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

12 In the Matter of the Accusation Against:

Case No. 3879

13 **JOHN PAUL DORE**
14 **121 Ellert Street**
15 **San Francisco, CA 94410**

A C C U S A T I O N

Pharmacist License No. RPH 51348

Respondent.

16 Complainant alleges:

17 PARTIES

- 18 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
19 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 20 2. On or about October 4, 1999, the Board of Pharmacy issued Pharmacist License No.
21 RPH 51348 to John Paul Dore (Respondent). The License was in full force and effect at all times
22 relevant to the charges brought herein and will expire on July 31, 2011, unless renewed.

23
24 JURISDICTION

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

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

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

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

10 10. Section 4140 of the Code makes it unlawful to possess or have under one’s control a
11 hypodermic needle or syringe except when acquired as permitted by the Pharmacy Law.

12 11. Health and Safety Code section 11377, in pertinent part, makes it unlawful to possess
13 a controlled substance in Schedule I (except subdivision(s) (d)(13), (14), (15), and (20)).

14 12. Health and Safety Code section 11364, in pertinent part, makes it unlawful to possess
15 an opium pipe or other drug paraphernalia.

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COST RECOVERY

18 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
19 administrative law judge to direct a licentiate found to have committed a violation of the licensing
20 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

21

22

CONTROLLED SUBSTANCES / DANGEROUS DRUGS

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14. Section 4021 of the Code states:

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“Controlled substance” means any substance listed in Chapter 2 (commencing with Section
25 11053) of Division 10 of the Health and Safety Code.”

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15. Section 4022 of the Code states, in pertinent part:

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“Dangerous drug” or “dangerous device” means any drug or device unsafe for self use,
28 except veterinary drugs that are labeled as such, and includes the following:

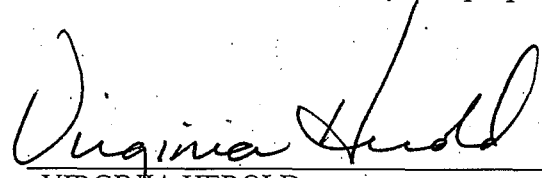
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PRAYER

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 No. RPH 51348, issued to John Paul Dore (Respondent);
2. Ordering Respondent to pay the Board 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 is deemed necessary and proper.

DATED: 4/5/11



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

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