

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

In the Matter of the Accusation Against:

Case No. 3253

ROGER PETERS
1401 West Fremont Street
Stockton, CA 95203

Designated Representative Certificate
No. EXC 15686

Respondent.

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 December 31, 2009.

It is so ORDERED on December 1, 2009.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

Benneth H. Schell

KENNETH H. SCHELL
Board President

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 KAREN R. DENVIR
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:
12 **VALLEY WHOLESALE DRUG**
COMPANY, INC.
13 **1401 West Fremont Street**
Stockton, CA 95203
14 **Original Wholesale Permit No. WLS 1410,**
15 **and**
16 **ROGER PETERS**
1401 West Fremont Street
17 **Stockton, CA 95203**
18 **Designated Representative No. EXC 15686**
19 Respondents.

Case No. 3253

OAH No. 2009050940

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

(RESPONDENT ROGER PETERS)

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

22 PARTIES

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

27 2. Respondent Roger Peters (Respondent) is represented in this proceeding by attorney
28 Adam B. Brown, whose address is 3848 Carson Street, Suite 206, Torrance, CA 90503. On or

1 about January 6, 2003, the Board of Pharmacy issued Original Certificate No. EXC 15686 to
2 Roger Peters (Respondent) to act as a designated representative in California. The Original
3 Certificate was in full force and effect at all times relevant to the charges brought in Accusation
4 and First Amended Accusation No. 3253 and will expire on July 1, 2010, unless renewed.

5 JURISDICTION

6 3. Accusation No. 3253 was filed before the Board of Pharmacy (Board), Department of
7 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
8 statutorily required documents were properly served on Respondent on April 24, 2009. The First
9 Amended Accusation and all other statutorily required documents were properly served on
10 Respondents on July 31, 2009. Respondent timely filed his Notice of Defense contesting the
11 Accusation. A copy of the First Amended Accusation No. 3253 is attached as exhibit A and
12 incorporated herein by reference.

13 ADVISEMENT AND WAIVERS

14 4. Respondent has carefully read, fully discussed with counsel, and understands the
15 charges and allegations in Accusation No. 3253. Respondent has also carefully read, fully
16 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
17 Order.

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

25 6. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
26 every right set forth above.

1 12. In consideration of the foregoing admissions and stipulations, the parties agree that
2 the Board may, without further notice or formal proceeding, issue and enter the following
3 Disciplinary Order:

4
5 **DISCIPLINARY ORDER**

6 IT IS HEREBY ORDERED that Original Certificate No. EXC 15686 issued to Respondent
7 Roger Peters to act as a designated representative in California is revoked. However, the
8 revocation is stayed and Respondent is placed on probation for five (5) years on the following
9 terms and conditions.

10 1. **Obey All Laws**

11 Respondent shall obey all state and federal laws and regulations. Respondent shall report
12 any of the following occurrences to the board, in writing, within seventy-two (72) hours of such
13 occurrence:

- 14 an arrest or issuance of a criminal complaint for violation of any provision of the
15 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
16 substances laws
- 17 an arrest or issuance of a criminal complaint for violation of any state or federal law
- 18 a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
19 criminal complaint, information or indictment
- 20 a conviction of any crime
- 21 discipline, citation, or other administrative action filed by any state or federal agency
22 which involves Respondent's Original Certificate to act as a designated representative
23 in California or which is related to the practice of pharmacy or the manufacturing,
24 obtaining, handling or distribution or billing or charging for of any drug, device or
25 controlled substance.

26 Failure to timely report any such occurrence shall be considered a violation of probation.

27 2. **Report to the Board**

28 Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its

1 designee. The report shall be made either in person or in writing, as directed. Among other
2 requirements, Respondent shall state in each report under penalty of perjury whether there has
3 been compliance with all the terms and conditions of probation. Failure to submit timely reports
4 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
5 in submission of reports as directed may be added to the total period of probation. Moreover, if
6 the final probation report is not made as directed, probation shall be automatically extended until
7 such time as the final report is made and accepted by the Board.

8 **3. Interview with the Board**

9 Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews
10 with the Board or its designee, upon request at such intervals and locations as are determined by
11 the Board or its designee. Failure to appear for any scheduled interview without prior notification
12 to board staff, or failure to appear for two (2) or more scheduled interviews with the Board or its
13 designee during the period of probation, shall be considered a violation of probation.

14 **4. Cooperate with Board Staff**

15 Respondent shall cooperate with the Board's inspection program and with the Board's
16 monitoring and investigation of respondent's compliance with the terms and conditions of their
17 probation. Failure to cooperate shall be considered a violation of probation.

18 **5. Notice to Employers**

19 During the period of probation, Respondent shall notify all present and prospective
20 employers of the decision in case number 3253 and the terms, conditions and restrictions imposed
21 on Respondent by the decision, as follows:

22 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
23 Respondent undertaking any new employment, Respondent shall cause their direct supervisor,
24 designated representative-in-charge (including each new designated representative-in-charge
25 employed during respondent's tenure of employment) and owner to report to the Board in writing
26 acknowledging that the listed individual(s) has/have read the decision in case number 3253 and
27 terms and conditions imposed thereby. It shall be Respondent's responsibility to ensure that their
28 employer(s) and/or supervisor(s) submit timely acknowledgement(s) to the Board.

1 If Respondent works for or is employed by or through a pharmacy employment service,
2 Respondent must notify their direct supervisor, designated representative-in-charge and owner at
3 each entity licensed by the Board of the terms and conditions of the decision in case number 3253
4 in advance of the Respondent commencing work at each licensed entity. A record of this
5 notification must be provided to the Board upon request.

6 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
7 (15) days of Respondent undertaking any new employment by or through a pharmacy
8 employment service, Respondent shall cause their direct supervisor with the pharmacy
9 employment service to report to the Board in writing acknowledging that they have read the
10 decision in case number 3253 and the terms and conditions imposed thereby. It shall be the
11 Respondent's responsibility to ensure that their employer(s) and/or supervisor(s) submit timely
12 acknowledgment(s) to the Board.

13 Failure to timely notify present or prospective employer(s) or to cause that/those
14 employer(s) to submit timely acknowledgements to the Board shall be considered a violation of
15 probation.

16 "Employment" within the meaning of this provision shall include any full-time, part-time,
17 temporary or relief service or pharmacy management service as a designated representative or in
18 any position for which a designated representative license is a requirement or criterion for
19 employment, whether the respondent is considered an employee or independent contractor or
20 volunteer.
21

22 **6. No Being Designated Representative-in-Charge**

23 During the period of probation, Respondent shall not be the designated representative-in-
24 charge of any entity licensed by the Board other than Respondent Valley Wholesale Drug
25 Company, Inc. Assumption of any such unauthorized supervision responsibilities shall be
26 considered a violation of probation.
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7. Probation Monitoring Costs

Respondent shall pay any costs associated with probation monitoring as determined by the Board each and every year of probation. Such costs shall be payable to the Board on a schedule as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed shall be considered a violation of probation.

8. Status of License

Respondent shall, at all times while on probation, maintain an active, current designated representative license with the Board, including any period during which suspension or probation is tolled. Failure to maintain an active, current license shall be considered a violation of probation.

If Respondent's designated representative license expires or is cancelled by operation of law or otherwise at any time during the period of probation, including any extensions thereof due to tolling or otherwise, upon renewal or reapplication Respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

9. License Surrender While on Probation/Suspension

Following the effective date of this decision, should Respondent cease work due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, Respondent may tender their designated representative license to the Board for surrender. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of the Respondent's license history with the Board.

Upon acceptance of the surrender, Respondent shall relinquish their designated representative license to the board within ten (10) days of notification by the Board that the surrender is accepted. Respondent may not reapply for any license, permit, or registration from the board for three (3) years from the effective date of the surrender. Respondent shall meet all

1 requirements applicable to the license sought as of the date the application for that license is
2 submitted to the Board.

3 **10. Notification of a Change in Name, Residence Address, Mailing Address or**
4 **Employment**

5 Respondent shall notify the Board in writing within ten (10) days of any change of
6 employment. Said notification shall include the reasons for leaving and the address of the new
7 employer, supervisor and owner and work schedule, if known. Respondent shall further notify
8 the Board in writing within ten (10) days of a change in name, residence address and mailing
9 address, or phone number.

10 Failure to timely notify the Board of any change in employer(s), name(s), address(es), or
11 phone number(s) shall be considered a violation of probation.

12 **11. Tolling of Probation**

13 Except during periods of suspension, Respondent shall, at all times while on probation, be
14 employed as a designated representative in California for a minimum of 40 hours per calendar
15 month. Any month during which this minimum is not met shall toll the period of probation, i.e.,
16 the period of probation shall be extended by one month for each month during which this
17 minimum is not met. During any such period of tolling of probation, Respondent must
18 nonetheless comply with all terms and conditions of probation.

19 Should Respondent, regardless of residency, for any reason (including vacation) cease
20 working as a designated representative for a minimum of 40 hours in California, respondent must
21 notify the Board in writing within ten (10) days of cessation of work and must further notify the
22 Board in writing within ten (10) days of the resumption of work. Any failure to provide such
23 notification(s) shall be considered a violation of probation.

24 It is a violation of probation for Respondent's probation to remain tolled pursuant to the
25 provisions of this condition for a total period, counting consecutive and non-consecutive months,
26 exceeding thirty-six (36) months.

27 "Cessation of work" means any calendar month during which Respondent is not working as
28 a designated representative for at least 40 hours as a designated representative as defined by

1 Business and Professions Code section 4053. "Resumption of work" means any calendar month
2 during which Respondent is working as a designated representative for at least 40 hours as a
3 designated representative as defined by Business and Professions Code section 4053.

4 12. Violation of Probation

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

10 If Respondent violates probation in any respect, the Board, after giving Respondent notice
11 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
12 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
13 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
14 a petition to revoke probation or an accusation is filed against Respondent during probation, the
15 Board shall have continuing jurisdiction, and the period of probation shall be automatically
16 extended, until the petition to revoke probation or accusation is heard and decided.

17 13. Completion of Probation

18 Upon written notice by the Board indicating successful completion of probation,
19 Respondent's designated representative license will be fully restored.

20 14. Suspension

21 As part of probation, Respondent is suspended from working as a designated representative
22 for ten (10) days beginning the effective date of this decision.

23 During suspension, Respondent shall not enter any pharmacy area or any portion of the
24 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
25 drugs licensed by the Board, or any drug manufacturer, or any other location where dangerous
26 drugs and devices or controlled substances are maintained. Respondent shall not perform any of
27 the duties of a designated representative, nor do any act involving drug selection, selection of
28 stock, manufacturing, dispensing; nor shall respondent manage, administer, or be a consultant to

1 any licensee of the Board, or have access to or control the ordering, manufacturing or dispensing
2 of dangerous drugs and devices and controlled substances. Respondent shall not resume work
3 until notified by the Board.

4 Respondent shall not direct, control or perform any aspect involving the distribution of
5 dangerous drugs and devices and controlled substances. Subject to the above restrictions,
6 Respondent may continue to own or hold an interest in any licensed entity in which he or she
7 holds an interest at the time this decision becomes effective unless otherwise specified in this
8 order.

9 Failure to comply with this suspension shall be considered a violation of probation.

10 **15. No Ownership of Licensed Premises**

11 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
12 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
13 partnership, or corporation currently or hereinafter licensed by the Board. Respondent shall sell
14 or transfer any legal or beneficial interest in any entity licensed by the Board within ninety (90)
15 days following the effective date of this decision and shall immediately thereafter provide written
16 proof thereof to the Board. Failure to timely divest any legal or beneficial interest(s) or provide
17 documentation thereof shall be considered a violation of probation.

18 **16. Tolling of Suspension**

19 During the period of suspension, Respondent shall not leave California for any period
20 exceeding ten (10) days, regardless of purpose (including vacation). Any such absence in excess
21 of ten (10) days during suspension shall be considered a violation of probation. Moreover, any
22 absence from California during the period of suspension exceeding ten (10) days shall toll the
23 suspension, i.e., the suspension shall be extended by one day for each day over ten (10) days
24 Respondent is absent from California. During any such period of tolling of suspension,
25 Respondent must nonetheless comply with all terms and conditions of probation.

26 Respondent must notify the Board in writing within ten (10) days of departure, and must
27 further notify the Board in writing within ten (10) days of return. The failure to provide such
28 notification(s) shall constitute a violation of probation. Upon such departure and return,

1 Respondent shall not resume work until notified by the Board that the period of suspension has
2 been satisfactorily completed.

3 **17. Community Service**

4 Respondent shall perform 200 hours of community service by the end of his term of
5 probation. Respondent's community service shall be reviewed and approved by the Board. The
6 failure to complete the entire 200 hours by the end of the term of probation, is a violation of
7 probation, and will extend the probation term.

8
9 ACCEPTANCE

10 I have carefully read the above Stipulated Settlement and Disciplinary Order and have
11 fully discussed it with my attorney, Adam B. Brown. I understand the stipulation and the effect it
12 will have on my Original Certificate to act as a designated representative in California. I enter
13 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
14 and agree to be bound by the Decision and Order of the Board of Pharmacy.

15
16 DATED: _____

17 ROGER PETERS
18 Respondent

19 I have read and fully discussed with Respondent Roger Peters the terms and conditions and
20 other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its
21 form and content.

22 DATED: _____

23 Adam B. Brown
24 Attorney for Respondent

10/02/2009 14:25
OCT. 2. 2009 2:45PM

3107920691
VALLEY WHOLESALE DRUG CO

1 Respondent shall not resume work until notified by the Board that the period of suspension has
2 been satisfactorily completed.

3 17. Community Service

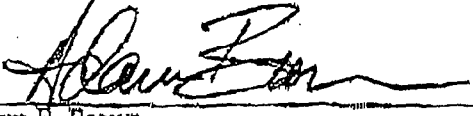
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5 probation. Respondent's community service shall be reviewed and approved by the Board. The
6 failure to complete the entire 200 hours by the end of the term of probation, is a violation of
7 probation, and will extend the probation term.

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9 ACCEPTANCE

10 I have carefully read the above Stipulated Settlement and Disciplinary Order and have
11 fully discussed it with my attorney, Adam B. Brown. I understand the stipulation and the effect it
12 will have on my Original Certificate to act as a designated representative in California. I enter
13 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
14 and agree to be bound by the Decision and Order of the Board of Pharmacy.

15
16 DATED: 10-2-09 
17 ROGER PETERS
18 Respondent

19 I have read and fully discussed with Respondent Roger Peters the terms and conditions and
20 other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its
21 form and content.

22 DATED: 10-2-09 
23 Adam B. Brown
24 Attorney for Respondent

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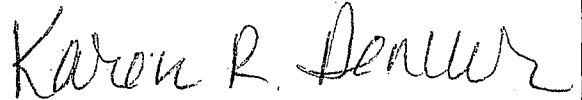
ENDORSEMENT

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: October 2, 2009

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
ARTHUR D. TAGGART
Supervising Deputy Attorney General



KAREN R. DENVIR
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 3253

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 KAREN R. DENVIR, State Bar No. 197268
Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 324-5333
6 Facsimile: (916) 327-8643

7 Attorneys for Complainant

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. 3253

13 **VALLEY WHOLESALE DRUG**
14 **COMPANY, INC.**
15 1401 West Fremont Street
Stockton, CA 95203
16 Original Wholesale Permit No. WLS 1410,

FIRST AMENDED
ACCUSATION

17 and

18 **ROGER PETERS**
19 1401 West Fremont Street
Stockton, CA 95203
20 Designated Representative License No. EXC
15686

Respondents.

21 Complainant alleges:

22 **PARTIES**

23 1. Virginia Herold (Complainant) brings this Accusation solely in her official
24 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
25 This First Amended Accusation supercedes the Accusation filed by Complainant on April 16,
26 2009.

27 2. On or about June 5, 1981, the Board of Pharmacy issued Original
28 Wholesale Permit Number WLS 1410 (Permit) to Valley Wholesale Drug Company, Inc.

1 (Respondent Valley Wholesale). The Permit was in full force and effect at all times relevant to
2 the charges brought herein and will expire on June 1, 2009, unless renewed.

3 3. On or about July 25, 2000, the Board of Pharmacy issued Designated
4 Representative License Number EXC 15686 (License) to Roger Peters (Respondent Peters). The
5 License was in full force and effect at all times relevant to the charges brought herein and will
6 expire on July 1, 2009, unless renewed.

7 JURISDICTION

8 4. This Accusation is brought before the Board of Pharmacy (Board),
9 Department of Consumer Affairs, under the authority of the following laws. All section
10 references are to the Business and Professions Code unless otherwise indicated.

11 5. Section 4300 of the Code states, in pertinent part:

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

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

15 (1) Suspending judgment.

16 (2) Placing him or her upon probation.

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

19 (4) Revoking his or her license.

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

22

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

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

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

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

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(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 or by any other state or federal regulatory agency.

.....
7. Section 4059.5, subdivision (a) of the Code states:

(a) Except as otherwise provided in this chapter, dangerous drugs or dangerous devices may only be ordered by an entity licensed by the board and shall be delivered to the licensed premises and signed for and received by a pharmacist. Where a licensee is permitted to operate through a designated representative, the designated representative may sign for and receive the delivery.

8. Section 4160, subdivision (d) of the Code states:

(d) The board shall not issue or renew a wholesaler license until the wholesaler identifies a designated representative-in-charge and notifies the board in writing of the identity and license number of that designated representative. The designated representative-in-charge shall be responsible for the wholesaler's compliance with state and federal laws governing wholesalers. A wholesaler shall identify and notify the board of a new designated representative-in-charge within 30 days of the date that the prior designated representative-in-charge ceases to be the designated representative-in-charge. A pharmacist may be identified as the designated representative-in-charge.

9. Health and Safety Code section 11209, subdivision (a) states:

(a) No person shall deliver Schedule II, III, or IV controlled substances to a pharmacy or pharmacy receiving area, nor shall any person receive controlled substances on behalf of a pharmacy unless, at the time of delivery, a pharmacist or authorized receiving personnel signs a receipt showing the type and quantity of the controlled substances received. Any discrepancy between the receipt and the type or quantity of controlled substances actually received shall be reported to the delivering wholesaler or manufacturer by the next business day after delivery to the pharmacy.

10. Section 118, subdivision (b), of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Failure to Require Pharmacist to Sign for Delivery of Controlled Substances)**

3 **(Against Valley Wholesale)**

4 18. Respondent Valley Wholesale is subject to disciplinary action under Code
5 section 4301, subdivisions (j) and (o), in that Respondent Valley Wholesale allowed a non-
6 pharmacist to sign for the delivery of controlled substances in violation of Code section 4059.5,
7 subdivision (a), and Health and Safety Code section 11209, subdivision (a). The circumstances
8 are as follows:

9 a. Between July 1, 2006 and August 20, 2007, Respondent Valley Wholesale
10 allowed a non-pharmacist at retail pharmacy Dairyland Pharmacy to sign for and receive a total
11 of 44 deliveries of controlled substances, including Lortab, Norco, Vicodin, and Vicodin ES.

12 b. Between April of 2007 and May of 2008, Respondent Valley Wholesale
13 allowed a non-pharmacist at retail pharmacy Bluepoint Pharmacy to sign for and receive
14 approximately 75 orders of controlled substances and/or dangerous drugs, including Vicodin,
15 Norco, Diazepam, Zolpidem, and Promethazine with Codeine syrup. Additionally, a signature
16 was not obtained on approximately 10 delivery orders of controlled substances and/or dangerous
17 drugs.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Failure to Require Pharmacist to Sign for Delivery of Controlled Substances)**

20 **(Against Respondent Peters)**

21 19. Respondent Peters is subject to disciplinary action under Code section
22 4160, subdivision (d), in that as the designated representative-in-charge he is responsible for
23 Respondent Valley Wholesale's failure to comply with state and federal laws governing
24 wholesalers, in particular, for the failure to comply with Code section 4059.5, subdivision (a),
25 and Health and Safety Code section 11209, subdivision (a), as described above in paragraph 18.

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28 ///

1 PRAYER

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

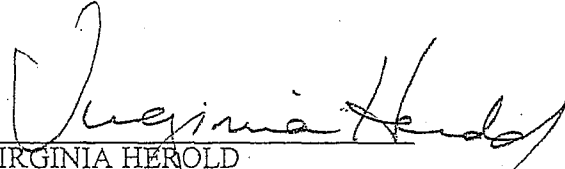
4 A. Revoking or suspending Original Wholesale Permit Number WLS 1410,
5 issued to Valley Wholesale Drug Company, Inc.

6 B. Revoking or suspending Designated Representative License Number EXC
7 15686, issued to Roger Peters.

8 C. Ordering Valley Wholesale Drug Company, Inc. and Roger Peters to pay
9 the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,
10 pursuant to Business and Professions Code section 125.3;

11 D. Taking such other and further action as deemed necessary and proper.

12
13 DATED: 7/27/09

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15 
16 VIRGINIA HEROLD
17 Executive Officer
18 Board of Pharmacy
19 Department of Consumer Affairs
20 State of California
21 Complainant

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