

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 GREGORY TUSS
Deputy Attorney General
4 State Bar Number 200659
1515 Clay Street, 20th Floor
5 Post Office Box 70550
Oakland, California 94612-0550
6 Telephone: (510) 622-2143
Facsimile: (510) 622-2270
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:

Case Number 4649

12 **LISELI MULALA-SIMPSON**
13 **a.k.a. Liseli Inonge Mulala-Simpson**
14 **1580 Valencia Street, #100**
15 **San Francisco, California 94110**

A C C U S A T I O N

16 **Pharmacist License Number RPH 54290**

17 Respondent

18 Complainant Virginia Herold alleges:

19 **PARTIES**

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

22 2. On or about March 20, 2003, the Board issued Pharmacist License Number
23 RPH 54290 to respondent Liseli Mulala-Simpson, a.k.a. Liseli Inonge Mulala-Simpson. This
24 pharmacist license was in full force and effect at all times relevant to the charges brought in this
25 accusation and will expire on September 30, 2014, unless renewed.

26 **JURISDICTION**

27 3. This accusation is brought before the Board under the authority of the following laws.
28 All section references are to the Business and Professions Code unless otherwise indicated.

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

6 ...

7 “(l) The conviction of a crime substantially related to the qualifications, functions, and
8 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
9 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
10 substances or of a violation of the statutes of this state regulating controlled substances or
11 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
12 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
13 The board may inquire into the circumstances surrounding the commission of the crime, in order
14 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
15 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
16 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
17 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
18 of this provision. The board may take action when the time for appeal has elapsed, or the
19 judgment of conviction has been affirmed on appeal or when an order granting probation is made
20 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
21 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
22 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
23 indictment.”

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

25 “For the purpose of denial, suspension, or revocation of a personal or facility license
26 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
27 crime or act shall be considered substantially related to the qualifications, functions or duties of a
28 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a

1 licensee or registrant to perform the functions authorized by his license or registration in a manner
2 consistent with the public health, safety, or welfare.”

3 **COST RECOVERY**

4 9. Section 125.3, subdivision (a), states:

5 “Except as otherwise provided by law, in any order issued in resolution of a disciplinary
6 proceeding before any board within the department or before the Osteopathic Medical Board,
7 upon request of the entity bringing the proceedings, the administrative law judge may direct a
8 licentiate found to have committed a violation or violations of the licensing act to pay a sum not
9 to exceed the reasonable costs of the investigation and enforcement of the case.”

10 **FACTUAL BACKGROUND**

11 10. On July 3, 2011, at about 8:19 p.m., California Highway Patrol officers responded to
12 the scene of an accident at Highway 101 at Vermont Street in San Francisco, California.
13 Respondent was in an ambulance and her car was facing the wrong way on the off ramp. The
14 officer smelled the odor of an alcoholic beverage coming from respondent. She admitted that she
15 drove the car and had had between six to eight drinks. She said she was not injured but did not
16 remember hitting anything with her car. She said that she knew she should not have been driving.
17 She said that her impairment was about 8 out of 10.

18 11. She failed to properly perform a series of field sobriety tests. She took unsure steps,
19 spoke with a heavily-slurred speech, had red, watery eyes, and was unsteady on her feet.
20 Respondent’s blood alcohol concentrations were measured at 0.237 at 9:58 p.m. and 0.232 at 9:59
21 p.m.

22 12. On or about September 22, 2011, in *People of the State of California v. Liseli Inonge*
23 *Mulala-Simpson*, Superior Court of California, County of San Francisco Case Number 2460977,
24 respondent pled guilty to a misdemeanor violation of Vehicle Code section 23152, subdivision (b)
25 (driving under the influence). Execution of sentence was suspended, and respondent was placed
26 on three years’ unsupervised probation. The terms and conditions of probation included 10 days’
27 incarceration and completion of a driving under the influence program.

28 ///

1 paragraphs 10-14 above, on or about September 22, 2011, respondent pled guilty to a
2 misdemeanor violation of Vehicle Code section 23152, subdivision (b).

3
4 **THIRD CAUSE FOR DISCIPLINE**
5 **Bus. & Prof. Code, § 4301, subd. (h)**
6 **Unprofessional Conduct: Self-administration of Alcoholic Beverages**
7 **Causing Danger, Injury, or Unsafe Practice**

8 19. The allegations of paragraphs 10-14 are realleged and incorporated by reference as if
9 fully set forth.

10 20. Respondent has subjected her pharmacist license to disciplinary action under section
11 4301, subdivision (h), for engaging in unprofessional conduct by using alcoholic beverages to the
12 extent or in a manner as to be dangerous or injurious to herself, to any other person or to the
13 public, or to the extent that the use impaired her ability to conduct with safety to the public the
14 practice of pharmacy. As set forth in paragraphs 10-14 above, on July 3, 2011, respondent drove
15 a car with a blood alcohol content of greater than 0.08 percent. On or about September 22, 2011,
16 she pled guilty to a misdemeanor violation of Vehicle Code section 23152, subdivision (b).

17 **PRAYER**

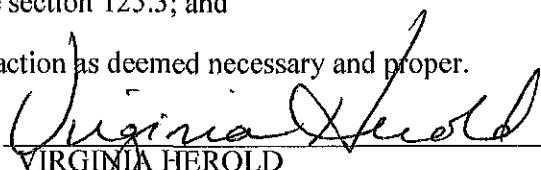
18 WHEREFORE, complainant requests that a hearing be held on the matters alleged in this
19 accusation, and that following the hearing, the Board of Pharmacy issue a decision:

20 1. Revoking or suspending Pharmacist License Number RPH 54290 issued to
21 respondent Liseli Mulala-Simpson, a.k.a. Liseli Inonge Mulala-Simpson;

22 2. Ordering respondent Liseli Mulala-Simpson, a.k.a. Liseli Inonge Mulala-Simpson, to
23 pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case
24 pursuant to Business and Professions Code section 125.3; and

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

26 DATED: 7/18/13


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

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