

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

In the Matter of the Accusation Against:

JUSTIN EHREN FOSTER,

Pharmacy Technician Registration
No. TCH 132870

Respondent.

Case No. 5317

OAH No. 2016040584

DECISION AND ORDER

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on September 19, 2016.

It is so ORDERED on August 19, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____

Amy Gutierrez, Pharm.D.
Board President

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In the Matter of the Accusation Against:

JUSTIN EHREN FOSTER,

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No. TCH 132870

Respondent.

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PROPOSED DECISION

This matter was heard before Administrative Law Judge Jonathan Lew, Office of Administrative Hearings, on June 29, 2016, in Sacramento, California.

Lorrie M. Yost, Deputy Attorney General, represented Virginia Herold (complainant), Executive Officer, Board of Pharmacy (Board), Department of Consumer Affairs.

Justin Ehren Foster (respondent) appeared on his own behalf.

The record was held open to allow respondent to submit letter references. Three reference letters were received by July 6, 2016, and marked collectively and received in evidence as Exhibit A. Complainant filed a letter response on July 7, 2016, which was marked and considered as Exhibit 9 for identification. The record was closed, and the matter submitted for decision on July 7, 2016.

FACTUAL FINDINGS

1. On July 17, 2013, the Board issued Pharmacy Technician Registration Number TCH 132870 (registration) to respondent. Respondent's registration was in full force and effect at all times relevant to the allegations set forth in the Accusation, and expires on December 31, 2016, unless renewed. Complainant seeks to discipline respondent's registration based upon two criminal convictions for driving under the influence of alcohol (DUI), and a related allegation for use of alcoholic beverages in a manner dangerous or injurious to himself and others.

DUI Convictions

FEBRUARY 7, 2012 CONVICTION

2. On February 7, 2012, in the Superior Court of California, County of Ventura, in Case No. 2011040836, respondent was convicted, upon a plea of guilty, of violating Vehicle Code section 23152, subdivision (b), (DUI with a blood alcohol content of .08 percent or more), a misdemeanor. The court placed respondent on three years' probation upon the following terms: pay fines and fees of \$3,536.34; and complete a nine-month first offender alcohol program.

The circumstances underlying respondent's criminal conviction are that, on November 19, 2011, at approximately midnight, California Highway Patrol (CHP) officers observed respondent's vehicle traveling southbound on US 101, and drifting over from the number three lane to the shoulder, and then drifting back left. The CHP officers pursued respondent, and observed him straddling the number two and three lanes for approximately two to three seconds, and abruptly drifting to the right nearly colliding with a guard rail. The officers initiated an enforcement stop and respondent pulled off the freeway.

3. Upon making contact with the driver, one CHP officer immediately detected the odor of alcohol emitting from respondent. The officer observed objective signs of alcohol intoxication. When asked how much he had been drinking, respondent denied consuming any alcohol. The CHP officer explained and then administered field sobriety tests, and determined that respondent was under the influence of alcohol. Respondent was arrested and transported to the Ventura County jail. His blood alcohol content was later determined to be .26, .24 and .25 percent.

JUNE 19, 2014 CONVICTION

4. On June 19, 2014, in a criminal proceeding entitled *People v. Justin Ehren Foster*, Superior Court of California, County of El Dorado, Case No. S14CRM0286, respondent was convicted on his plea of no contest to violating Vehicle Code section 23152, subdivision (b) (DUI with a blood alcohol content of .08 percent or more), a misdemeanor, with one prior; and a special allegation of Vehicle Code section 23578 (Blood alcohol content of .15 percent or higher), in that his blood alcohol level was over .20 percent.

The court placed respondent on four years' summary probation upon the following terms: serve 20 days in jail; participate in a work program; pay fines and fees of \$2,450; install and maintain a vehicle interlock device for 24 months; do not knowingly use, possess or control alcohol; and complete an 18-month multiple offender alcohol program.

5. The circumstances underlying respondent's criminal conviction are that, on January 1, 2014, at approximately 12:30 a.m., California Highway Patrol (CHP) officers were dispatched to an accident scene on Lake Tahoe Boulevard, El Dorado County. They observed respondent on the roadside, supine, being attended to by two Good Samaritans.

Respondent indicated that he had been “partying” at the MountBleu Casino in South Lake Tahoe and that he “drank a lot of alcohol.” The officers observed objective signs of alcohol intoxication. Respondent was transported to Barton Memorial Hospital. His blood alcohol content was later determined to be .29 percent.

Evidence of Rehabilitation, Mitigation and Aggravation

6. With regard to his DUI arrest on November 19, 2011, respondent admitted that he had been drinking alcohol at a friend’s birthday party. Respondent was age 19 at the time. When his friends determined to go bar hopping, he decided to drive home because he was underage. He understands that he should not have been driving at that time. Respondent complied with the terms of his criminal probation. By letter dated April 8, 2013, the Ventura County Probation confirmed that respondent satisfactorily complied with the terms and conditions of probation, and that his probation status was terminated as of April 5, 2013.

7. With regard to his recent June 19, 2014 DUI conviction, respondent indicated that he went out drinking with friends on New Year’s Eve at casinos. He subsequently drove his vehicle, drifted off the road and hit a telephone pole. He did not recall much other than that he woke up in the hospital. Respondent noted that he has complied with terms of his criminal probation including completion of the work release program, completion of a multiple offender alcohol program, and payment of all of court ordered fines and fees.

8. Respondent indicated that he first started drinking when he was age 15. Following his first DUI offense, respondent stopped and then resumed drinking again. Both DUI offenses stand out for the large amounts of alcohol consumed. Respondent’s blood alcohol concentration exceeded three times the legal limit. Respondent does not attend any type of alcohol or drug rehabilitation program. He believes he now has good control over his drinking. He explained that he no longer associates with the same friends as before. He described his second DUI as the “worst experience” of his life, causing him problem after problem. He went into debt \$20,000 from this experience alone. He has paid off court fines and most obligations except hospital bills. He now refuses to go to casinos. He focuses instead on outdoor activities in the Lake Tahoe area including snowboarding, mountain biking, and hiking. He is also involved in community charitable activities including fundraising events for children with cancer.

9. Respondent continues to drink alcohol. He last consumed hard liquor during Cinco de Mayo in 2016. He last consumed alcohol two weeks prior to hearing. He denies consuming alcohol on a daily basis, and does not believe he will again fall into a pattern of heavy drinking. He does not consider himself to be an alcoholic.

10. Respondent recently became engaged. His fiancée is a chiropractor assistant.

11. Respondent took online courses to become a pharmacy technician. He has worked since 2014 at Tahoe Valley Pharmacy in South Lake Tahoe. He works there six days per week, including overtime in order to earn extra income. Respondent has major

responsibility at the Tahoe Valley Pharmacy, and he noted that he “basically runs the pharmacy.”

12. Respondent submitted three character references which were received in evidence and considered to the extent permitted by Government Code section 11513, subdivision (d).¹

Steven Annan, a staff pharmacist at Tahoe Valley Pharmacy, submitted a letter dated June 30, 2016. He has worked with respondent for over two years and is impressed with his work, knowledge, likeability and work ethic. He indicated:

Beyond interpreting rxs, creating labels and doing the intensive work involved in insurance billings, he manages a good deal of buying, returns, inventories and various reports. He is great with customers and is probably the most-asked-for person because of his skills at third party problem solving, a huge piece of modern pharmacy practice.

13. Liz Altmiller, Pharm.D., submitted a reference letter dated July 5, 2016. Dr. Altmiller is aware of respondent’s two DUI offenses. She described respondent as an integral and invaluable employee at Tahoe Valley Pharmacy. She wrote concerning respondent:

I was quite shocked when I was told that he had received a DUI in both [2012] and 2014 as this is not the type of person Justin has proven to be since meeting him in the beginning of 2016. He is respectful and professional at work. I know that he enjoys working in the pharmacy setting. Please consider the fact that his DUI’s were before he decided to mature. He and his fiancée are trying to move on from his irresponsible adolescence to make something better for their lives together.

Justin is not in a position that requires professional judgement; therefore, he does not in my opinion put the public at risk. Everything that is typed or filled is double checked by a licensed pharmacist before being dispensed to the public. I would recommend revisiting his DUI convictions if he chooses to advance his career by going to pharmacy school. However, in his position, I do not believe his history should remove him

¹ Government Code section 11513, subdivision (d), provides, in pertinent part, that “[h]earsay evidence may be used for the purpose of supplementing or explaining other evidence but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.”

from being a productive member of society as a pharmacy technician.

14. Douglas W. Mundy, R.Ph., is the owner and pharmacist in charge at Tahoe Valley Pharmacy. By letter dated July 7, 2016, he indicated his belief that despite respondent's "few social misguided adventures" he is an asset to the practice of pharmacy technician. He noted that he has never felt that patients at his store have ever been in jeopardy, and that respondent has demonstrated "professionalism with the consumer and exhibits genuine concern for my patrons."

15. The letter writers speak about respondent as a valuable, knowledgeable worker with a strong work ethic. Two provide a degree of awareness of respondent's DUI convictions. The letters were considered in evaluating the extent of respondent's rehabilitation.

Costs

16. Complainant has requested that respondent be ordered to pay the Board's costs for prosecution in the amount of \$2,342.50. These costs are for the services provided by the Attorney General's office in prosecuting this matter. They are supported by a Certification of Costs and a declaration of the Deputy Attorney General. Attached to the certification is a computer printout of the tasks the Attorney General's office performed, the amount of time spent performing those tasks, and the amounts charged. Respondent did not object to the costs requested by complainant. Complainant established that the requested costs are reasonable in light of the allegations and issues in this matter. Complainant's request regarding costs is more fully addressed in the Legal Conclusions below.

LEGAL CONCLUSIONS

1. Business and Professions Code section 4301, subdivisions (h), (k), and (l) provide in part, that:

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

[¶] ... [¶]

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

[¶] ... [¶]

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

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee.

2. California Code of Regulations, title 16, section 1770 provides that, "a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare."

Substantial Relationship

3. Respondent's DUI convictions evidence his present or potential unfitness to perform the functions authorized by his registration in a manner consistent with the public health, safety, and welfare. Consequently, they are substantially related to the qualifications, functions and duties of a pharmacy technician.

Causes for Revocation

4. Cause exists to revoke respondent's license pursuant to Business and Professions Code section 4301, subdivision (h), on the grounds of unprofessional conduct, in that respondent consumed alcoholic beverages on two occasions to an extent or manner as to be dangerous or injurious to both himself and members of the public, by reason of Findings 2 through 5.

5. Cause exists to revoke respondent's license pursuant to Business and Professions Code section 4301, subdivisions (k) and (l), on the grounds of unprofessional conduct, in that respondent was twice convicted of a crime that is substantially related to the qualifications, functions and duties of a pharmacy technician, by reason of Findings 2 through 5.

Rehabilitation

6. California Code of Regulations, title 16, section 1769, subdivision (c), sets forth criteria for evaluating the rehabilitation of a licensee who has been convicted of a crime. These criteria include:

(1) Nature and severity of the act(s) or offense(s).

- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) Evidence, if any, of rehabilitation submitted by the licensee.

7. In 2014, respondent was convicted of his second DUI offense in as many years. His blood alcohol content was over three times the legal limit. He was observed by the CHP on the ground and attended to by two Good Samaritans. He was fortunate he had not collided with another vehicle. The seriousness and recency of respondent's acts raise real concerns about his ability to work as a pharmacy technician without risk to the public health, safety and welfare.

8. At hearing, respondent submitted substantial evidence of rehabilitation. He acknowledged his past problems with drinking while driving. He has assumed responsibility for his criminal conduct and has complied with terms and conditions of his criminal probation. He has, however, demonstrated only limited insight into the factors that lead to his wrongful behavior. And he continues to consume alcoholic beverages because he believes he has good control over his drinking at this time. He consumed hard liquor as recently as May 2016. He does not attend any alcohol or drug rehabilitation/support program. It is particularly concerning that a term and special condition of his criminal probation is that he "not knowingly use, possess or control alcohol." Another term of his criminal probation is that he be subject to a search, with or without a warrant, of his person or residence for alcohol. Respondent was apparently unaware of these prohibitions. To the extent that he continues to consume alcohol, he is in violation of his criminal probation.

9. Respondent has taken important steps toward rehabilitation. He has complied with all other terms of his criminal probation and by now is well aware of the financial consequence of his past reckless DUI behaviors. He has a very good work situation. His supervisors confirm that he does excellent work and they have observed nothing to raise concerns regarding any risk he poses to the public health, safety or welfare. It remains troubling, particularly in view of the large amounts of alcohol he consumed on both occasions and the fact that his most recent conviction was in 2014, that respondent has yet to make a serious commitment to maintaining his sobriety to ensure that he will not engage in criminal conduct again. He has been largely compliant with his criminal probation. However, in evaluating rehabilitation, minimal weight is given to good behavior while on probation because such behavior is expected. (See, *In re Gossage* (2000) 23 Cal.4th 1080, 1099.) Because respondent is on probation until June 2018, he is not in a position to demonstrate rehabilitation. Rehabilitation must be demonstrated by sustained conduct over

an extended period of time. (*In re Menna, supra*, at p. 991.) Thus, respondent's ability to show rehabilitation lies in the future.

10. The above matters have been considered in determining that respondent has not presented sufficient evidence of rehabilitation to demonstrate that it would be consistent with the public health, safety and welfare to allow him to retain his registration at this time, even on a probationary basis.

Disciplinary Considerations

11. The Board's Disciplinary Guidelines (Rev. 10/2007) set forth categories of violations and recommended penalties. Violations of section 4301, subdivisions (h), (k) and (l), constituting unprofessional conduct, are Category III violations, where the minimum penalty is revocation stayed, 90 days actual suspension, three years' probation. The maximum penalty is revocation.

12. When all the evidence is considered, protection of the public health, safety and welfare warrants revocation of respondent's license.

Costs

13. Pursuant to Business and Professions Code section 125.3, a licensee found to have violated a licensing act may be ordered to pay the reasonable costs of investigation and enforcement of a case. In *Zuckerman v. Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, the California Supreme Court set forth factors to be considered in determining the reasonableness of the costs sought pursuant to statutory provisions like Business and Professions Code section 125.3. These factors include whether the licensee has been successful at hearing in getting charges dismissed or reduced, the licensee's subjective good faith belief in the merits of his or her position, whether the licensee has raised a colorable challenge to the proposed discipline, the financial ability of the licensee to pay, and whether the scope of the investigation was appropriate in light of the alleged misconduct.

14. As set forth in Finding 16, complainant seeks \$2,342.50 in costs. When all the *Zuckerman* factors are considered, this cost amount is reasonable.

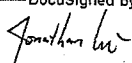
ORDER

Pharmacy technician registration number TCH 132870 issued to Justin Ehren Foster is REVOKED pursuant to Legal Conclusions 4 and 5, jointly and individually.

//

Respondent shall pay \$2,342.50 to the Board as its reasonable costs of investigation and enforcement of this matter.

DATED: July 18, 2016

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JONATHAN LEW
Administrative Law Judge
Office of Administrative Hearings

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

11 In the Matter of the Accusation Against:
12 **JUSTIN EHREN FOSTER**
P.O. Box 13826
13 South Lake Tahoe, California 96151
14 **Pharmacy Technician Registration**
No. TCH 132870
15 Respondent.

Case No. 5317
ACCUSATION

16 Virginia Herold ("Complainant") alleges:

17 **PARTIES**

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

20 **Pharmacy Technician Registration**

21 2. On or about July 17, 2013, the Board issued Pharmacy Technician Registration
22 Number TCH 132870 to Justin Ehren Foster, also known as Justin Ehren Propps ("Respondent").
23 The pharmacy technician registration was in full force and effect at all times relevant to the
24 charges brought herein and will expire on December 31, 2016, unless renewed.

25 **JURISDICTION**

26 3. Business and Professions Code ("Code") section 4300 states, in pertinent part:
27 (a) Every license issued may be suspended or revoked.
28

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

4 (1) Suspending judgment.

5 (2) Placing him or her upon probation.

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

7 (4) Revoking his or her license.

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

10 4. Code section 4300.1 states:

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

17 STATUTORY AND REGULATORY PROVISIONS

18 5. 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
21 misrepresentation or issued by mistake. Unprofessional conduct shall include, but is
22 not limited to, any of the following:

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

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

(l) The conviction of a crime substantially related to the qualifications,
functions, and duties of a licensee under this chapter. The record of conviction of a
violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
States Code regulating controlled substances or of a violation of the statutes of this
state regulating controlled substances or dangerous drugs shall be conclusive
evidence of unprofessional conduct. In all other cases, the record of conviction shall
be conclusive evidence only of the fact that the conviction occurred. The board may
inquire into the circumstances surrounding the commission of the crime, in order to
fix the degree of discipline or, in the case of a conviction not involving controlled
substances or dangerous drugs, to determine if the conviction is of an offense

1 substantially related to the qualifications, functions, and duties of a licensee under this
2 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
3 contendere is deemed to be a conviction within the meaning of this provision. The
4 board may take action when the time for appeal has elapsed, or the judgment of
5 conviction has been affirmed on appeal or when an order granting probation is made
6 suspending the imposition of sentence, irrespective of a subsequent order under
7 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
8 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
9 dismissing the accusation, information, or indictment.

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

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

11 COST RECOVERY

12 7. Code section 125.3 provides, in pertinent part, that the Board may request the
13 administrative law judge to direct a licentiate found to have committed a violation or violations of
14 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
15 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
16 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
17 included in a stipulated settlement.

18 FIRST CAUSE FOR DISCIPLINE

19 (Criminal Convictions)

20 8. Respondent is subject to disciplinary action pursuant to Code section 4301(l), on the
21 grounds of unprofessional conduct, in that Respondent committed a crime substantially related to
22 the qualifications, functions, and duties of a licensed pharmacy technician, as set forth below.

23 a. On or about June 19, 2014, in a criminal proceeding entitled *People v. Justin Ehren*
24 *Foster*, Superior Court of California, County of El Dorado, Case No. S14CRM0286, Respondent
25 was convicted by the court on his plea of no contest to violating Vehicle Code section 23152(b)
26 (driving under the influence of alcohol while having a blood alcohol level of .08% or higher), a
27 misdemeanor, with one prior; and, a special allegation of Vehicle Code section 23578 (blood
28 alcohol content of .15% or higher), in that Respondent's blood alcohol level was over .20%. The

1 circumstances of the crime are that on or about January 1, 2014, an officer with the California
2 Highway Patrol responded to a report of a solo injury accident. The officer found Respondent
3 lying in the roadway next to his vehicle. The officer observed that Respondent's eyes were
4 extremely red and watery, he emitted the strong odor of an alcoholic beverage, his speech was
5 very slurred, and his behavior erratic. Respondent was only capable of performing two field
6 sobriety tests. A breath test was administered, revealing that Respondent's blood alcohol level
7 was .29% and .279%. Respondent was taken to the hospital for evaluation and treatment.

8 b. On or about February 7, 2012, in a criminal proceeding entitled *People v. Justin*
9 *Ehren Foster*, Superior Court of California, County of Ventura, Case No. 2011040836,
10 Respondent was convicted by the court on his plea of guilty to violating Vehicle Code section
11 23152(b) (driving under the influence of alcohol while having a blood alcohol level of .08% or
12 higher), a misdemeanor, with a special allegation of Vehicle Code section 23578 (blood alcohol
13 content of .15% or higher). The circumstance of the crime is that on or about November 18, 2011,
14 Respondent drove a vehicle while under the influence of an alcoholic beverage. His alcohol blood
15 level was .26%/.24%/.25%.

16 **SECOND CAUSE FOR DISCIPLINE**

17 (One or More Convictions Involving the Use of Alcoholic Beverages)

18 9. Respondent is subject to disciplinary action pursuant to Code section 4301(k), on the
19 grounds of unprofessional conduct, in that he has been convicted more than once of a crime
20 involving the use of an alcoholic beverage, as more fully set forth in paragraph 8, above.

21 **THIRD CAUSE FOR DISCIPLINE**

22 (Use of Alcohol Beverages in a Dangerous or Injurious Manner)

23 10. Respondent is subject to disciplinary action pursuant to Code section 4301(h), in that
24 on or about January 1, 2014, and February 7, 2012, Respondent used alcoholic beverages in a
25 manner dangerous or injurious to himself and others, as more fully set forth in paragraph 8,
26 above.

27 ///

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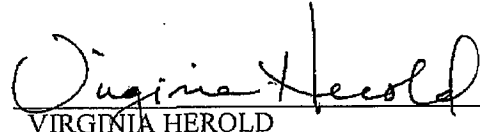
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PRAYER

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 Pharmacy Technician Registration Number TCH 132870, issued to Justin Ehren Foster, also known as Justin Ehren Propps;
2. Ordering Justin Ehren Foster, also known as Justin Ehren Propps, 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; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 8/17/15



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

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