

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KENT D. HARRIS, State Bar No. 144804
Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 327-1466
6 Facsimile: (916) 324-5567

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:

13 CONSTANT JULIAN GOLONDZINIER, JR.

14 2503 Hillcrest Court
Visalia, CA 93292
Pharmacist License No. RPH 25543

15 Respondent.

Case No. 3096

OAH No. 2007100488

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 PARTIES

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of
21 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
22 by Edmund G. Brown Jr., Attorney General of the State of California, by Kent D. Harris, Deputy
23 Attorney General.

24 2. Constant Julian Golondzinier, Jr. (Respondent) is represented in this
25 proceeding by attorney Robert F. Hahn, Esq. whose address is Gould & Hahn 5801 Christie
26 Avenue, Suite 385 Emeryville, California, 94608.
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1 CULPABILITY

2 8. Respondent admits that the charges and allegations set forth in the
3 Accusation, if true, constitute cause for discipline. Respondent hereby gives up his right to
4 contest these charges. Further, Respondent hereby stipulates that all of the charges and
5 allegations set forth in Accusation No. 3096, with the exception of paragraph 14, shall be deemed
6 true and proven without the necessity of further proof, should he ever come before the Board or
7 its successor in any future or further proceedings.

8 9. Respondent understands that by signing this stipulation he enables the
9 Board to issue an order accepting the surrender of his Pharmacist License without further
10 process.

11 CONTINGENCY

12 10. This stipulation shall be subject to approval by the Board of Pharmacy.
13 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
14 Pharmacy may communicate directly with the Board regarding this stipulation and surrender,
15 without notice to or participation by Respondent or his counsel. By signing the stipulation,
16 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind
17 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
18 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall
19 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
20 between the parties, and the Board shall not be disqualified from further action by having
21 considered this matter.

22 11. The parties understand and agree that electronic or facsimile copies of this
23 Stipulated Surrender of License and Order, including electronic or facsimile signatures thereto,
24 shall have the same force and effect as the originals.

25 12. In consideration of the foregoing admissions and stipulations, the parties
26 agree that the (Board) may, without further notice or formal proceeding, issue and enter the
27 following Order:

28 ///

ORDER

1
2 IT IS HEREBY ORDERED that Pharmacist License No. RPH 25543, issued to
3 Respondent Constant Julian Golondzinier, Jr. is surrendered and accepted by the Board of
4 Pharmacy.

5 13. The surrender of Respondent's Pharmacist License and the acceptance of
6 the surrendered license by the Board shall constitute the imposition of discipline against
7 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
8 Respondent's license history with the Board.

9 14. Respondent shall lose all rights and privileges as a Pharmacist in
10 California as of the effective date of the Board's Decision and Order.

11 15. Respondent shall cause to be delivered to the Board both his wall and
12 pocket license certificates on or before the effective date of the Decision and Order.

13 16. Respondent understands and agrees that if he ever applies for licensure or
14 petitions for reinstatement in the State of California, the Board shall treat it as a new application
15 for licensure. Respondent must comply with all the laws, regulations and procedures for
16 licensure in effect at the time the application or petition is filed, and all of the charges and
17 allegations contained in Accusation No. 3096 shall be deemed to be true and correct as
18 stipulated by Respondent when the Board determines whether to grant or deny the application or
19 petition.

20 17. Respondent may not apply or reapply for, or petition for reinstatement of,
21 any license, permit, or registration from the Board for three (3) years from the effective date of
22 this Decision and Order."

23 18. Respondent shall pay the Board its costs of investigation and enforcement
24 in the amount of \$5,874.25 prior to issuance of a new or reinstated license.

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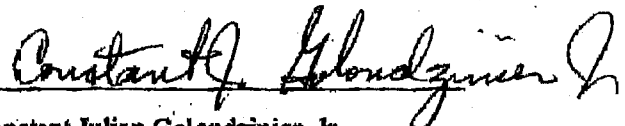
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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Robert F. Hahn, Esq. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

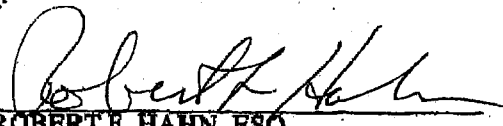
DATED: 1-28-08



Constant Julian Golondzinier, Jr.
Respondent

I have read and fully discussed with Respondent Constant Julian Golondzinier, Jr. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 1-28-08



ROBERT F. HAHN, ESQ.
Attorney for Respondent

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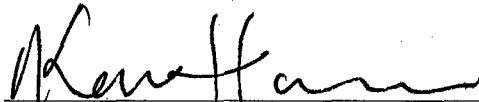
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 2-1-08

EDMUND G. BROWN JR., Attorney General
of the State of California

JANICE K. LACHMAN
Supervising Deputy Attorney General


KENT D. HARRIS
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: 03583110SA2007101521
Golondzinier Surrender.wpd

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

In the Matter of the Accusation Against:

CONSTANT JULIAN GOLONDZINIER, JR.

2503 Hillcrest Court
Visalia, CA 93292
Pharmacist License No. RPH 25543

Respondent.

Case No. 3096

OAH No. 2007100488

DECISION AND ORDER

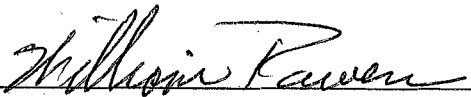
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on April 9, 2008.

It is so ORDERED March 10, 2008.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



WILLIAM POWERS
Board President

Exhibit A
Accusation No. 3096

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 KENT D. HARRIS, State Bar No. 144804
Deputy Attorney General
4 California Department of Justice
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA. 94244-2550

6 Telephone: (916) 324-7859
7 Facsimile: (916) 327-8643

8 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 3096

13 **CONSTANT JULIAN GOLONDZINIER, JR.,**
14 **a.k.a. C.J. GOLONDZINIER**
2503 E. Hillcrest Court
15 Visalia, CA 93292-5667

A C C U S A T I O N

16 Pharmacist License No. RPH 25543

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

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

24 2. On or about August 6, 1968, the Board issued Pharmacist License Number
25 RPH 25543 to Constant Julian Golondzinier, Jr., also known as C.J. Golondzinier
26 ("Respondent"). Respondent's pharmacist license was in full force and effect at all times
27 relevant to the charges brought herein and will expire on February 29, 2008, unless renewed.

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STATUTORY PROVISIONS

1
2 3. Business and Professions Code ("Bus. & Prof. Code") section 4300 states,
3 in pertinent part:

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

5 (b) The board shall discipline the holder of any license issued by the board,
6 whose default has been entered or whose case has been heard by the board and
7 found guilty, by any of the following methods:

8 (1) Suspending judgment.

9 (2) Placing him or her upon probation.

10 (3) Suspending his or her right to practice for a period not exceeding one
11 year.

12 (4) Revoking his or her license.

13 (5) Taking any other action in relation to disciplining him or her as the
14 board in its discretion may deem proper . . .

15 4. Bus. & Prof. Code section 4301 states, in pertinent part:

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

20

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

24

25 (h) The administering to oneself, of any controlled substance, or the use of
26 any dangerous drug or of alcoholic beverages to the extent or in a manner as to be
27 dangerous or injurious to oneself, to a person holding a license under this chapter,
28 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 or of the United States
regulating controlled substances and dangerous drugs.

///

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

5 5. Bus. & Prof. Code section 4022 states:

6 "Dangerous drug" or "dangerous device" means any drug or device unsafe
7 for self-use in humans or animals, and includes the following:

8 (a) Any drug that bears the legend: "Caution: federal law prohibits
9 dispensing without prescription," "Rx only," or words of similar import.

10 (b) Any device that bears the statement: "Caution: federal law restricts this
11 device to sale by or on the order of a -----," "Rx only," or words of similar
12 import, the blank to be filled in with the designation of the practitioner licensed to
13 use or order use of the device.

14 (c) Any other drug or device that by federal or state law can be lawfully
15 dispensed only on prescription or furnished pursuant to Section 4006.

16 6. Bus. & Prof. Code section 4060 states:

17 No person shall possess any controlled substance, except that furnished to
18 a person upon the prescription of a physician, dentist, podiatrist, or veterinarian,
19 or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant
20 to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician
21 assistant pursuant to Section 3502.1. This section shall not apply to the
22 possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
23 physician, podiatrist, dentist, veterinarian, certified nurse-midwife, nurse
24 practitioner, or physician assistant, when in stock in containers correctly labeled
25 with the name and address of the supplier or producer . . .

26 7. Bus. & Prof. Code section 4327 states that any person who, while on duty,
27 sells, dispenses or compounds any drug while under the influence of any dangerous drug or
28 alcoholic beverages shall be guilty of a misdemeanor.

8. Health and Safety Code ("Health & Saf. Code") section 11377,
subdivision (a), states:

Except as authorized by law and as otherwise provided in subdivision (b)
or Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of
Division 2 of the Business and Professions Code, every person who possesses any
controlled substance which is (1) classified in Schedule III, IV, or V, and which is
not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except
paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph
(11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of

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1 subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of
2 Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or
3 veterinarian, licensed to practice in this state, shall be punished by imprisonment
4 in a county jail for a period of not more than one year or in the state prison.

5 Cost Recovery

6 9. Bus. & Prof. Code section 125.3 states, in pertinent part, that the Board
7 may request the administrative law judge to direct a licensee found to have committed a
8 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
9 investigation and enforcement of the case.

10 CONTROLLED SUBSTANCE AT ISSUE

11 10. "Phentermine," is a stimulant used for diet, is a Schedule IV controlled
12 substance as designated by Health & Saf. Code section 11057, subdivision (f)(4), and is a
13 dangerous drug within the meaning of Bus. & Prof. Code section 4022 in that it is available by
14 prescription only.

15 FACTUAL BACKGROUND

16 11. At all times relevant to the charges brought herein, Respondent was
17 employed as a pharmacist at Wal-Mart Store No. 10-1645 located at 2250 S. 12th Avenue in
18 Hanford, California. On October 5, 2006, Wal-Mart's corporate loss prevention performed a
19 toxicological urine drug screen for drugs of abuse on all pharmacy staff, including Respondent.
20 Respondent was the only Wal-Mart employee with positive test results. Respondent tested
21 positive for the dangerous drug/controlled substance Phentermine at a level of 1207 ng/ml^{1/}. On
22 October 20, 2006, Respondent was terminated from his employment with Wal-Mart.

23 12. During approximately the one year period prior to December 19, 2006,
24 Respondent was observed by A.J., a pharmacy tech at Wal-Mart Store No. 10-1645, to be
25 aggressive and confrontational, to "zone off" and not pay attention to anyone and then to snap out
26 of it, to have mood swings, and to have bad hygiene practices.

27 ///

28 1. The Phentermine detection cutoff test level on the toxicology report was 500 ng/ml/. Respondent's level
of 1207 ng/ml was 2.5 times higher than the lab's detection cutoff test level.

1 Store No. 10-1645 located in Hanford, California, Respondent self-administered an unknown
2 quantity of the dangerous drug/controlled substance Phentermine, as set forth above, without a
3 valid prescription therefor.

4 **FOURTH CAUSE FOR DISCIPLINE**

5 **(Dispensing/Compounding Drugs While Under the Influence**
6 **of a Dangerous Drug/Controlled Substance)**

7 17. Respondent's pharmacist license is subject to disciplinary action pursuant
8 to Bus. & Prof. Code section 4301, subdivision (o), on the grounds of unprofessional conduct, in
9 that in or before October 2006, while employed by and on duty as a pharmacist at Wal-Mart
10 Pharmacy Store No. 10-1645 located in Hanford, California, Respondent violated or attempted to
11 violate, directly or indirectly, or assisted in or abetted the violation of, or conspired to violate, the
12 following state laws and regulations governing pharmacy, including regulations established by
13 the Board: Respondent dispensed or compounded drugs while under the influence of the
14 dangerous drug/controlled substance Phentermine, in violation of Bus. & Prof. Code section
15 4327.

16 **PRAYER**

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

- 19 1. Revoking or suspending Pharmacist License Number RPH 25543, issued
20 to Constant Julian Golondzinier, Jr., also known as C.J. Golondzinier;
21 2. Ordering Constant Julian Golondzinier, Jr., also known as C.J.
22 Golondzinier, to pay the Board of Pharmacy the reasonable costs of the investigation and
23 enforcement of this case, pursuant to Business and Professions Code section 125.3;

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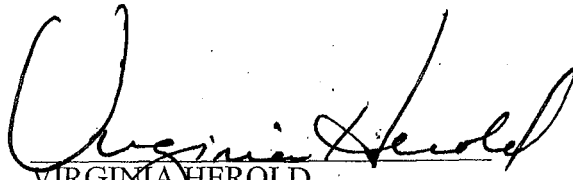
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3. Taking such other and further action as deemed necessary and proper.

DATED: 9/12/07



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

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