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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 **GARY ALLEN BARTEE**
13 **517 Avalon Court NE**
Albany, Oregon 97322
14 **Pharmacist License No. RPH 43085**
15 Respondent.

Case No. 4654

ACCUSATION

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17
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
22 2. On or about March 1, 1990, the Board of Pharmacy issued Pharmacist License No.
23 RPH 43085 to Gary Allen Bartee (Respondent). The Pharmacist License was in full force and
24 effect at all times relevant to the charges brought herein and will expire on May 31, 2015, unless
25 renewed.

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1 **JURISDICTION**

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

5 4. Section 4300 of the Code states, in pertinent part::

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 default
8 has been entered or whose case has been heard by the board and found guilty, by any of the
9 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 ...”

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

22 5. Section 4300.1 of the Code states that “the expiration, cancellation, forfeiture, or
23 suspension of a aboard-issued license by operation of law, or by order or decision of the board or
24 a court of law, the placement of a license on a retired status, or the voluntary surrender of a
25 license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any
26 investigation of, or action or disciplinary proceeding against, the licensee or to render a decision
27 suspending or revoking the license.”

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1 pharmacist at Wal-Mart Pharmacy 10-1775 in Lebanon, Oregon, Respondent wrote, dispensed
2 and fraudulently billed insurance for multiple unauthorized prescriptions for Respondent and
3 members of his family.in violation of the Oregon laws identified in Exhibit A.

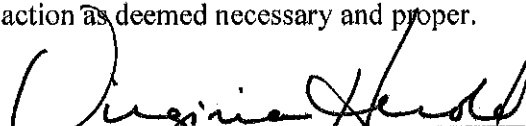
4 **PRAYER**

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

- 7 1. Revoking or suspending Pharmacist License No. RPH 43085, issued to Gary Allen
8 Bartee;
- 9 2. Ordering Gary Allen Bartee to pay the Board of Pharmacy the reasonable costs of the
10 investigation and enforcement of this case, pursuant to Business and Professions Code section
11 125.3; and
- 12 3. Taking such other and further action as deemed necessary and proper.

13 DATED: _____

10/23/13



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