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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:

Case Number 5115

12 **GEORGE DENNIS PECK**  
13 **1457 Vancil**  
**Fortuna, California 95540**

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

14 **Pharmacist License Number RPH 28543,**

15 Respondent.

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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 July 31, 1973, the Board issued Pharmacist License Number RPH  
23 28543 to respondent George Dennis Peck. This pharmacist license was in full force and effect at  
24 all times relevant to the charges brought in this accusation. It expired on February 28, 2014, and  
25 has not been renewed.

26 **JURISDICTION**

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

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4. Section 4011 states:

“The board shall administer and enforce this chapter and the Uniform Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and Safety Code).”

5. Section 4300 states in part:

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

6. Section 4300.1 states:

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

7. Section 4304 states:

“The board may deny, revoke, or suspend any license issued pursuant to Section 4161 for any violation of this chapter or for any violation of Part 5 (commencing with Section 109875) of Division 104 of the Health and Safety Code.”

**STATUTORY PROVISIONS**

8. Section 4060 states in part:

“No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either Section 4052.1 or 4052.2.”

9. Section 4301 states in part:

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

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

...

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

...

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

...

“(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.”

10. Health and Safety Code section 11170 states:

“No person shall prescribe, administer, or furnish a controlled substance for himself.”

**COST RECOVERY**

11. Section 125.3 states in part:

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

**DRUGS**



1 hydrocodone, but not near the quantity of hydrocodone missing. I have never taken any drugs to  
2 be sold to others; they were only for personal use. I deeply regret this activity [and] I will never  
3 be able to forgive my conduct during this time.”

4 **CAUSES FOR DISCIPLINE**

5 **FIRST CAUSE FOR DISCIPLINE**  
6 **Unprofessional Conduct – Act of Moral Turpitude,**  
7 **Dishonesty, Fraud, Deceit, or Corruption**  
8 **Business and Professions Code section 4301, subdivision (f)**

9 20. The allegations of paragraphs 15-19 are realleged and incorporated by reference as  
10 if fully set forth.

11 21. Respondent has subjected his pharmacist license to discipline for the  
12 unprofessional conduct of committing an act of moral turpitude, dishonesty, fraud, deceit, or  
13 corruption (Bus. & Prof. Code, § 4301, subd. (f)). Respondent modified pharmacy inventory  
14 documents to steal Hydrocodone, Hydromet, and Phentermine.

15 **SECOND CAUSE FOR DISCIPLINE**  
16 **Unprofessional Conduct – Possession of Controlled Substance**  
17 **Business and Professions Code sections 4060 and 4301, subdivisions (j) and (o)**

18 22. The allegations of paragraphs 15-19 are realleged and incorporated by reference as  
19 if fully set forth.

20 23. Respondent has subjected his pharmacist license to discipline for the  
21 unprofessional conduct of possession of a controlled substance (Bus. & Prof. Code, §§ 4060,  
22 4301, subs. (j) & (o)). Respondent possessed Hydrocodone, Hydromet, and Phentermine  
23 without a prescription or any authorization from the pharmacy.

24 **THIRD CAUSE FOR DISCIPLINE**  
25 **Unprofessional Conduct – Self-Administration of a Controlled Substance**  
26 **Business and Professions Code section 4301, subdivision (h)**

27 24. The allegations of paragraphs 15-19 are realleged and incorporated by reference as  
28 if fully set forth.

29 25. Respondent has subjected his pharmacist license to discipline for the  
30 unprofessional conduct of self-administration of a controlled substance (Bus. & Prof. Code,  
31 § 4301, subd. (h)). Respondent modified pharmacy inventory documents to steal Hydrocodone,

1 Hydromet, and Phentermine, and use them without a prescription or any authorization.

2 **FOURTH CAUSE FOR DISCIPLINE**  
3 **Unprofessional Conduct – Self-Administration of a Controlled Substance**  
4 **Business and Professions Code section 4301, subdivision (j);**  
5 **Health & Safety Code section 11170**

6 26. The allegations of paragraphs 15-19 are realleged and incorporated by reference as  
7 if fully set forth.

8 27. Respondent has subjected his pharmacist license to discipline for the  
9 unprofessional conduct of self-administration of a controlled substance (Bus. & Prof. Code,  
10 § 4301, subd. (j); Health & Saf. Code, § 11170). Respondent modified pharmacy inventory  
11 documents to steal Hydrocodone, Hydromet, and Phentermine, and use them without a  
12 prescription or any authorization.

13 **PRAYER**

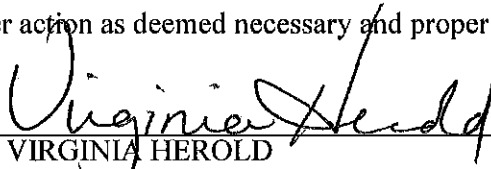
14 WHEREFORE, complainant requests that a hearing be held on the matters alleged in this  
15 accusation, and that following the hearing, the Board of Pharmacy issues a decision:

16 1. Revoking or suspending Pharmacist License Number RPH 28543 issued to George  
17 Dennis Peck;

18 2. Ordering George Dennis Peck to pay the Board of Pharmacy the reasonable costs  
19 of the investigation and enforcement of this case under to Business and Professions Code section  
20 125.3; and

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

22 DATED: 11/14/14

23   
24 VIRGINIA HEROLD  
25 Executive Officer  
26 Board of Pharmacy  
27 Department of Consumer Affairs  
28 State of California  
Complainant

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