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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 Number 4652

13 **PETER RANDOLPH LASELL**
14 **a.k.a. Peter Lasell**
15 **4013 Marsten Avenue**
16 **Belmont, California 94002**

A C C U S A T I O N

17 **Pharmacist License Number RPH 32116**

18 Respondent.

19 Complainant Virginia Herold alleges:

20 **PARTIES**

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

23 2. On or about August 3, 1978, the Board issued Pharmacist License Number RPH
24 32116 to respondent Peter Randolph Lasell, a.k.a. Peter Lasell. The pharmacist license expired
25 on April 30, 2012, and has not been 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.

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1 4. Section 4300 states, in pertinent part:

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

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

6 “(1) Suspending judgment.

7 “(2) Placing him or her upon probation.

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

9 “(4) Revoking his or her license.

10 “(5) Taking any other action in relation to disciplining him or her as the board in its
11 discretion may deem proper.”

12 5. Section 4300.1 states:

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

18 **STATUTORY AND REGULATORY AUTHORITY**

19 6. Section 490, subdivision (a), states:

20 “In addition to any other action that a board is permitted to take against a licensee, a board
21 may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if
22 the crime is substantially related to the qualifications, functions, or duties of the business or
23 profession for which the license was issued.”

24 7. Section 4301 states, in pertinent part:

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

28 ...

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

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

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

25 **COST RECOVERY**

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

27 “Except as otherwise provided by law, in any order issued in resolution of a disciplinary
28 proceeding before any board within the department or before the Osteopathic Medical Board,

1 upon request of the entity bringing the proceedings, the administrative law judge may direct a
2 licentiate found to have committed a violation or violations of the licensing act to pay a sum not
3 to exceed the reasonable costs of the investigation and enforcement of the case.”

4 **FACTUAL BACKGROUND**

5 10. On or about August 19, 2008, in *United States v. Peter Lasel*, United States District
6 Court, Northern District of California Case Number CR-07-0716-0000 MPH, respondent pled
7 guilty to a felony violation of 18 U.S.C. § 2252(a)(4)(B) (possession of child pornography). He
8 was sentenced to 48 months’ imprisonment, 5 years’ supervised release after completing his
9 prison term, and assessed a \$10,000.00 fine.

10 **CAUSES FOR DISCIPLINE**

11 **FIRST CAUSE FOR DISCIPLINE**
12 **Bus. & Prof. Code, § 490, subd. (a)**
13 **Conviction**

14 11. The allegations of paragraph 10 are realleged and incorporated by reference as if fully
15 set forth.

16 12. Respondent has subjected his pharmacist license to disciplinary action under section
17 490, subdivision (a), for being convicted of a crime substantially related to the qualifications,
18 functions, or duties of a pharmacist. As set forth in paragraph 10 above, on or about August 19,
19 2008, respondent pled guilty to a felony violation of 18 U.S.C. § 2252(a)(4)(B).

20 **SECOND CAUSE FOR DISCIPLINE**
21 **Bus. & Prof. Code, § 4301, subd. (l)**
22 **Unprofessional Conduct – Conviction**

23 13. The allegations of paragraph 10 are realleged and incorporated by reference as if fully
24 set forth.

25 14. Respondent has subjected his pharmacist license to disciplinary action under section
26 4301, subdivision (l), for the unprofessional conduct of being convicted of a crime substantially
27 related to the qualifications, functions, or duties of a pharmacist. As set forth in paragraph 10
28 above, on or about August 19, 2008, respondent pled guilty to a felony violation of 18 U.S.C. §
2252(a)(4)(B).

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PRAYER

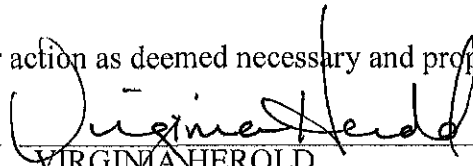
WHEREFORE, complainant requests that a hearing be held on the matters alleged in this accusation, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacist License Number RPH 32116 issued to Peter Randolph Lasell;

2. Ordering Peter Randolph Lasell 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: 8/14/13



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

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