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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. 3118

Gregory James Mueller

175 Mesquite Ct
Brentwood, CA 94513

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

Pharmacy Technician Registration No. TCH 56168

Respondent.

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DECISION AND ORDER

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

This decision shall become effective on April 11, 2008.

It is so ORDERED on March 12, 2008.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



WILLIAM POWERS
Board President

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM, State Bar No. 214663
Deputy Attorney General
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
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6 Attorneys for Complainant
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. 3118

11 GREGORY JAMES MUELLER
175 Mesquite Ct.
12 Brentwood, CA 94513

OAH No.

13 Pharmacy Technician License No. TCH 56168

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 Respondent.
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16 In the interest of a prompt and speedy resolution of this matter, consistent with the
17 public interest and responsibility of the Board of Pharmacy, Department of Consumer Affairs,
18 the parties hereby agree to the following Stipulated Surrender of License and Order which will be
19 submitted to the Board for approval and adoption as the final disposition of the Accusation.
20

21 PARTIES

22 1. Virginia Herold (Complainant) is the Executive Officer of the Board of
23 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
24 by Edmund G. Brown Jr., Attorney General of the State of California, by Joshua A. Room,
25 Deputy Attorney General.

26 2. Gregory James Mueller (Respondent) is representing himself in this
27 proceeding and has chosen not to exercise his right to be represented by counsel.

28 ///

1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in
3 Accusation No. 3118, agrees that cause exists for discipline and hereby surrenders his Pharmacy
4 Technician License No. 56168 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation he enables the
6 Board to issue an order accepting the surrender of his Pharmacy Technician License without
7 further notice, process, or right to a hearing.

8
9 CONTINGENCY

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

19 11. The parties understand and agree that facsimile copies of this stipulation,
20 including facsimile signatures thereto, shall have the same force and effect as the originals.

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

24
25 ORDER

26 IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 56168,
27 issued to Gregory James Mueller (Respondent), is surrendered and accepted by the Board of
28 Pharmacy.

1 13. The surrender of Respondent's Pharmacy Technician License and the
2 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
3 against Respondent. This stipulation constitutes a record of the discipline and shall become a
4 part of Respondent's license history with the Board.

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

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

9 16. Respondent may not apply or reapply for, or petition for reinstatement of,
10 any license, permit, or registration from the Board for three (3) years from the effective date of
11 this Decision and Order.

12 17. Respondent understands and agrees that if he ever applies for licensure or
13 petitions for reinstatement in the State of California, the Board shall treat it as a new application
14 for licensure. Respondent must comply with all the laws, regulations and procedures for
15 licensure in effect at the time the application or petition is filed, and all of the charges and
16 allegations contained in Accusation No. 3118 shall be deemed to be true, correct and admitted
17 by Respondent when the Board determines whether to grant or deny the application or petition.

18 18. Should Respondent ever apply or reapply for a new license or certification,
19 or petition for reinstatement of a license, by any other health care licensing agency in the State of
20 California, all of the charges and allegations contained in Accusation No. 3118 shall be deemed
21 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
22 other proceeding seeking to deny or restrict licensure.

23 19. Respondent shall pay the Board its costs of investigation and enforcement
24 in the amount of \$3,862.25 prior to issuance of a new or reinstated license.

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ACCEPTANCE

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

DATED: 1-12-08



GREGORY JAMES MUELLER
Respondent


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: 2/8/08

EDMUND G. BROWN JR., Attorney General
of the State of California

FRANK H. PACOE
Supervising Deputy Attorney General



JOSHUA A. ROOM
Deputy Attorney General
Attorneys for Complainant

Exhibit A
Accusation No. 3118

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM, State Bar No. 214663
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6 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 3118

13 GREGORY JAMES MUELLER
14 175 Mesquite Ct.
Brentwood, CA 94513

A C C U S A T I O N

15 Pharmacy Technician License No. TCH 56168

Respondent.

16
17 Complainant alleges:

18 PARTIES

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

21 2. On or about April 28, 2004, the Board of Pharmacy issued Pharmacy
22 Technician License Number TCH 56168 to Gregory James Mueller (Respondent). The
23 Pharmacy Technician License was in full force and effect at all times relevant to the charges
24 brought herein and will expire on May 31, 2008, 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 following laws. All section
28 references are to the Business and Professions Code (Code) unless otherwise indicated.

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

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

8. Section 4059 of the Code, in pertinent part, prohibits furnishing of any dangerous drug or dangerous device except upon the prescription of an authorized prescriber.

9. Section 4060 of the Code provides, in pertinent part, that no person shall possess any controlled substance, except that furnished upon a valid prescription/drug order.

10. Health and Safety Code section 11170 provides that no person shall prescribe, administer, or furnish a controlled substance for himself or herself.

11. Health and Safety Code section 11173, subdivision (a), provides that no person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

12. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess any controlled substance classified in Schedule III, IV, or V (Health and Safety Code sections 11056-11058) which is a narcotic drug, except upon a valid prescription.

13. Health and Safety Code section 11377, in pertinent part, makes it unlawful to possess any controlled substance classified in Schedule III, IV, or V (Health and Safety Code sections 11056-11058) which is not a narcotic drug, except upon a valid prescription.

14. Health and Safety Code section 11550, in pertinent part, makes it unlawful for any person to use or be under the influence of any controlled substance classified in Schedule III, IV, or V (Health and Safety Code sections 11056-11058) which is a narcotic drug, except when administered by or under the direction of an authorized licensee.

1 EIGHTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 41. Respondent is subject to discipline under section 4301 of the Code in that
4 Respondent, as described in paragraphs 28-40 above, engaged in unprofessional conduct.

5
6 PRAYER

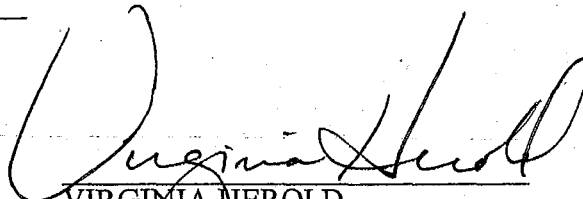
7 WHEREFORE, Complainant requests that a hearing be held on the matters herein
8 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

9 A. Revoking or suspending Pharmacy Technician License Number 56168,
10 issued to Gregory James Mueller (Respondent);

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

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

14
15 DATED: 12/27/07

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17 

18 VIRGINIA HEROLD
19 Executive Officer
20 Board of Pharmacy
21 Department of Consumer Affairs
22 State of California
23 Complainant

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