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of the State of California
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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 and Statement
of Issues Against:

11 VICTOR LEE
12 19216 Teresa Way
13 Cerritos, CA 90703

14 Respondent.

Case No. 2664

OAH No. L2003110551

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15
16 IT IS HEREBY STIPULATED AND AGREED by and between the parties
17 to the above-entitled proceedings that the following matters are true:

18 PARTIES

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

23 2. Respondent Victor Lee (Respondent) is represented in this proceeding
24 by attorney Benjamin R. Margolis, whose address is 1387 Monument Street, Pacific
25 Palisades, California 90272-2544.

26 3. On or about September 17, 1999, the Board of Pharmacy issued Intern
27 Permit No. INT 9492 to Victor Lee (Respondent). Intern Permit No. INT 9492 was in full
28 force and effect at all times relevant to the charges brought in Accusation and Statement of

1 the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement
2 and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be
3 inadmissible in any legal action between the parties, and the Board shall not be disqualified
4 from further action by having considered this matter.

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

8 16. In consideration of the foregoing admissions and stipulations, the
9 parties agree that the Board may, without further notice or formal proceeding, issue and
10 enter the following Disciplinary Order:

11 **DISCIPLINARY ORDER**

12 IT IS HEREBY ORDERED that Respondent Victor Lee's application for a
13 pharmacist license is hereby accepted. Upon successful completion of all the licensing
14 requirements, a license shall be issued to Respondent. Said license shall immediately be
15 revoked, the order of revocation stayed and Respondent placed on probation for a period of
16 three years on the following terms and conditions.

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

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

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

1 of pharmacy or the manufacturing, obtaining, handling or distribution or billing
2 or charging for any drug, device or controlled substance.

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

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

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

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

19 6. **Notice to Employers.** Respondent shall notify all present and
20 prospective employers of the decision in case number 2664 and the terms, conditions and
21 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of
22 this decision, and within 15 days of Respondent undertaking new employment, Respondent
23 shall cause his direct supervisor, pharmacist-in-charge and/or owner to report to the Board in
24 writing acknowledging the employer has read the decision in case number 2664.

25 If Respondent works for or is employed by or through a pharmacy employment
26 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at
27 every pharmacy of the and terms conditions of the decision in case number 2664 in advance of
28 the Respondent commencing work at each pharmacy.

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 **7. 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 **8. Reimbursement of Board Costs.** Respondent shall pay to the Board
10 its costs of investigation and prosecution in the amount of \$3000.00. Respondent shall make
11 payments in a payment plan approved by the Board.

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

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

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

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

24 **11. License Surrender while on Probation/Suspension.** Following the
25 effective date of this decision, should Respondent cease practice due to retirement or health, or
26 be otherwise unable to satisfy the terms and conditions of probation, Respondent may tender
27 his license to the Board for surrender. The Board shall have the discretion whether to grant
28 the request for surrender or take any other action it deems appropriate and reasonable. Upon

1 formal acceptance of the surrender of the license, Respondent will no longer be subject to the
2 terms and conditions of probation.

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

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

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

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

23 **14. Violation of Probation.** If Respondent violates probation in any
24 respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke
25 probation and carry out the disciplinary order which was stayed. If a petition to revoke
26 probation or an accusation is filed against Respondent during probation, the Board shall have
27 continuing jurisdiction and the period of probation shall be extended, until the petition to
28 revoke probation or accusation is heard and decided.

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

6 15. **Completion of Probation.** Upon successful completion of probation,
7 Respondent's license will be fully restored.

8 16. **Rehabilitation Program - Pharmacists Recovery Program (PRP).**
9 Within 30 days of the effective date of this decision, Respondent shall contact the Pharmacists
10 Recovery Program for evaluation and shall successfully participate in and complete the
11 treatment contract and any subsequent addendums as recommended and provided by the PRP
12 and as approved by the Board. The costs for PRP participation shall be borne by the
13 Respondent.

14 If Respondent is currently enrolled in the PRP, said participation is now
15 mandatory and is no longer considered a self-referral under Business and Professions Code
16 section 4363, as of the effective date of this decision. Respondent shall successfully
17 participate in and complete his current contract and any subsequent addendums with the PRP.
18 Probation shall be automatically extended until Respondent successfully completes his
19 treatment contract. Any person terminated from the program shall be automatically suspended
20 upon notice by the Board. Respondent may not resume the practice of pharmacy until notified
21 by the Board in writing. The Board shall retain jurisdiction to institute action to terminate
22 probation for any violation of this term.

23 17. **Random Drug Screening.** Respondent, at his own expense, shall
24 participate in random testing, including but not limited to biological fluid testing (urine,
25 blood), breathalyzer, hair follicle testing, or a drug screening program approved by the Board.
26 The length of time shall be for the entire probation period and the frequency of testing will be
27 determined by the Board. At all times Respondent shall fully cooperate with the Board, and
28 shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics,

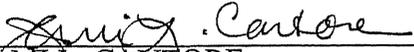
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ENDORSEMENT

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: 1/5/04

BILL LOCKYER, Attorney General
of the State of California



JAMI L. CANTORE
Deputy Attorney General
Attorneys for Complainant

DOJ Docket/Matter ID Number: 03583110-LA2003600425
victor lee stip.wpd

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

In the Matter of the Accusation and Statement
of Issues Against:

VICTOR LEE
19216 Teresa Way
Cerritos, CA 90703

Respondent.

Case No. 2664

OAH No. L2003110551

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 February 13, 2004.

It is so ORDERED February 13, 2004.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



JOHN B. JONES
Board President

Exhibit A

Accusation and Statement of Issues No. 2664

1 BILL LOCKYER, Attorney General
of the State of California
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BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
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11 In the Matter of the Accusation and Statement of
Issues Against:

12 VICTOR LEE
13 19216 Teresa Way
14 Cerritos, CA 90703

15 Respondent.

Case No. 2664

ACCUSATION

AND

STATEMENT OF ISSUES

16
17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about September 17, 1999, the Board of Pharmacy issued Pharmacy
23 Intern Permit No. INT 9492 to Victor Lee (Respondent). The Pharmacy Intern Permit was in full
24 force and effect at all times relevant to the charges brought herein and will expire on
25 August 31, 2004, unless renewed.

26 3. On or about April 16, 2003, the Board of Pharmacy, Department of
27 Consumer Affairs received an Application for Pharmacist Licensure Examination from
28 Respondent. On or about April 10, 2003, Victor Lee certified under penalty of perjury to the

1 truthfulness of all statements, answers, and representations in the application. The Board denied
2 the application on June 6, 2003.

3 JURISDICTION

4 4. This Accusation and Statement of Issues is brought before the Board of
5 Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws.

6 5. Business and Professions Code section 118, subdivision (b) states:

7 "The suspension, expiration, or forfeiture by operation of law of a license issued
8 by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or
9 by order of a court of law, or its surrender without the written consent of the board, shall not,
10 during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board
11 of its authority to institute or continue a disciplinary proceeding against the licensee upon any
12 ground provided by law or to enter an order suspending or revoking the license or otherwise
13 taking disciplinary action against the licensee on any such ground."

14 6. Business and Professions Code section 4300 states:

15 "(a) Every license issued may be suspended or revoked.

16 "(b) The board shall discipline the holder of any license issued by the board,
17 whose default has been entered or whose case has been heard by the board and found guilty, by
18 any of the following methods:

19 "(1) Suspending judgment.

20 "(2) Placing him or her upon probation.

21 "(3) Suspending his or her right to practice for a period not exceeding one year.

22 "(4) Revoking his or her license.

23 "(5) Taking any other action in relation to disciplining him or her as the board in
24 its discretion may deem proper.

25 "(c) The board may refuse a license to any applicant guilty of unprofessional
26 conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a
27 license who is guilty of unprofessional conduct and who has met all other requirements for
28 licensure. The board may issue the license subject to any terms or conditions not contrary to

1 public policy, including, but not limited to, the following:

2 "(1) Medical or psychiatric evaluation.

3 "(2) Continuing medical or psychiatric treatment.

4 "(3) Restriction of type or circumstances of practice.

5 "(4) Continuing participation in a board-approved rehabilitation program.

6 "(5) Abstention from the use of alcohol or drugs.

7 "(6) Random fluid testing for alcohol or drugs.

8 "(7) Compliance with laws and regulations governing the practice of pharmacy.

9 "(d) The board may initiate disciplinary proceedings to revoke or suspend any
10 probationary certificate of licensure for any violation of the terms and conditions of probation.

11 Upon satisfactory completion of probation, the board shall convert the probationary certificate to
12 a regular certificate, free of conditions.

13 "(e) The proceedings under this article shall be conducted in accordance with
14 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code,
15 and the board shall have all the powers granted therein. The action shall be final, except that the
16 propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the
17 Code of Civil Procedure."

18 7. Business and Professions Code section 4301 states, in pertinent part:

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

23

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

27

28 ///

1 (h) The administering to oneself, of any controlled substance, or the use of any
2 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or
3 injurious to oneself, to a person holding a license under this chapter, or to any other person or to
4 the public, or to the extent that the use impairs the ability of the person to conduct with safety to
5 the public the practice authorized by the license.

6

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

9

10 (l) The conviction of a crime substantially related to the qualifications, functions,
11 and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
12 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
13 substances or of a violation of the statutes of this state regulating controlled substances or
14 dangerous drugs shall be conclusive evidence of unprofessional conduct. . . . A plea or verdict of
15 guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the
16 meaning of this provision.

17

18 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
19 abetting the violation of or conspiring to violate any provision or term of this chapter or of the
20 applicable federal and state laws and regulations governing pharmacy, including regulations
21 established by the board. . . ."

22 8. Business and Professions Code section 480 states, in pertinent part:

23 (a) A board may deny a license regulated by this code on the grounds that the
24 applicant has one of the following:

25 (1) Been convicted of a crime. A conviction within the meaning of this section
26 means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action
27 which a board is permitted to take following the establishment of a conviction may be taken
28 when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal,

1 or when an order granting probation is made suspending the imposition of sentence, irrespective
2 of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

3 "(2) Done any act involving dishonesty, fraud or deceit with the intent to
4 substantially benefit himself or another, or substantially injure another; or

5 "(3) Done any act which if done by a licentiate of the business or profession in
6 question, would be grounds for suspension or revocation of license.

7 " The board may deny a license pursuant to this subdivision only if the crime or
8 act is substantially related to the qualifications, functions or duties of the business or profession
9 for which application is made. . . ."

10 9. Business and Professions Code section 475 states, in pertinent part:

11 "(a) Notwithstanding any other provisions of this code, the provisions of this
12 division shall govern the denial of licenses on the grounds of:

13

14 "(2) Conviction of a crime.

15 "(3) Commission of any act involving dishonesty, fraud or deceit with the intent
16 to substantially benefit himself or another, or substantially injure another.

17 "(4) Commission of any act which, if done by a licentiate of the business or
18 profession in question, would be grounds for suspension or revocation of license.

19 "(b) Notwithstanding any other provisions of this code, the provisions of this
20 division shall govern the suspension and revocation of licenses on grounds specified in
21 paragraphs (1) and (2) of subdivision (a)"

22 10. Business and Professions Code section 490 states:

23 "A board may suspend or revoke a license on the ground that the licensee has been
24 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties
25 of the business or profession for which the license was issued. A conviction within the meaning
26 of this section means a plea or verdict of guilty or a conviction following a plea of nolo
27 contendere. Any action which a board is permitted to take following the establishment of a
28 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has

1 been affirmed on appeal, or when an order granting probation is made suspending the imposition
2 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
3 Penal Code."

4 11. California Code of Regulations, title 16, section 1770, states:

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

11 12. Business and Professions Code section 493 states:

12 "Notwithstanding any other provision of law, in a proceeding conducted by a
13 board within the department pursuant to law to deny an application for a license or to suspend or
14 revoke a license or otherwise take disciplinary action against a person who holds a license, upon
15 the ground that the applicant or the licensee has been convicted of a crime substantially related to
16 the qualifications, functions, and duties of the licensee in question, the record of conviction of the
17 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
18 and the board may inquire into the circumstances surrounding the commission of the crime in
19 order to fix the degree of discipline or to determine if the conviction is substantially related to the
20 qualifications, functions, and duties of the licensee in question.

21 "As used in this section, 'license ' includes 'certificate,' 'permit,' 'authority,' and
22 'registration.'"

23 13. Business and Professions Code section 4060 states:

24 "No person shall possess any controlled substance, except that furnished to a
25 person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished
26 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse
27 practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1. This
28 section shall not apply to the possession of any controlled substance by a manufacturer,

1 wholesaler, pharmacy, physician, podiatrist, dentist, veterinarian, certified nurse-midwife, nurse
2 practitioner, or physician assistant, when in stock in containers correctly labeled with the name
3 and address of the supplier or producer.

4 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner,
5 or a physician assistant to order his or her own stock of dangerous drugs and devices."

6 14. Business and Professions Code section 4051, subdivision (a), states:

7 " Except as otherwise provided in this chapter, it is unlawful for any person to
8 manufacture, compound, furnish, sell, or dispense any dangerous drug or dangerous device, or to
9 dispense or compound any prescription pursuant to Section 4040 of a prescriber unless he or she
10 is a pharmacist under this chapter."

11 15. Business and Professions Code section 4059, subdivision (a), states:

12 "A person may not furnish any dangerous drug, except upon the prescription of a
13 physician, dentist, podiatrist, optometrist, or veterinarian. A person may not furnish any
14 dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, or
15 veterinarian."

16 16. Business and Professions Code section 125.3, subdivision (a), states, in
17 pertinent part:

18 "Except as otherwise provided by law, in any order issued in resolution of a
19 disciplinary proceeding before any board within the department . . . the board may request the
20 administrative law judge to direct a licentiate found to have committed a violation or violations
21 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
22 enforcement of the case."

23 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

24 17. Xanax, a brand name for alprazolam, is an anti-anxiety benzodiazepin and
25 is a Schedule IV controlled substance as designated by Health and Safety Code section 11057,
26 subdivision (d)(1), and is categorized as a dangerous drug pursuant to Business and Professions
27 Code section 4022, subdivision (c).

28 ///

1 18. Ecstasy, a generic name for Methylenedioxymethamphetamine, is a
2 Schedule I controlled substance as designated by Health and Safety Code section 11054,
3 subdivision (d), and is categorized as a dangerous drug pursuant to Business and Professions
4 Code section 4022, subdivision (c).

5 FIRST CAUSE FOR DISCIPLINE / DENIAL OF APPLICATION

6 (Conviction of a Substantially Related Crime)

7 19. Respondent's permit is subject to discipline and his application is subject
8 to denial under Business and Professions Code sections 4300; 4301, subdivision (1); 480,
9 subdivision (a) (1); and 490, as defined by California Code of Regulations, title 16, section 1770,
10 and Business and Professions Code section 493, in that Respondent was convicted of a crime
11 substantially related to the qualifications, duties and functions of a pharmacist. The
12 circumstances are as follows:

13 a. On or about September 30, 2002, in a criminal proceeding entitled *The*
14 *People of the State of California v. Victor Lee* in Los Angeles Municipal Court, Alhambra
15 Judicial District, Case Number 2AL01291, Respondent was convicted by a plea of guilty for
16 violating Health and Safety Code section 11377(a) (possession of a controlled substance), a
17 misdemeanor.

18 b. On or about March 25, 2002, Respondent was arrested by the Monterey
19 Park Police Department after a stop was initiated for violation of Vehicle Code 22350
20 (speeding). During a consented search of Respondent's vehicle, the controlled substance Xanax
21 was found.

22 c. On or about March 25, 2002, Respondent admitted the following to the
23 arresting officer: (1) he was in possession of prescription drugs (i.e. Xanax) without a
24 prescription, of which he admitted to occasional use, and (2) he "took two Ecstasy pills on Friday
25 afternoon."

26 ///

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28 ///

1 SECOND CAUSE FOR DISCIPLINE / DENIAL OF APPLICATION

2 (Possession of Controlled Substances / Dangerous Drugs)

3 20. Respondent's permit is subject to discipline and his application is subject
4 to denial under Business and Professions Code sections 4300; 4301, subdivision (j); and 480,
5 subdivision (a) (3), in conjunction with section 4060, on the grounds of unprofessional conduct,
6 in that Respondent, by his own admission, was in possession of Xanax without a prescription and
7 had recently taken Ecstasy, an illegal controlled substance. The details of the circumstances are
8 as described above in paragraph 19.

9 THIRD CAUSE FOR DISCIPLINE / DENIAL OF APPLICATION

10 (Use of Controlled Substances / Dangerous Drugs)

11 21. Respondent's permit is subject to discipline and his application is subject
12 to denial under Business and Professions Code sections 4300; 4301, subdivision (h); and 480,
13 subdivision (a) (3), in conjunction with section 4051, on the grounds of unprofessional conduct,
14 in that Respondent, by his own admission, administered to himself the controlled substances /
15 dangerous drugs, Xanax and Ecstasy. The details of the circumstances are described above in
16 paragraphs 19 and 20.

17 FOURTH CAUSE FOR DISCIPLINE / DENIAL OF APPLICATION

18 (Possess, Furnish Dangerous Drug / Controlled Substance Without a Prescription)

19 22. Respondent's permit is subject to discipline and his application is subject
20 to denial under Business and Professions Code sections 4300; 4301, subdivisions (f), (j), and (o);
21 and 480, subdivision (a)(3), on the grounds of unprofessional conduct for violating Business and
22 Professions Code sections 4060, 4051 and 4059, in that Respondent possessed dangerous drugs
23 and controlled substances without a prescription, as described above in paragraphs 19, 20 and 21.

24 FIFTH CAUSE FOR DISCIPLINE / DENIAL OF APPLICATION

25 (Fraudulent, Dishonest or Corrupt Act)

26 23. Respondent's permit is subject to discipline and his application is subject
27 to denial under Business and Professions Code sections 4300; 4301, subdivision (f); and 480,
28 subdivision (a) (2), for the commission of a dishonest act that is substantially related to the

1 qualifications, functions and duties of a pharmacist intern and/or pharmacist, and is grounds for
2 discipline as a licensee. The details of the conviction are described above in paragraphs 19, 20,
3 21 and 22, and also as follows: during the course of Respondent's March 25, 2002, arrest,
4 Respondent stated that he was a pharmacy student and admitted to stealing the controlled
5 substance Xanax from the Kaiser Pharmacy in Bellflower.

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 1. Revoking or suspending Victor Lee's Pharmacy Intern Permit
10 No. INT 9492;
11 2. Denying Victor Lee's Application for Pharmacist Licensure Examination;
12 3. Ordering Victor Lee to pay the Board of Pharmacy the reasonable costs of
13 the investigation and enforcement of this case, pursuant to Business and Professions Code
14 section 125.3;
15 4. Taking such other and further action as deemed necessary and proper.

16
17 DATED: 11/10/03

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20 
21 PATRICIA F. HARRIS
22 Executive Officer
23 Board of Pharmacy
24 Department of Consumer Affairs
25 State of California

26 Complainant