

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 MICHAEL BROWN  
Deputy Attorney General  
4 State Bar No. 231237  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2095  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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. 5506

13 **GEORGE GREGORY SOLOMON**  
9015 Cynthia #2  
West Hollywood, CA 90069

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

14 **Pharmacist License No. RPH 49116**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about September 9, 1996, the Board issued Pharmacist License No. RPH 49116  
22 to George Gregory Solomon (Respondent). The Pharmacist License was in full force and effect at  
23 all times relevant to the charges brought herein and will expire on October 31, 2015, unless  
24 renewed.

25 **JURISDICTION**

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

1           4.     Section 4300 of the Code provides in pertinent part, that every license issued by the  
2 Boards is subject to discipline, including suspension or revocation.

3           5.     Section 4300.1 of the Code states:

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

9                                   **STATUTORY AND REGULATORY PROVISIONS**

10          6.     Section 490 of the Code states:

11           “(a) In addition to any other action that a board is permitted to take against a licensee, a  
12 board may suspend or revoke a license on the ground that the licensee has been convicted of a  
13 crime, if the crime is substantially related to the qualifications, functions, or duties of the business  
14 or profession for which the license was issued.

15           “(b) Notwithstanding any other provision of law, a board may exercise any authority to  
16 discipline a licensee for conviction of a crime that is independent of the authority granted under  
17 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of  
18 the business or profession for which the licensee's license was issued.

19           “(c) A conviction within the meaning of this section means a plea or verdict of guilty or a  
20 conviction following a plea of nolo contendere. An action that a board is permitted to take  
21 following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
22 the judgment of conviction has been affirmed on appeal, or when an order granting probation is  
23 made suspending the imposition of sentence, irrespective of a subsequent order under Section  
24 1203.4 of the Penal Code.”

25          7.     Section 492 of the Code states:

26           "Notwithstanding any other provision of law, successful completion of any diversion  
27 program under the Penal Code, or successful completion of an alcohol and drug problem  
28 assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of

1 Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2  
2 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that  
3 division, from taking disciplinary action against a licensee or from denying a license for  
4 professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a  
5 record pertaining to an arrest.

6 "This section shall not be construed to apply to any drug diversion program operated by any  
7 agency established under Division 2 (commencing with Section 500) of this code, or any initiative  
8 act referred to in that division."

9 8. Section 4059 states, in pertinent part:

10 "(a) A person may not furnish any dangerous drug, except upon the prescription of a  
11 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section  
12 3640.7. A person may not furnish any dangerous device, except upon the prescription of a  
13 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section  
14 3640.7."

15 9. Section 4060 of the Code states:

16 "No person shall possess any controlled substance, except that furnished to a person upon  
17 prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
18 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-  
19 midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 28361.1, or a  
20 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,  
21 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
22 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply  
23 to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,  
24 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified  
25 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
26 labeled with the name and address of the supplier or producer.

27 ///

28 ///

1 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a physician  
2 assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and devices."

3 10. Section 4301 states, in pertinent part:

4 "The board shall take action against any holder of a license who is guilty of unprofessional  
5 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

6 Unprofessional conduct shall include, but is not limited to, any of the following:

7 . . . .

8 "(i) Except as otherwise authorized by law, knowingly selling, furnishing, giving away, or  
9 administering, or offering to sell, furnish, give away, or administer, any controlled substance to an  
10 addict.

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

13 . . . .

14 "(l) The conviction of a crime substantially related to the qualifications, functions, and  
15 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
16 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
17 substances or of a violation of the statutes of this state regulating controlled substances or  
18 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
19 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
20 The board may inquire into the circumstances surrounding the commission of the crime, in order to  
21 fix the degree of discipline or, in the case of a conviction not involving controlled substances or  
22 dangerous drugs, to determine if the conviction is of an offense substantially related to the  
23 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
24 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
25 of this provision. The board may take action when the time for appeal has elapsed, or the  
26 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
27 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
28 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not

1 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
2 indictment."

3 11. California Code of Regulations, title 16, section 1770, states:

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

10 **COST RECOVERY**

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

15 **CONTROLLED SUBSTANCE / DANGEROUS DRUG**

16 13. "Methamphetamine," is a Schedule II controlled substance as designated by Health  
17 and Safety Code section 11055, subdivision (d)(2) and is categorized as a dangerous drug  
18 pursuant to section 4022.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Conviction of a Substantially Related Crime)**

21 14. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and  
22 490, in conjunction with California Code of Regulations, title 16, section 1770, on the grounds of  
23 unprofessional conduct, in that, Respondent was convicted of a crime substantially related to the  
24 qualifications, functions or duties of a pharmacist as follows:

25 a. On or about February 17, 2015, after pleading guilty, the Court entered a deferred  
26 entry of judgment under Penal Code section 1000 for one felony count of violating Health and  
27 Safety Code section 11355, subdivision (a) [sell/furnish a controlled substance] in the criminal  
28 proceeding entitled *The People of the State of California v. George Gregory Solomon* (Super. Ct.

1 L.A. County, 2015, No. SA088456). The Court ordered Respondent to serve one day in jail and  
2 placed him on probation for 18 months, and ordered him to complete a drug diversion program.

3 b. The circumstances surrounding the conviction are that on or about July 26, 2014, Los  
4 Angeles County Sheriff deputies responded to a call of a possible drug overdose at Respondent's  
5 apartment. When they arrived, Respondent and his roommate denied calling the police.  
6 Respondent consented to a search of the apartment to check if there was anyone who needed  
7 medical attention. Deputies entered the living room and saw a glass pipe with a round bulb like  
8 end and a syringe on top of the coffee table. Deputies conducted a probation search of the  
9 roommate's bedroom and found glass pipes, additional syringes, methamphetamine and a scale.  
10 The roommate told deputies that Respondent kept large amounts of methamphetamine in the  
11 apartment and provided it to him in exchange for helping around the house. Respondent  
12 consented to a search of his entire apartment for drugs or drug paraphernalia and stated that all the  
13 drugs in the home belonged to his roommate. Several used syringes were found underneath the  
14 coffee table, in an eyeglass case and on the window ledge in the kitchen. In Respondent's  
15 bedroom, deputies found a glass pipe stashed in a coffee cup along with numerous used syringes  
16 and a clear baggie containing white crystal like substance resembling methamphetamine. When  
17 asked if he was aware of the amount of "meth" in his apartment, Respondent stated he had some  
18 "meth" in one of the top kitchen cabinets. Deputies recovered a small clear plastic baggie  
19 containing a crystal like substance resembling methamphetamine from the kitchen cabinet that  
20 tested positive for methamphetamine.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Unlawful Possession of a Controlled Substance)**

23 15. Respondent is subject to disciplinary action under sections 4301, subdivision (j), in  
24 conjunction with section 4060, on the grounds of unprofessional conduct, in that on or about July  
25 26, 2014, Respondent was in possession of methamphetamine, a controlled substance.  
26 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
27 paragraph 14, as though set forth fully.

28 **THIRD CAUSE FOR DISCIPLINE**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

(Furnished Controlled Substance)

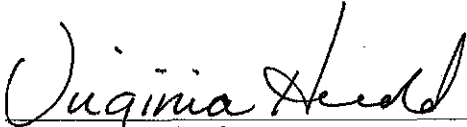
16. Respondent is subject to disciplinary action under section 4301, subdivision (i), and section 4059, subdivision (a), on the grounds of unprofessional conduct, in that, on or about July 26, 2014, Respondent furnished methamphetamine, a controlled substance and dangerous drug, to an addict. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 14, as though set forth fully.

PRAYER

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

1. Revoking or suspending Pharmacist License No. RPH 49116, issued to George Gregory Solomon;
2. Ordering George Gregory Solomon to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 9/5/15

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

LA2015501225  
51841884.doc  
mc (7/23/15)