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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. 5459

13 **OLUSOJI OLATEUNDE AKANWO**  
14 **aka OLUSOJI OLATUNDE AKANWO**  
6039 Linda Vista Ct.  
Rancho Cucamonga, CA 91739

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

15 Pharmacist License No. RPH 46882

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about March 7, 1994, the Board issued Pharmacist License No. RPH 46882 to  
23 Olusoji Olateunde Akanwo aka Olusoji Olatunde Akanwo (Respondent). The Pharmacist License  
24 was in full force and effect at all times relevant to the charges brought herein and will expire on  
25 October 31, 2015, unless renewed.

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1 **JURISDICTION**

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

5 4. Section 4011 of the Code provides that “[t]he board shall administer and enforce this  
6 chapter [Pharmacy Law, (Business and Professions Code, Sec 4000 et seq.)] and the Uniform  
7 Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and  
8 Safety Code).”

9 5. Section 4300, subdivision (a), of the Code states, in pertinent part, that “[e]very  
10 license issued may be suspended or revoked.”

11 6. Section 4300.1 of the Code states, in pertinent part:

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

17 **STATUTORY PROVISIONS**

18 7. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
19 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
20 disciplinary action during the period within which the license may be renewed, restored, reissued  
21 or reinstated.

22 8. Section 4059 of the Code states, in pertinent part:

23 "(a) A person may not furnish any dangerous drug, except upon the prescription of a  
24 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section  
25 3640.7. A person may not furnish any dangerous device, except upon the prescription of a  
26 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section  
27 3640.7. . . .”

28 9. Section 4060 of the Code states, in pertinent:

1 "No person shall possess any controlled substance, except that furnished to a person upon  
2 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
3 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified  
4 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a  
5 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,  
6 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
7 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply  
8 to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,  
9 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified  
10 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
11 labeled with the name and address of the supplier or producer. . . ."

12 10. Section 4301 of the Code states, in pertinent part:

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

16 . . . .

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

22 . . . .

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

25 . . . .

26 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
27 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
28 federal and state laws and regulations governing pharmacy, including regulations established by the

1 board or by any other state or federal regulatory agency.

2 "(p) Actions or conduct that would have warranted denial of a license. . . ."

3 11. Health and Safety Code section 11377, subdivision (a), states, in pertinent part:

4 "(a) Except as authorized by law and as otherwise provided in subdivision (b) or Section  
5 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business  
6 and Professions Code, every person who possesses any controlled substance which is (1) classified  
7 in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision (d) of  
8 Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in  
9 paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of  
10 subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055,  
11 unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice  
12 in this state, shall be punished by imprisonment in a county jail for a period of not more than one  
13 year or pursuant to subdivision (h) of Section 1170 of the Penal Code.

14 **REGULATORY PROVISION**

15 12. California Code of Regulations, title 16, section 1770, states:

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

22 **COST RECOVERY**

23 13. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
24 administrative law judge to direct a licentiate found to have committed a violation or violations of  
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
26 enforcement of the case.

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1 4060, in conjunction of Healthy and Safety Code section 11377, in that on or about August 16,  
2 2014, Respondent possessed pills containing 5 mg of Hydrocodone and 325 mg of  
3 Acetaminophen without a valid prescription. Complainant refers to an by this reference  
4 incorporates the allegations set for above in paragraph 17, as though set forth fully.

5 **DISCIPLINE CONSIDERATIONS**

6 19. To determine the degree of discipline, if any, to be imposed on Respondent,  
7 Complainant alleges that:

8 a. On or about July 31, 2013, in a prior administrative action, the Board of Pharmacy  
9 issued Citation No. CI 2012 53167 for violating section 4301, subdivision (h) [use of dangerous  
10 drug or alcohol to the extent or in a manner as to be dangerous or injurious to one self or others]  
11 and ordered Respondent to pay a fine. That Citation is now final and is incorporated by reference  
12 as if fully set forth. The circumstances underlying the citation are that on or about September 26,  
13 2012, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of  
14 violating Vehicle Code section 23103, subdivision (a) [wet reckless driving], in the criminal  
15 proceeding entitled *The People of the State of California v. Olusoji Olatunde Akanwo* (Super. Ct.  
16 San Bernardino County, 2012, No. TWV1201997). The Court sentenced Respondent to two days  
17 in jail, placed him on 36 months summary probation and ordered him to attend a Wet Reckless  
18 Program.

19 b. On or about October 17, 2012, in a prior administrative action, the Board of  
20 Pharmacy issued Citation Number CI 2012 54124 for violating section 4076, subdivision  
21 (a)(11)(A) [prescription container to have the physical description of the dispensed medication,  
22 including its color, shape, and any identification code that appears on the tablets or capsules],  
23 section 1761, subdivision (a) [no pharmacist shall compound or dispense any prescription which  
24 contains any significant error, omissions, irregularity, uncertainty, ambiguity or alteration], and  
25 Health and Safety Code section 11164, subdivision (a)(1)(a) [each prescription for a controlled  
26 substance classified in Schedule II, III, IV, or V, except as authorized by subdivision (b), shall be  
27 made on a controlled substance prescription form as specified in section 11162.1 and shall meet  
28 the following requirements: (1) the prescription shall be signed and dated by the prescriber in

1 ink]. That Citation is now final and is incorporated by reference as if fully set forth.

2 c. On or about August 14, 2013, in a prior administrative action, the Board sent a Letter  
3 of Admonishment to Respondent pursuant to section 4315 for failure to comply with the laws and  
4 regulations that govern the practice of pharmacy in California. Specifically, on or about May 23,  
5 2012, Respondent verified a prescription for 180 tablets of a medication, but dispensed the  
6 prescription with 126 tablets.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
9 and that following the hearing, the Board issue a decision:

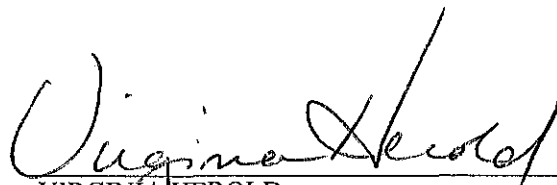
10 1. Revoking or suspending Pharmacist License No. RPH 46882, issued to Olusoji  
11 Olateunde Akanwo aka Olusoji Olatunde Akanwo;

12 2. Ordering Olusoji Olateunde Akanwo to pay the Board the reasonable costs of the  
13 investigation and enforcement of this case, pursuant to section 125.3 of the Code; and

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

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16  
17 DATED: \_\_\_\_\_

9/9/15



18 VIRGINIA HEROLD  
19 Executive Officer  
20 Board of Pharmacy  
21 Department of Consumer Affairs  
22 State of California  
23 Complainant

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