

1 BILL LOCKYER, Attorney General  
of the State of California  
2 LORRIE M. YOST, State Bar No. 119088  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-2562  
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 2273

11 CLEMENT OTANIYENOWA AJAYI  
13350 Dos Lomos Way  
12 Victorville, CA 92392

OAH No. L-2002020336

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

13 Original Pharmacist License No. RPH 46140

14 Respondent.

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

18 PARTIES

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

23 2. Respondent Clement Otaniyenowa Ajayi (Respondent) is represented in  
24 this proceeding by attorney Herbert L. Weinberg, Esq., whose address is 1620 26th Street, Suite  
25 6000 North, Santa Monica, CA 90404.

26 3. On or about April 2, 1993, the Board of Pharmacy issued Original  
27 Pharmacist License No. RPH 46140 to Clement Otaniyenowa Ajayi (Respondent). The License

28 ///

1 was in full force and effect at all times relevant to the charges brought in Accusation No. 2273  
2 and will expire on July 31, 2002, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2273 was filed before the Board of Pharmacy (Board),  
5 Department of Consumer Affairs,, and is currently pending against Respondent. The Accusation  
6 and all other statutorily required documents were properly served on Respondent on August 24,  
7 2001. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of  
8 Accusation No. 2273 is attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and  
11 understands the charges and allegations in Accusation No. 2273. Respondent has also carefully  
12 read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
13 Disciplinary Order.

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

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
22 each and every right set forth above.

23 CULPABILITY

24 8. For the purposes of resolving the accusation without the expense and  
25 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could  
26 establish a factual basis for the charges in the accusation and Respondent hereby gives up the  
27 right to contest these charges.

28 ///

9. Respondent agrees that his Original Pharmacist License is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

## RESERVATION

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board of Pharmacy or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

## CONTINGENCY

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

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

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

///

///

///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

1. **Actual Suspension - Pharmacist.** License number RPH 46140, issued to Respondent Clement Otaniyenowa Ajayi is suspended for a period of 120 days.

Respondent shall not engage in any activity that requires the professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or an exemptee for any entity licensed by the Board. Subject to the above restrictions, Respondent may continue to own or hold an interest in any pharmacy in which he holds an interest at the time this decision becomes effective unless otherwise specified in this order.

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

- 4

- a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- discipline, citation, or other administrative action filed by any state and federal agency which involves Respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling or distribution or billing or charging for any drug, device or controlled substance.

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

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

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

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

7. **Notice to Employers.** Respondent shall notify all present and prospective employers of the decision in case number 2273 and the terms, conditions and restrictions imposed on Respondent by the decision. Within 30 days of the effective date of this decision, and within 15 days of Respondent undertaking new employment, Respondent

///

1 shall cause his direct supervisor, pharmacist-in-charge and/or owner to report to the Board in  
2 writing acknowledging the employer has read the decision in case number 2273.

3 If Respondent works for or is employed by or through a pharmacy employment  
4 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at  
5 every pharmacy of the and terms conditions of the decision in case number 2273 in advance of  
6 the Respondent commencing work at each pharmacy.

7 "Employment" within the meaning of this provision shall include any full-time, part-  
8 time, temporary, relief or pharmacy management service as a pharmacist, whether the  
9 Respondent is considered an employee or independent contractor.

10 8. **No Preceptorships, Supervision of Interns, Being Pharmacist-in-**  
11 **Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern  
12 pharmacist or perform any of the duties of a preceptor, nor shall Respondent be the  
13 pharmacist-in-charge of any entity licensed by the Board unless otherwise specified in this  
14 order.

15 9. **Reimbursement of Board Costs.** Respondent shall pay to the Board  
16 its costs of investigation and prosecution in the amount of \$5,517.00. Respondent shall make  
17 said payments as follows: payments shall be made over the first two years of probation.

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

20 10. **Probation Monitoring Costs.** Respondent shall pay the costs  
21 associated with probation monitoring as determined by the Board each and every year of  
22 probation. Such costs shall be payable to the Board at the end of each year of probation.  
23 Failure to pay such costs shall be considered a violation of probation.

24 11. **Status of License.** Respondent shall, at all times while on probation,  
25 maintain an active current license with the Board, including any period during which  
26 suspension or probation is tolled.

27 ///

28 ///

1 If Respondent's license expires or is canceled by operation of law or otherwise,  
2 upon renewal or reapplication, Respondent's license shall be subject to all terms and  
3 conditions of this probation not previously satisfied.

4 12. **License Surrender while on Probation/Suspension.** Following the  
5 effective  
6 date of this decision, should Respondent cease practice due to retirement or health, or be  
7 otherwise unable to satisfy the terms and conditions of probation, Respondent may tender his  
8 license to the Board for surrender. The Board shall have the discretion whether to grant the  
9 request for surrender or take any other action it deems appropriate and reasonable. Upon  
10 formal acceptance of the surrender of the license, Respondent will no longer be subject to the  
11 terms and conditions of probation.

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

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

22 14. **Tolling of Probation.** Should Respondent, regardless of residency, for  
23 any reason cease practicing pharmacy for a minimum of 40 hours per calendar month in  
24 California, Respondent must notify the Board in writing within 10 days of cessation of the  
25 practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time  
26 shall not apply to the reduction of the probation period. It is a violation of probation for  
27 Respondent's probation to remain tolled pursuant to the provisions of this condition for a  
28 period exceeding three years.

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

4 15. **Violation of Probation.** If Respondent violates probation in any  
5 respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke  
6 probation and carry out the disciplinary order which was stayed. If a petition to revoke  
7 probation or an accusation is filed against Respondent during probation, the Board shall have  
8 continuing jurisdiction and the period of probation shall be extended, until the petition to  
9 revoke probation or accusation is heard and decided.

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

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

17 17. **No Ownership of Premises.** Respondent shall not own, have any legal  
18 or beneficial interest in, or serve as a manager, administrator, member, officer, director,  
19 associate, or partner of any business, firm, partnership, or corporation currently or hereinafter  
20 licensed by the Board. Respondent shall sell or transfer any legal or beneficial interest in any  
21 entity licensed by the Board within 90 days following the effective date of this decision and  
22 shall immediately thereafter provide written proof thereof to the Board.

23 18. **Tolling of Suspension.** If Respondent leaves California to reside or  
24 practice outside this state, for any period exceeding 10 days (including vacation), Respondent  
25 must notify the Board in writing of the dates of departure and return. Periods of residency or  
26 practice outside the state - or any absence exceeding a period of 10 days shall not apply to the  
27 reduction of the suspension period.

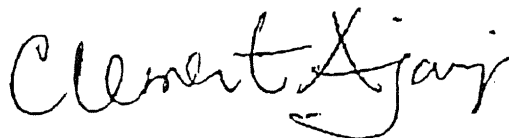
28 ///

1 Respondent shall not practice pharmacy upon returning to this state until  
2 notified by the Board that the period of suspension has been completed.

3  
4 ACCEPTANCE

5  
6 I have carefully read the above Stipulated Settlement and Disciplinary Order  
7 and have fully discussed it with my attorney, Herbert L. Weinberg, Esq. I understand the  
8 stipulation and the effect it will have on my Original Pharmacist License. I enter into this  
9 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and  
10 agree to be bound by the Decision and Order of the Board of Pharmacy.

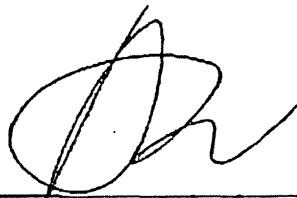
11  
12 DATED: 5/20/02



13  
14 CLEMENT OTANIYENOWA AJAYI  
15 Respondent

16  
17 I have read and fully discussed with Respondent Clement Otaniyenowa Ajayi  
18 the terms and conditions and other matters contained in the above Stipulated Settlement and  
19 Disciplinary Order. I approve its form and content.

20  
21 DATED: 5/20/02



22  
23 HERBERT L. WEINBERG, ESQ.  
24 Attorney for Respondent

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

DATED:

BILL LOCKYER, Attorney General  
of the State of California

LORRIE M. YOST  
Deputy Attorney General

Attorneys for Complainant

10

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

In the Matter of the Accusation Against:

CLEMENT OTANIYENOWA AJAYI  
13350 Dos Lomos Way  
Victorville, CA 92392

Original Pharmacist License No. RPH 46140

Respondent.

Case No. 2273

OAH No. L-2002020336

**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 August 29, 2002.

It is so ORDERED July 30, 2002.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By: \_\_\_\_\_

  
JOHN D. JONES  
Board President

BILL LOCKYER, Attorney General  
of the State of California  
LORRIE M. YOST, State Bar No. 119088  
Deputy Attorney General  
California Department of Justice  
300 South Spring Street, Suite 1702  
Los Angeles, California 90013  
Telephone: (213) 897-2562  
Facsimile: (213) 897-2804

Attorneys for Complainant

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

In the Matter of the Accusation Against:

Case No. 2273

CLEMENT OTANIYENOWA AJAYI  
13350 Dos Lomos Way  
Victorville, CA 92392

**A C C U S A T I O N**

Original Pharmacist License No. RPH 46140

Respondent.

Complainant alleges:

PARTIES

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

2. On or about April 2, 1993, the Board of Pharmacy issued Original Pharmacist License Number RPH 46140 to Clement Otaniyenowa Ajayi ("Respondent"). The Original Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2002, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Pharmacy ("Board"), under the authority of the following sections of the Business and Professions Code ("Code").

1           4.       Section 118, subdivision (b), of the Code provides that the suspension,  
2 expiration, surrender, cancellation of a license shall not deprive the Board of jurisdiction to  
3 proceed with a disciplinary action during the period within which the license may be renewed,  
4 restored, reissued or reinstated.

5           5.       Section 4300 of the Code states:

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

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

10          (1) Suspending judgment.

11          (2) Placing him or her upon probation.

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

13          (4) Revoking his or her license.

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

16          (c) The board may refuse a license to any applicant guilty of unprofessional  
17 conduct. The board may, in its sole discretion, issue a probationary license to any  
18 applicant for a license who is guilty of unprofessional conduct and who has met all other  
19 requirements for licensure. The board may issue the license subject to any terms or  
20 conditions not contrary to public policy, including, but not limited to, the following:

21          (1) Medical or psychiatric evaluation.

22          (2) Continuing medical or psychiatric treatment.

23          (3) Restriction of type or circumstances of practice.

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

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

26          (6) Random fluid testing for alcohol or drugs.

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

28       ///

1 (d) The board may initiate disciplinary proceedings to revoke or suspend any  
2 probationary certificate of licensure for any violation of the terms and conditions of  
3 probation. Upon satisfactory completion of probation, the board shall convert the  
4 probationary certificate to a regular certificate, free of conditions.

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

10 6. Section 4301 of the Code states:

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

15 (a) Gross immorality.

16 (b) Incompetence.

17 (c) Gross negligence.

18 (d) The clearly excessive furnishing of controlled substances in violation of  
19 subdivision (a) of Section 11153 of the Health and Safety Code.

20 (e) The clearly excessive furnishing of controlled substances in violation of  
21 subdivision (a) of Section 11153.5 of the Health and Safety Code. Factors to be  
22 considered in determining whether the furnishing of controlled substances is clearly  
23 excessive shall include, but not be limited to, the amount of controlled substances  
24 furnished, the previous ordering pattern of the customer (including size and frequency of  
25 orders), the type and size of the customer, and where and to whom the customer  
26 distributes its product.

27 ///

28 ///

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

4 (g) Knowingly making or signing any certificate or other document that falsely  
5 represents the existence or nonexistence of a state of facts.

6 (h) The administering to oneself, of any controlled substance, or the use of any  
7 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous  
8 or injurious to oneself, to a person holding a license under Chapter 9 (commencing with  
9 Section 4000) of the Business and Professions Code, or to any other person or to the  
10 public, or to the extent that the use impairs the ability of the person to conduct with safety  
11 to the public the practice authorized by the license.

12 (i) Except as otherwise authorized by law, knowingly selling, furnishing, giving  
13 away, or administering or offering to sell, furnish, give away, or administer any  
14 controlled substance to an addict.

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

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

20 (l) The conviction of a crime substantially related to the qualifications, functions,  
21 and duties of a licensee under Chapter 9 (commencing with Section 4000) of the Business  
22 and Professions Code. The record of conviction of a violation of Chapter 13  
23 (commencing with Section 801) of Title 21 of the United States Code regulating  
24 controlled substances or of a violation of the statutes of this state regulating controlled  
25 substances or dangerous drugs shall be conclusive evidence of unprofessional conduct.  
26 In all other cases, the record of conviction shall be conclusive evidence only of the fact  
27 that the conviction occurred. The board may inquire into the circumstances surrounding  
28 the commission of the crime, in order to fix the degree of discipline or, in the case of a

1 conviction not involving controlled substances or dangerous drugs, to determine if the  
2 conviction is of an offense substantially related to the qualifications, functions, and duties  
3 of a licensee under Chapter 9 (commencing with Section 4000) of the Business and  
4 Professions Code. A plea or verdict of guilty or a conviction following a plea of nolo  
5 contendere is deemed to be a conviction within the meaning of this provision. The board  
6 may take action when the time for appeal has elapsed, or the judgment of conviction has  
7 been affirmed on appeal or when an order granting probation is made suspending the  
8 imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the  
9 Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of  
10 not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information,  
11 or indictment.

12 (m) The cash compromise of a charge of violation of Chapter 13 (commencing  
13 with Section 801) of Title 21 of the United States Code regulating controlled substances.  
14 The record of the compromise is conclusive evidence of unprofessional conduct.

15 (n) The revocation, suspension, or other discipline by another state of a license to  
16 practice pharmacy, operate a pharmacy, or do any other act for which a license is required  
17 by Chapter 9 (commencing with Section 4000) of the Business and Professions Code.

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 Chapter 9  
20 (commencing with Section 4000) of the Business and Professions Code or of the  
21 applicable federal and state laws and regulations governing pharmacy, including  
22 regulations established by the board.

23 (p) Actions or conduct that would have warranted denial of a license.

24 (q) Engaging in any conduct that subverts or attempts to subvert an investigation  
25 of the board.

26 7. Section 4059 of the Code states, in pertinent part, that no person shall  
27 furnish any dangerous drug except upon the prescription of a physician, dentist, podiatrist,  
28 ///

1 optometrist, or veterinarian. No person shall furnish any dangerous device, except upon the  
2 prescription of a physician, dentist, podiatrist, optometrist, or veterinarian.

3 8. Section 4324 of the Code states:

4 (a) Every person who signs the name of another, or of a fictitious person, or  
5 falsely makes, alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any  
6 prescription for any drugs is guilty of a forgery and upon conviction thereof shall be  
7 punished by imprisonment in the state prison, or by imprisonment in the county jail for  
8 not more than one year.

9 (b) Every person who has in his or her possession any drugs secured by a forged  
10 prescription shall be punished by imprisonment in the state prison, or by imprisonment in  
11 the county jail for not more than one year.

12 9. Section 125.3 of the Code provides, in pertinent part, that the Board may  
13 request the administrative law judge to direct a licensee found to have committed a violation or  
14 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
15 and enforcement of the case.

16 10. DANGEROUS DRUGS

17 (a) "Alprazolam" is classified as a Benzodiazepine and used to treat anxiety. It is  
18 a Schedule IV controlled substance as defined by Health and Safety Code section 11057 and is  
19 categorized as a dangerous drug pursuant to section 4022 of the code.

20 (b) "Lotrisone Cream" is a combination cream used to treat fungal infections. It is  
21 categorized as a dangerous drug pursuant to section 4022 of the code.

22 (c) "Plaquenil", a brand name for hydroxychloroquine, is an antimalarial  
23 medication. It is categorized as a dangerous drug pursuant to section 4022 of the code.

24 (d) "Zithromax", a brand name for azithromycin, is a semi-synthetic macrolide  
25 antibiotic effective against a wide variety of bacterial organisms. It is categorized as a  
26 dangerous drug pursuant to section 4022 of the code.

27 ///

28 ///

1 FIRST CAUSE FOR DISCIPLINE

2 (Falsifying and Altering Prescriptions)

3 11. Respondent is subject to disciplinary action under sections 4300 and 4301,  
4 subdivisions (f) and (o), on the grounds of unprofessional conduct for violating sections 4063  
5 and 4324 of the code in that Respondent, using fictitious patients' names and addresses, created,  
6 forged, and filed false, unauthorized prescriptions for himself and his family. Respondent also  
7 refilled prescriptions without a physician's order. The circumstances are as follows:

8 a. From on or about June 12, 1997, to on or about July 28, 1998,  
9 Respondent filled a prescription for Plaquenil 200mg. 200 tablets per prescription, a total of ten  
10 (10) bottles, for Martha and Eugene Gonzales, fictitious patients.

11 b. On September 20, 1996, November 14, 1997, and January 4, 1998,  
12 Respondent filled a prescription for Lotrisone Cream 90mg. for his wife without a physician's  
13 order.

14 c. On January 15, 1997, February 20, 1997, and December 15, 1997,  
15 Respondent filled a prescription for Zithromax, 250mg./5ml., without a physician's order.

16 d. On January 30, 1998, Respondent filled a prescription for  
17 Alprazolam, 0.25mg., 28 tablets, without a physician's order.

18 SECOND CAUSE FOR DISCIPLINE

19 (Altering or Falsifying Patients' Profiles)

20 12. Respondent is subject to disciplinary action under sections 4300 and 4301,  
21 subdivisions (g) and (q) on the grounds of unprofessional conduct in that Respondent altered,  
22 falsified and/or deleted patients' profiles as follows:

23 a. From on September 20, 1996, to July 28, 1998, Respondent created  
24 fictitious patient profiles and would then write and fill unauthorized prescriptions and record  
25 them on the fictitious patient's medication records.

26 b. Respondent, by his own admission, deleted prescription records,  
27 including his own profile, from the pharmacy computer records to avoid detection of the  
28 unauthorized prescriptions.

1 THIRD CAUSE FOR DISCIPLINE

2 (Obtaining Controlled Substances)

3 13. Respondent is subject to disciplinary action under Code sections 4300 and  
4 4301, subdivisions (j) and (o), on the grounds of unprofessional conduct for violating Health and  
5 Safety Code section 11173 in that on or about July 30, 1998, he forged a prescription to obtain a  
6 controlled substance for personal use as more fully set forth in paragraph 10(d), above.

7 PRAYER

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

10 1. Revoking or suspending Original Pharmacist License Number RPH  
11 46140, issued to Clement Otaniyenowa Ajayi;

12 2. Ordering Clement Otaniyenowa Ajayi to pay the Board of Pharmacy the  
13 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
14 Professions Code section 125.3;

15 3. Taking such other and further action as deemed necessary and proper.

16  
17 DATED: 8/24/01

18  
19  
20 P. J. Harris  
21 PATRICIA F. HARRIS  
22 Executive Officer  
23 Board of Pharmacy  
24 Department of Consumer Affairs  
25 State of California  
26 Complainant

27  
28  
03583110-LA1999AD2268