810453)  
23 with driving while intoxicated, in Tarrant County, Texas. On February 1, 2002, Respondent  
24 pled guilty to driving while intoxicated, and was sentenced to jail and probation.

25 9. Paragraphs 7 and 8 are incorporated herein. Due to the criminal  
26 convictions, the Texas State Board of Pharmacy filed a disciplinary action against Respondent's  
27 Texas pharmacist license (399935), entitled, *In The Matter of Charles Craig Foret*, Case No.  
28 G-02-016. Circa August 7, 2002, Respondent and the Texas State Board of Pharmacy entered  
into an entry of Order, with various terms and conditions, including a five year suspension,  
which was probated.

1 IV.

2 VIOLATIONS

3 **Business and Professions Code §490 and §4301(l)**  
4 (Criminal Conviction)

5 10. Complainant incorporates herein by reference each and every allegation  
6 contained in paragraphs 7 through 9 above. Respondent has violated the California Business  
7 and Professions Code §490 and §4301(l) based upon his criminal convictions for driving under  
8 the influence and driving while intoxicated, which are crimes related to the practice of his  
9 profession.

10 **Business and Professions Code §4301(h)**  
11 (Use Of Alcoholic Beverage In A Dangerous Manner To Self And Others)

12 11. Complainant incorporates herein by reference each and every allegation  
13 contained in paragraphs 7 through 9 above. Respondent has violated the California Business  
14 and Professions Code section 4301(h) by administering to himself, alcoholic beverages to the  
15 extent or in a manner as to be dangerous or injurious to himself and the public.

16 **Business and Professions Code §4301(k)**  
17 (Criminal Conviction)

18 12. Complainant incorporates herein by reference each and every allegation  
19 contained in paragraphs 7 through 9 above. Respondent has violated the California Business  
20 and Professions section 4301(k) by being convicted of more than one misdemeanor concerning  
21 the use of an alcoholic beverage.

22 **Business and Professions Code §4301(n)**  
23 (Out-Of-State Discipline)

24 13. Complainant incorporates herein by reference each and every allegation  
25 contained in paragraphs 7 through 9 above. Respondent has violated the California Business  
26 and Professions section 4301(n), due to the discipline of his Texas pharmacist license.  
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V.

**PRAYER**

WHEREFORE, Complainant prays that the Board hold a hearing on the matters alleged herein and following said hearing, issue a decision:

1. Revoking or suspending License Number RPH 50387 issued to Charles Craig Foret;
2. Ordering Charles Craig Foret to pay to the Board its costs of investigation and enforcement of the case according to proof at the hearing pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as the Board deems necessary and proper.

Dated: 4/20/04

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

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