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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. 5352

13 **DAVID G. MOLL**
15425 SE Rhine Street
Portland, Oregon 97236

A C C U S A T I O N

14 **Pharmacist License No. RPH 44488**

15 Respondents.

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17 Virginia Herold ("Complainant") alleges:

18 **PARTIES**

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

21 2. On or about August 9, 1991, the Board issued Pharmacist License Number
22 RPH 44488 to David G. Moll, also known as David Gunther Moll ("Respondent"). The
23 pharmacist license will expire on April 30, 2015, unless renewed.

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1 **JURISDICTION**

2 3. Business and Professions Code (“Code”) section 4300 states, in pertinent part:

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

4 (b) The board shall discipline the holder of any license issued by the board,
5 whose default has been entered or whose case has been heard by the board and found
6 guilty, by any of the 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
11 its discretion may deem proper . . .

12 4. Code section 4300.1 states:

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

17 **STATUTORY PROVISIONS**

18 5. Code section 4301 states, in pertinent part:

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

22 (n) The revocation, suspension, or other discipline by another state of a license
23 to practice pharmacy, operate a pharmacy, or do any other act for which a license is
24 required by this chapter.

24 **COST RECOVERY**

25 6. Code section 125.3 provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licentiate found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being

1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
2 included in a stipulated settlement.

3 **CAUSE FOR DISCIPLINE**

4 (Out of State Discipline)

5 7. Respondent is subject to discipline pursuant to Code section 4301(n). Specifically,
6 effective October 4, 2013, the Board of Pharmacy of the State of Oregon (the "Oregon Board"),
7 in a disciplinary action entitled, *In the Matter of Pharmacist License of David G. Moll, Licensee*,
8 Case No. 2012-0401, the Oregon Board imposed sanctions on Respondent's pharmacist license in
9 the State of Oregon pursuant to a *Consent Order*. The sanctions required, among other things, that
10 Respondent: sell his interest in, or close, Gresham Professional Pharmacy and refrain from
11 purchasing or managing another pharmacy without prior approval from the Oregon Board;
12 participate in a designated treatment program for three years; and, meet other terms and
13 conditions set forth by the Oregon Board in its *Consent Order* for a period of three years. The
14 disciplinary action was based on Respondent's unprofessional conduct and violations of Oregon
15 statutes and rules governing licensed pharmacists in the State of Oregon. Specifically, on or about
16 July 18, 2012, Respondent left a pharmacy building, leaving non-pharmacist personnel in the
17 pharmacy, and demonstrated mental impairment.

18 **PRAYER**

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

21 1. Revoking or suspending Pharmacist License Number RPH 44488, issued to
22 David G. Moll, also known as David Gunther Moll;

23 2. Ordering David G. Moll, also known as David Gunther Moll, to pay the Board of
24 Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to
25 Business and Professions Code section 125.3; and,

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

DATED: 4/24/15



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

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