

1 BILL LOCKYER, Attorney General  
of the State of California  
2 SUSAN FITZGERALD, State Bar No. 112278  
Deputy Attorney General  
3 California Department of Justice  
110 West "A" Street, Suite 1100  
4 San Diego, CA 92101

5 P.O. Box 85266  
San Diego, CA 92186-5266  
6 Telephone: (619) 645-2066  
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:  
12 AUGUSTINE ERAUCHABOR ATIYOTA,  
13 RPH  
14 740 Oleander Lane  
Blythe, CA 92225  
15 Original Pharmacist License No. RPH 46883  
16 Respondent.

Case No. 2769

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of  
22 Pharmacy. She brought this action solely in her official capacity and is represented in this matter  
23 by Bill Lockyer, Attorney General of the State of California, by Susan Fitzgerald, Deputy  
24 Attorney General.

25 2. Respondent Augustine Erauchabor Atiyota, RPH (Respondent) is represented in  
26 this proceeding by attorney Ronald S. Marks, whose address is 6320 Canoga Avenue, Suite 1550,  
27 Woodland Hills, CA 91367.

28 ///





1 force and effect as the originals.

2 15. Costs of investigation and enforcement of this case are \$8,500 as of  
3 September 24, 2004, of which Respondent agrees to pay \$5,000.00.

4 16. Respondent has been prohibited to practice has a pharmacist since July 27, 2004  
5 as a condition of release on his own recognizance in a criminal matter arising out of the same  
6 facts and circumstances as the Accusation herein.

7 17. In consideration of the foregoing admissions and stipulations, the parties agree  
8 that the Board may, without further notice or formal proceeding, issue and enter the following  
9 Disciplinary Order:

10 **DISCIPLINARY ORDER**

11 IT IS HEREBY ORDERED that Original Pharmacist License No. RPH 46883 issued to  
12 Respondent Augustine Erauchabor Atiyota, RPH is revoked. However, the revocation is stayed  
13 and Respondent is placed on probation for three (3) years on the following terms and conditions:

14 1. **Actual Suspension - Pharmacist.** License number RPH 46883, issued to  
15 Respondent Augustine Erauchabor Atiyota, RPH is suspended for a period of one hundred and  
16 eighty (180) consecutive days from the effective date of the Board's decision herein; however,  
17 Respondent shall receive credit towards the 180 days for the time he has been prohibited from  
18 practice since July 27, 2004, pursuant to his criminal case.

19 During suspension, Respondent shall not enter any pharmacy area or any portion of the  
20 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of  
21 drugs which is licensed by the Board, or any manufacturer, or where dangerous drugs and devices  
22 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act  
23 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient  
24 consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the  
25 Board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs  
26 and devices or controlled substances.

27 Respondent shall not engage in any activity that requires the professional judgment of a  
28 pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy.

1 Respondent shall not perform the duties of a pharmacy technician or an exemptee for any entity  
2 licensed by the Board.

3           2.       **Obey All Laws.** Respondent shall obey all state and federal laws and regulations  
4 substantially related to or governing the practice of pharmacy.

5                       Respondent shall report any of the following occurrences to the Board, in writing,  
6 within 72 hours of such occurrence:

- 7           •       an arrest or issuance of a criminal complaint for violation of any provision of the  
8                       Pharmacy Law, state and federal food and drug laws, or state and federal  
9                       controlled substances laws
- 10           •       a plea of guilty or nolo contendere in any state or federal criminal proceeding to  
11                       any criminal complaint, information or indictment
- 12           •       a conviction of any crime
- 13           •       discipline, citation, or other administrative action filed by any state and federal  
14                       agency which involves Respondent's license or which is related to the practice  
15                       of pharmacy or the manufacturing, obtaining, handling or distribution or billing  
16                       or charging for any drug, device or controlled substance.

17           3.       **Reporting to the Board.** Respondent shall report to the Board quarterly. The  
18 report shall be made either in person or in writing, as directed. Respondent shall state under  
19 penalty of perjury whether there has been compliance with all the terms and conditions of  
20 probation. If the final probation report **is not** made as directed, probation shall be extended  
21 automatically until such time as the final report is made and accepted by the Board.

22           4.       **Interview with the Board.** Upon receipt of reasonable notice, Respondent  
23 shall appear in person for interviews with the Board upon request at various intervals at a  
24 location to be determined by the Board. Failure to appear for a scheduled interview without  
25 prior notification to Board staff shall be considered a violation of probation.

26           5.       **Cooperation with Board Staff.** Respondent shall cooperate with the Board's  
27 inspectional program and in the Board's monitoring and investigation of Respondent's  
28 compliance with the terms and conditions of his probation. Failure to comply shall be

1 considered a violation of probation.

2       6.       **Continuing Education.** Respondent shall provide evidence of efforts to  
3 maintain skill and knowledge as a pharmacist as directed by the Board.

4       7.       **Notice to Employers.** Respondent shall notify all present and prospective  
5 employers of the decision in case number 2769 and the terms, conditions and restrictions  
6 imposed on Respondent by the decision. Within 30 days of the effective date of this decision,  
7 and within 15 days of Respondent undertaking new employment, Respondent shall cause his  
8 direct supervisor, pharmacist-in-charge and/or owner to report to the Board in writing  
9 acknowledging the employer has read the decision in case number 2769.

10           If Respondent works for or is employed by or through a pharmacy employment  
11 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at  
12 every pharmacy of the and terms conditions of the decision in case number 2769 in advance of  
13 the Respondent commencing work at each pharmacy.

14           "Employment" within the meaning of this provision shall include any full-time, part-  
15 time, temporary, relief or pharmacy management service as a pharmacist, whether the  
16 Respondent is considered an employee or independent contractor.

17       8.       **No Preceptorships, Supervision of Interns, Being Pharmacist-in-Charge**  
18 **(PIC), or Serving as a Consultant.** Respondent shall not supervise any intern pharmacist or  
19 perform any of the duties of a preceptor, nor shall Respondent be the pharmacist-in-charge of  
20 any entity licensed by the Board unless otherwise specified in this order.

21       9.       **Reimbursement of Board Costs.** Respondent shall pay to the Board its costs  
22 of investigation and prosecution in the amount of \$5,000. Respondent shall make said  
23 payments as follows: in equal quarterly installments accompanying his quarterly reports to the  
24 Board such that the entire amount is repaid no later than six (6) months before the termination  
25 of probation.

26           The filing of bankruptcy by Respondent shall not relieve Respondent of his  
27 responsibility to reimburse the Board its costs of investigation and prosecution.

28 ///

1           10.    **Probation Monitoring Costs.** Respondent shall pay the costs associated with  
2 probation monitoring as determined by the Board each and every year of probation. Such  
3 costs shall be payable to the Board at the end of each year of probation. Failure to pay such  
4 costs shall be considered a violation of probation.

5           11.    **Status of License.** Respondent shall, at all times while on probation, maintain  
6 an active current license with the Board, including any period during which suspension or  
7 probation is tolled.

8           If Respondent's license expires or is canceled by operation of law or otherwise, upon  
9 renewal or reapplication, Respondent's license shall be subject to all terms and conditions of  
10 this probation not previously satisfied.

11          12.    **License Surrender while on Probation/Suspension.** Following the effective  
12 date of this decision, should Respondent cease practice due to retirement or health, or be  
13 otherwise unable to satisfy the terms and conditions of probation, Respondent may tender his  
14 license to the Board for surrender. The Board shall have the discretion whether to grant the  
15 request for surrender or take any other action it deems appropriate and reasonable. Upon  
16 formal acceptance of the surrender of the license, Respondent will no longer be subject to the  
17 terms and conditions of probation.

18          Upon acceptance of the surrender, Respondent shall relinquish his pocket license to the  
19 Board within 10 days of notification by the Board that the surrender is accepted. Respondent  
20 may not reapply for any license from the Board for three years from the effective date of the  
21 surrender. Respondent shall meet all requirements applicable to the license sought as of the  
22 date the application for that license is submitted to the Board.

23          13.    **Notification of Employment/Mailing Address Change.** Respondent shall  
24 notify the Board in writing within 10 days of any change of employment. Said notification  
25 shall include the reasons for leaving and/or the address of the new employer, supervisor or  
26 owner and work schedule if known. Respondent shall notify the Board in writing within 10  
27 days of a change in name, mailing address or phone number.

28    ///

1           14.    **Tolling of Probation.** Should Respondent, regardless of residency, for any  
2 reason cease practicing pharmacy for a minimum of forty (40) hours per calendar month in  
3 California, Respondent must notify the Board in writing within 10 days of cessation of the  
4 practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time  
5 shall not apply to the reduction of the probation period. It is a violation of probation for  
6 Respondent's probation to remain tolled pursuant to the provisions of this condition for a  
7 period exceeding three years.

8           "Cessation of practice" means any period of time exceeding 30 days in which  
9 Respondent is not engaged in the practice of pharmacy as defined in Section 4052 of  
10 the Business and Professions Code.

11           Respondent shall work at least 40 hours in each calendar month as a pharmacist and at  
12 least an average of 80 hours per month in any six consecutive months. Failure to do so  
13 will be a violation of probation. If Respondent has not complied with this condition  
14 during the probationary term, and Respondent has presented sufficient documentation  
15 of his good faith efforts to comply with this condition, and if no other conditions have  
16 been violated, the Board, in its discretion, may grant an extension of Respondent's  
17 probation period up to one year without further hearing in order to comply with this  
18 condition.

19           15.    **Violation of Probation.** If Respondent violates probation in any respect, the  
20 Board, after giving Respondent notice and an opportunity to be heard, may revoke probation  
21 and carry out the disciplinary order which was stayed. If a Petition to Revoke Probation or an  
22 Accusation is filed against Respondent during probation, the Board shall have continuing  
23 jurisdiction and the period of probation shall be extended, until the Petition to Revoke  
24 Probation or Accusation is heard and decided.

25           If Respondent has not complied with any term or condition of probation, the Board  
26 shall have continuing jurisdiction over Respondent, and probation shall automatically be  
27 extended until all terms and conditions have been satisfied or the Board has taken other action  
28 as deemed appropriate to treat the failure to comply as a violation of probation, to terminate



1 probation, and to impose the penalty which was stayed.

2       16.    **Completion of Probation.** Upon successful completion of probation,  
3 Respondent's license will be fully restored.

4       17.    **Supervised Practice.** For the first year of probation, Respondent shall practice  
5 only under the supervision of a pharmacist not on probation with the Board. Respondent shall  
6 not practice until the supervisor is approved by the Board. The supervision shall be, as  
7 required by the Board, either:

8           Continuous - 75% to 100% of a work week

9           Substantial - At least 50% of a work week

10          Partial - At least 25% of a work week

11          Daily Review - Supervisor's review of probationer's daily activities within 24 hours

12 Within 30 days of the effective date of this decision, Respondent shall have his supervisor  
13 submit notification to the Board in writing stating the supervisor has read the decision in case  
14 number 2769 and is familiar with the level of supervision as determined by the Board.

15       If Respondent changes employment, Respondent shall have his new supervisor, within  
16 15 days after employment commences, submit notification to the Board in writing stating the  
17 direct supervisor and pharmacist-in-charge have read the decision in case number 2769 and is  
18 familiar with the level of supervision as determined by the Board.

19       Within 10, days of leaving employment, Respondent shall notify the Board in writing.

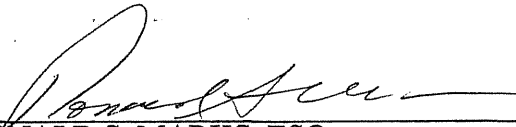
20       18.    **No Ownership of Premises.** Respondent shall not own, have any legal or  
21 beneficial interest in, or serve as a manager, administrator, member, officer, director,  
22 associate, or partner of any business, firm, partnership, or corporation currently or hereinafter  
23 licensed by the Board. Respondent shall sell or transfer any legal or beneficial interest in any  
24 entity licensed by the Board within 90 days following the effective date of this decision and  
25 shall immediately thereafter provide written proof thereof to the Board.

26       19.    **Criminal Probation/Parole Reports.** Respondent shall provide a copy of the  
27 conditions of any criminal probation/parole to the Board, in writing, within 10 days of the  
28 issuance or modification of those conditions. Respondent shall provide the name of his



1 I have read and fully discussed with Respondent Augustine Erauchabor Atiyota, RPH  
2 the terms and conditions and other matters contained in the above Stipulated Settlement and  
3 Disciplinary Order. I approve its form and content.

4 DATED: 10/22/04.

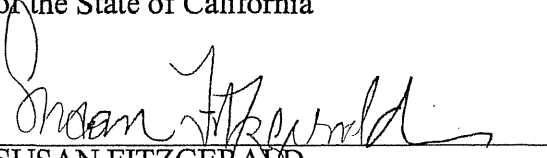
5  
6   
7 RONALD S. MARKS, ESQ.  
8 Attorney for Respondent

8 ENDORSEMENT

9 The foregoing Stipulated Settlement and Disciplinary Order is hereby  
10 respectfully submitted for consideration by the Board of Pharmacy of the Department of  
11 Consumer Affairs.

12 DATED: 10/26/04.

13 BILL LOCKYER, Attorney General  
14 of the State of California

15   
16 SUSAN FITZGERALD  
17 Deputy Attorney General

18 Attorneys for Complainant  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2769

AUGUSTINE ERAUCHABOR ATIYOTA,  
RPH  
740 Oleander Lane  
Blythe, CA 92225

Original Pharmacist License No. RPH 46883

Respondent.

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on January 5, 2005.

It is so ORDERED December 6, 2004.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



STANLEY W. GOLDENBERG  
Board President

**Exhibit A**

**Accusation No. 2769**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 SUSAN FITZGERALD, State Bar No. 112278  
Deputy Attorney General  
3 California Department of Justice  
110 West "A" Street, Suite 1100  
4 San Diego, CA 92101

5 P.O. Box 85266  
San Diego, CA 92186-5266  
6 Telephone: (619) 645-2066  
Facsimile: (619) 645-2061

7 Attorneys for Complainant  
8

9 **BEFORE THE**  
10 **BOARD OF PHARMACY**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2769

13 AUGUSTINE ERAUCHABOR ATIYOTA,  
RPH  
14 740 Oleander Lane  
Blythe, CA 92225

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

15 Original Pharmacist License No. RPH 46883

16 Respondent.  
17

18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about March 11, 1994, the Board of Pharmacy issued Original Pharmacist  
23 License Number RPH 46883 to Augustine Erauchabor Atiyota, RPH (Respondent). The  
24 Original Pharmacist License was in full force and effect at all times relevant to the charges  
25 brought herein and will expire on June 30, 2005, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Pharmacy (Board), Department of  
28 Consumer Affairs, under the authority of the following sections of the Business and Professions

1 Code:

2 A. Section 4301 of the Code states:

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

7 "...

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

11 "(g) Knowingly making or signing any certificate or other document that falsely  
12 represents the existence or nonexistence of a state of facts.

13 "...

14 "(j) The violation of any of the statutes of this state or of the United States regulating  
15 controlled substances and dangerous drugs.

16 "...

17 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
18 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
19 federal and state laws and regulations governing pharmacy, including regulations established by  
20 the board.

21 "..."

22 B. Section 4059 of the Code states, in pertinent part, that a person may not furnish  
23 any dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist,  
24 or veterinarian. A person may not furnish any dangerous device, except upon the prescription of  
25 a physician, dentist, podiatrist, optometrist, or veterinarian.

26 C. Section 4081 of the Code states:

27 "(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs  
28 or dangerous devices shall be at all times during business hours open to inspection by authorized

1 officers of the law, and shall be preserved for at least three years from the date of making. A  
2 current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary  
3 food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital,  
4 institution, or establishment holding a currently valid and unrevoked certificate, license, permit,  
5 registration, or exemption under Division 2 (commencing with Section 1200) of the Health and  
6 Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and  
7 Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

8       "(b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary  
9 food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge or exemptee,  
10 for maintaining the records and inventory described in this section.

11       "..."

12       D.     Section 4324 of the Code states:

13       "(a) Every person who signs the name of another, or of a fictitious person, or falsely  
14 makes, alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription  
15 for any drugs is guilty of forgery and upon conviction thereof shall be punished by imprisonment  
16 in the state prison, or by imprisonment in the county jail for not more than one year.

17       "(b) Every person who has in his or her possession any drugs secured by a forged  
18 prescription shall be punished by imprisonment in the state prison, or by imprisonment in the  
19 county jail for not more than one year."

20       E.     Section 4113(b) provides that a pharmacist-in-charge (PIC) shall be responsible  
21 for a pharmacy's compliance with all state and federal laws and regulations related to the practice  
22 of pharmacy.

23       F.     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  
25 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
26 enforcement of the case.

27       4.     This Accusation is also brought under the authority of section 11153 of the  
28 California Health & Safety Code (H&S Code), which states in pertinent part as follows:



1           "(a) A prescription for a controlled substance shall only be issued for a legitimate  
2 medical purpose by an individual practitioner acting in the usual course of his or her professional  
3 practice. The responsibility for the proper prescribing and dispensing of controlled substances is  
4 upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist  
5 who fills the prescription. Except as authorized by this division, the following are not legal  
6 prescriptions: (1) an order purporting to be a prescription which is issued not in the usual course  
7 of professional treatment or in legitimate and authorized research...

8           "..."

9           5.       This Accusation is also brought under the authority of title 16, California Code of  
10 Regulation (CCR) section 1715, which requires that a PIC complete every odd-numbered year a  
11 self-assessment of his pharmacy's compliance with federal and state pharmacy law.

12   DRUGS

13           6.       The following drugs are classified as dangerous drugs under Business &  
14 Professions Code section 4022. Where noted, one of the below listed drugs is also a controlled  
15 substance under the California H&S Code:

16           A.       Ativan is a brand name for lorazepam, a Schedule IV controlled substance under  
17 H&S Code section 11057.

18           B.       Paxil is a brand name for paroxetine, an antidepressant.

19           C.       Diabeta is a brand name for glyburide, a diabetes medication.

20           D.       Actos is a brand name for pioglitazone, a diabetes medication.

21           E.       Motrin is a brand name for ibuprofen, an anti-inflammatory.

22   CHARGES AND ALLEGATIONS

23           7.       During all times relevant herein, Respondent was the PIC of Rite Aid Pharmacy  
24 #5673 at 890 E. Hobson Way, Blythe, California.

25           8.       Onome Atiyota is Respondent's wife.

26           9.       Helen Atiyota is Respondent's sister who, at all times relevant herein, lived in  
27 Lansdowne, Pennsylvania.

28           ///

1 10. Monica Atiyota is Respondent's mother who, at all relevant times herein, lived in  
2 or near Lansdowne, Pennsylvania.

3 11. Between approximately July 16, 2003 and October 13, 2003, Respondent  
4 forged/falsely created approximately eleven unauthorized prescriptions in the name of his wife,  
5 Onome Atiyota. Respondent entered the forged prescription records into the computer at Rite  
6 Aid #5673 in Blythe, California. Respondent then transferred those forged records to Rite Aid  
7 Pharmacy #2298 in Lansdowne, Pennsylvania, where the prescriptions were billed, filled, and  
8 dispensed to either Helen or Monica Atiyota:

9 RX 315983 Onome Atiyota 7/16/03 Dr. Tan Ibuprofen 600 mg. -original

10 RX 315983 Onome Atiyota 9/06/03 Dr. Tan Ibuprofen 600 mg. -refill

11 RX 315983 Onome Atiyota 10/16/03 Dr. Tan Ibuprofen 600 mg. -refill

12 RX 315984 Onome Atiyota 7/16/03 Dr. Tan Glyburide 5 mg. -original

13 RX 315985 Onome Atiyota 7/16/03 Dr. Tan Lorazepam 1 mg. -original

14 RX 315985 Onome Atiyota 9/06/03 Dr. Tan Lorazepam 1 mg. -refill

15 RX 318654 Onome Atiyota 8/13/03 Dr. Tan Glyburide 5 mg. -original

16 RX 318654 Onome Atiyota 9/06/03 Dr. Tan Glyburide 5 mg. -refill

17 RX 318654 Onome Atiyota 10/6/03 Dr. Tan Glyburide 5 mg. -refill

18 RX 321660 Onome Atiyota 9/14/03 Dr. Tan Actos 30 mg. -original

19 RX 321660 Onome Atiyota 10/13/03 Dr. Tan Actos 30 mg. -refill

20 12. On or about May 28, 2003, Respondent forged/falsely created and dispensed (at  
21 the Blythe Rite Aid pharmacy) RX 192855 (Paxil CR 12.5 mg.) in the name of Monica Atiyota.

22 13. In creating the above false records, Respondent used the name, DEA license  
23 number, and state license number of Brawley, California physician, Dr. Y. Tan, without Dr.  
24 Tan's knowledge or authorization. In fact, Dr. Tan had never treated or prescribed for Onome  
25 Atiyota. Further, although Dr. Tan examined Monica Atiyota on or about May 12, 2003, he did  
26 not prescribe Paxil at any time for her.

27 14. Respondent failed to maintain disposition records pursuant to Code section  
28 4081(a) and (b). Specifically, on January 7, 2004, the following prescriptions documents were

1 not readily retrievable for medications dispensed to Monica Atiyota on RX 188928, RX 188927,  
2 and RX 192855 and for a medication dispensed to Onome Atiyota on RX 197843. On January 8,  
3 2004, RXs 197263, 197264, 197265, and 199690 were not readily retrievable and deleted from  
4 Rite Aid Pharmacy #5673's computer database for Onome Atiyota.

5 15. Respondent failed to do a self-assessment, as specified by CCR §1715(a), for the  
6 years 2001 and 2003.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct: Moral Turpitude, Dishonesty, Fraud,  
9 Deceit, or Corruption - §4301(f))**

10 16. Respondent is subject to disciplinary action under section 4301(f) for moral  
11 turpitude, dishonesty, fraud, and deceit in that he created a fraudulent scheme to supply  
12 prescription medications for his mother and/or sister, as more particularly alleged above and  
13 incorporated herein by reference.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct: Knowing Falsification of Documents - 4301(g))**

16 17 Respondent is further subject to disciplinary action under section 4301(g) for  
17 knowingly making any document that falsely represents the existence or nonexistence of a state  
18 of facts in that he created false prescription records, as more particularly alleged above and  
19 incorporated herein by reference.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct: Prescription Forgery - Section 4301(o) + 4324)**

22 18. Respondent is further subject to disciplinary action under section 4301(o) in  
23 conjunction with section 4324(a) for falsely making/forging prescriptions, as more particularly  
24 alleged above and incorporated herein by reference.

25 **FOURTH CAUSE FOR DISCIPLINE**

26 **(Unprofessional Conduct: Violation of Controlled Substance Law - 4301(j) + H&S 11153)**

27 19. Respondent is subject to disciplinary action under section 4301(j) in conjunction  
28 with H&S Code section 11153 in that he violated H&S Code section 11153 by his illegal

1 prescribing of lorazepam, as more particularly alleged above and incorporated herein by  
2 reference.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct: Unauthorized Furnishing - 4301(o) + 4059(a))**

5 20. Respondent is subject to disciplinary action under section 4301(o) in conjunction  
6 with 4059(a) in that he furnished<sup>1</sup> dangerous drugs without the prescription of a physician, as  
7 more particularly alleged above and incorporated herein by reference.

8 **SIXTH CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct: Failure to Maintain Records - 4301(o) + 4081(a) & (b))**

10 21. Respondent is subject to disciplinary action under section 4301(o) in conjunction  
11 with section 4081(a) and (b) in that he failed to maintain records of the disposition of the various  
12 dangerous drugs for which he created the fraudulent prescriptions, as more particularly alleged  
13 above and incorporated herein by reference.

14 **SEVENTH CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct: Violation of Board Regulation - 4301(o) + CCR 1715(a))**

16 22. Respondent is subject to disciplinary action under section 4301(o) in conjunction  
17 with CCR section 1715(a) in that he, as PIC, failed to do a self-assessment of his pharmacy's  
18 compliance with state and federal pharmacy laws for the years 2001 and 2003.

19 **PRAYER**

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

22 1. Revoking or suspending Original Pharmacist License Number RPH 46883,  
23 issued to Augustine Erauchabor Atiyota, RPH;

24 2. Ordering Augustine Erauchabor Atiyota, RPH to pay the Board of Pharmacy the  
25 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
26 Professions Code section 125.3;

27  
28 1. "'Furnish' means to supply by any means, by sale or otherwise." Code section 4026.

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

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

DATED: 7/29/04

P. F. Harris  
PATRICIA F. HARRIS  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant