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

In the Matter of the Accusation Against:
ROBERT MICHAEL BELLUOMINI
80874 Camino San Lucas
Indio, CA 92203
Pharmacist License No. RPH 24484
Respondent.

Case No. 4692
DEFAULT DECISION AND ORDER
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about August 14, 2013, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4692 against Robert Michael Belluomini (Respondent) before the Board of Pharmacy. (The Accusation attached as Exhibit A.)
2. On or about August 12, 1966, the Board of Pharmacy (Board) issued Pharmacist License No. RPH 24484 to Respondent. The Pharmacist License was in full force and effect at all times relevant to the charges brought in Accusation No. 4692 and will expire on January 31, 2015, unless renewed.
3. On or about August 22, 2013, Respondent was served with copies of Accusation No. 4692, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of

1 record which, pursuant to Business and Professions Code section 4100 and California Code of
2 Regulations, title 16, section 1704, is required to be reported and maintained with the Board.

3 Respondent's address of record was and is:

4 80874 Camino San Lucas
5 Indio, CA 92203

6 4. Service of the Accusation was effective as a matter of law under the provisions of
7 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
8 124.

9 5. On or about August 26, 2013, the aforementioned documents served by Certified
10 Mail were delivered to Respondent's address of record.

11 6. Government Code section 11506 states, in pertinent part:

12 (c) The respondent shall be entitled to a hearing on the merits if the respondent
13 files a notice of defense, and the notice shall be deemed a specific denial of all parts
14 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

15 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
16 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
17 4692.

18 8. California Government Code section 11520 states, in pertinent part:

19 (a) If the respondent either fails to file a notice of defense or to appear at the
20 hearing, the agency may take action based upon the respondent's express admissions
21 or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

22 9. Pursuant to its authority under Government Code section 11520, the Board finds
23 Respondent is in default. The Board will take action without further hearing and, based on the
24 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
25 taking official notice of all the investigatory reports, exhibits and statements contained therein on
26 file at the Board's offices regarding the allegations contained in Accusation No. 4692, finds that
27 the charges and allegations in Accusation No. 4692, are separately and severally, found to be true
28 and correct by clear and convincing evidence.

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ORDER

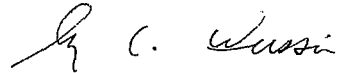
IT IS SO ORDERED that Pharmacist License No. RPH 24484, heretofore issued to Respondent Robert Michael Belluomini, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on December 6, 2013.

It is so ORDERED ON November 6, 2013.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____
STAN C. WEISSER
Board President

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 State Bar No. 101336
AMANDA DODDS
4 Senior Legal Analyst
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5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2141
7 Facsimile: (619) 645-2061
Attorneys for Complainant
8

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

12 In the Matter of the Accusation Against:

Case No. 4692

13 **ROBERT MICHAEL BELLUOMINI**
14 **80874 Camino San Lucas**
Indio, CA 92203

A C C U S A T I O N

15 **Pharmacist License No. RPH 24484**

16 Respondent.

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19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about August 12, 1966, the Board of Pharmacy issued Pharmacist License
24 Number RPH 24484 to Robert Michael Belluomini (Respondent). The Pharmacist License was
25 in full force and effect at all times relevant to the charges brought herein and will expire on
26 January 31, 2015, unless renewed.

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1 **JURISDICTION**

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

5 4. Section 4300, subdivision (a) of the Code states "Every license issued may be
6 suspended or revoked."

7 5. Section 4300.1 of the Code states:

8 The expiration, cancellation, forfeiture, or suspension of a board-issued license
9 by operation of law or by order or decision of the board or a court of law, the
10 placement of a license on a retired status, or the voluntary surrender of a license by a
11 licensee shall not deprive the board of jurisdiction to commence or proceed with any
12 investigation of, or action or disciplinary proceeding against, the licensee or to render
13 a decision suspending or revoking the license.

12 **STATUTORY PROVISIONS**

13 6. Section 4301 of the Code states:

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

18

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

22

21 **COSTS**

22 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
23 administrative law judge to direct a licentiate found to have committed a violation or violations of
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
26 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
27 included in a stipulated settlement.

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1 CAUSE FOR DISCIPLINE

2 (Out-of-State Discipline Against Respondent's Nevada Pharmacist License)

3 8. Respondent has subjected his license to discipline under section 4301, subdivision
4 (m) of the Code in that his pharmacist license issued by the State of Nevada was revoked. The
5 circumstances are as follows:

6 a. On or about March 30, 2010, in the matter of the *Nevada State Board of*
7 *Pharmacy v Robert M. Belluomini*, in case number 09-098-RPH-N, the Nevada State Board of
8 Pharmacy (Nevada Board) filed a Notice of Intended Action and Accusation. The Accusation
9 alleged that while Respondent was employed at a Carson City, Nevada pharmacy, he fraudulently
10 filled numerous prescriptions for his wife without physician authorization. Respondent admitted
11 to Nevada Board investigators that he falsified prescriptions for his wife as a matter of
12 convenience. Respondent's conduct violated Nevada Revised Statutes 454.311 and/or 639.210,
13 subdivisions (1), (4) and (12), and Nevada Administrative Code 639.945, subdivisions (1)(g),
14 (1)(h), and (1)(i).

15 b. As a result of the Accusation, on or about May 10, 2010, Respondent entered
16 into a Stipulation and Agreement with the Nevada Board. Respondent admitted the facts and
17 violations in the Notice of Intended Action and Accusation. Respondent agreed to surrender his
18 pharmacist license. The Nevada Board ordered Respondent's license revoked effective June 2,
19 2010.

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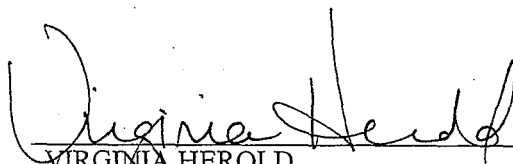
PRAYER

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

1. Revoking or suspending Pharmacist License Number RPH 24484, issued to Robert Michael Belluomini;
2. Ordering Robert Michael Belluomini to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: _____

8/14/13



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

SD2013705378