

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

In the Matter of the Accusation Against:

Case No. 3243

BRIAN D. LEE
88 Townsend Street, #232
San Francisco, CA 94107

Pharmacist License No. RPH 51443

Respondent.

DECISION AND ORDER

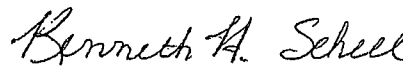
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on April 21, 2010.

It is so ORDERED on March 22, 2010.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



KENNETH H. SCHELL
Board President

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7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 3243

11 **BRIAN D. LEE**
12 **88 Townsend Street. # 323**
13 **San Francisco, CA 94107**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

14 **Pharmacist License No. RPH 51443**

15 Respondent.

16 In the interest of a prompt and speedy settlement of this matter, consistent with the public
17 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,
18 the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will
19 be submitted to the Board for approval and adoption as the final disposition of the Accusation.

20 PARTIES

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

24 2. Brian D. Lee (Respondent) is representing himself in this proceeding and has chosen
25 not to exercise his right to be represented by counsel.

26 3. On or about March 27, 2000, the Board of Pharmacy issued Pharmacist License No.
27 RPH 51443 to Respondent. The License was in full force and effect at all times relevant to the
28 charges brought in Accusation No. 3243 and will expire on October 31, 2009, unless renewed.

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JURISDICTION

4. Accusation No. 3243 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all required documents were properly served on Respondent on June 12, 2009. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 3243 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read and understands the charges and allegations in Accusation No. 3243. Respondent has also carefully read and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every allegation in Accusation No. 3243.

9. Respondent agrees that his License is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

RESERVATION

10. The admissions made by Respondent are only for the purposes of this proceeding, or any other proceedings in which the Board of Pharmacy or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

1
2 11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
3 understands and agrees that counsel for Complainant and the staff of the Board may communicate
4 directly with the Board regarding this stipulation and settlement, without notice to or participation
5 by Respondent. By signing the stipulation, Respondent understands and agrees that he may not
6 withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers
7 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the
8 Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this
9 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
10 be disqualified from further action by having considered this matter.

11 12. The parties understand and agree that facsimile copies of this Stipulated Settlement
12 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
13 effect as the originals.

14 13. In consideration of the foregoing admissions and stipulations, the parties agree that
15 the Board may, without further notice or formal proceeding, issue and enter the following
16 Disciplinary Order:

DISCIPLINARY ORDER

17
18 IT IS HEREBY ORDERED that Pharmacist License No. RPH 51443, issued to Brian D.
19 Lee (Respondent), is revoked. However, the revocation is stayed and Respondent is placed on
20 probation on the following terms and conditions for three (3) years or until successful completion
21 of and discharge from the Pharmacists Recovery Program (PRP), whichever occurs first.

22 1. **Obey All Laws**

23 Respondent shall obey all state and federal laws and regulations.

24 Respondent shall report any of the following occurrences to the board, in writing, within
25 seventy-two (72) hours of such occurrence:

- 26 • an arrest or issuance of a criminal complaint for violation of any provision of the
27 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
28 substances laws

- 1 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
- 2 criminal complaint, information or indictment
- 3 • a conviction of any crime
- 4 • discipline, citation, or other administrative action filed by any state or federal agency
- 5 which involves respondent's Pharmacist License or which is related to the practice of
- 6 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging
- 7 for any drug, device or controlled substance.

8 Failure to timely report such occurrence shall be considered a violation of probation.

9 **2. Report to the Board**

10 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
11 designee. The report shall be made either in person or in writing, as directed. Among other
12 requirements, respondent shall state in each report under penalty of perjury whether there has
13 been compliance with all the terms and conditions of probation. Failure to submit timely reports
14 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
15 in submission of reports as directed may be added to the total period of probation. Moreover, if
16 the final probation report is not made as directed, probation shall be automatically extended until
17 such time as the final report is made and accepted by the board.

18 **3. Interview with the Board**

19 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
20 with the board or its designee, at such intervals and locations as are determined by the board or its
21 designee. Failure to appear for any scheduled interview without prior notification to board staff,
22 or failure to appear for two (2) or more scheduled interviews with the board or its designee during
23 the period of probation, shall be considered a violation of probation.

24 **4. Cooperate with Board Staff**

25 Respondent shall cooperate with the board's inspection program and with the board's
26 monitoring and investigation of respondent's compliance with the terms and conditions of his
27 probation. Failure to cooperate shall be considered a violation of probation.

28

1 **5. Continuing Education**

2 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
3 pharmacist as directed by the board or its designee.

4 **6. Status of License**

5 Respondent shall, at all times while on probation, maintain an active, current license with
6 the board, including any period during which suspension or probation is tolled. Failure to
7 maintain an active, current license shall be considered a violation of probation.

8 If respondent's license expires or is cancelled by operation of law or otherwise at any time
9 during the period of probation, including any extensions thereof due to tolling or otherwise, upon
10 renewal or reapplication respondent's license shall be subject to all terms and conditions of this
11 probation not previously satisfied.

12 **7. Notification of a Change in Name, Residence Address, Mailing Address or**
13 **Employment**

14 Respondent shall notify the board in writing within ten (10) days of any change of
15 employment. Said notification shall include the reasons for leaving, the address of the new
16 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
17 shall further notify the board in writing within ten (10) days of a change in name, residence
18 address, mailing address, or phone number.

19 Failure to timely notify the board of any change in employer(s), name(s), address(es), or
20 phone number(s) shall be considered a violation of probation.

21 **8. Tolling of Probation**

22 Except during periods of suspension, respondent shall, at all times while on probation, be
23 employed as a pharmacist in California for a minimum of forty (40) hours per calendar month.
24 Any month during which this minimum is not met shall toll the period of probation, i.e., the
25 period of probation shall be extended by one month for each month during which this minimum is
26 not met. During any such period of tolling of probation, respondent must nonetheless comply
27 with all terms and conditions of probation.

28

1 Should respondent, regardless of residency, for any reason (including vacation) cease
2 practicing as a pharmacist for a minimum of forty (40) hours per calendar month in California,
3 respondent must notify the board in writing within ten (10) days of the cessation of practice, and
4 must further notify the board in writing within ten (10) days of the resumption of practice. Any
5 failure to provide such notification(s) shall be considered a violation of probation.

6 It is a violation of probation for respondent's probation to remain tolled pursuant to the
7 provisions of this condition for a total period, counting consecutive and non-consecutive months,
8 exceeding thirty-six (36) months.

9 "Cessation of practice" means any calendar month during which respondent is
10 not practicing as a pharmacist for at least forty (40) hours, as defined by Business and
11 Professions Code section 4000 et seq. "Resumption of practice" means any calendar
12 month during which respondent is practicing for at least forty (40) hours as a
13 pharmacist as defined by Business and Professions Code section 4000 et seq.

12 **9. Supervised Practice**

13 During the period of probation, respondent shall practice only under the supervision of a
14 licensed pharmacist not on probation with the board. Upon and after the effective date of this
15 decision, respondent shall not practice pharmacy and his license shall be automatically suspended
16 until a supervisor is approved by the board or its designee. The supervision shall be, as required
17 by the board or its designee, either:

18 Continuous – At least 75% of a work week

19 Substantial - At least 50% of a work week

20 Partial - At least 25% of a work week

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

22 Within thirty (30) days of the effective date of this decision, respondent shall have his
23 supervisor submit notification to the board in writing stating that the supervisor has read the
24 decision in case number 3243 and is familiar with the required level of supervision as determined
25 by the board or its designee. It shall be the respondent's responsibility to ensure that his
26 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the
27 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
28 acknowledgements to the board shall be considered a violation of probation.

1 If respondent changes employment, it shall be the respondent's responsibility to ensure that
2 his employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to
3 the board. Respondent shall have his new supervisor, within fifteen (15) days after employment
4 commences, submit notification to the board in writing stating the direct supervisor and
5 pharmacist-in-charge have read the decision in case number 3243 and is/are familiar with the
6 level of supervision as determined by the board. Respondent shall not practice pharmacy and his
7 license shall be automatically suspended until the board or its designee approves a new
8 supervisor. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
9 acknowledgements to the board shall be considered a violation of probation.

10 Within ten (10) days of leaving employment, respondent shall notify the board in writing.

11 During suspension, respondent shall not enter any pharmacy area or any portion of the
12 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
13 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
14 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
15 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
16 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the
17 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
18 and controlled substances. Respondent shall not resume practice until notified by the board.

19 During suspension, respondent shall not engage in any activity that requires the
20 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
21 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
22 designated representative for any entity licensed by the board.

23 Failure to comply with this suspension shall be considered a violation of probation.

24 10. Notice to Employers

25 During the period of probation, respondent shall notify all present and prospective
26 employers of the decision in case number 3243 and the terms, conditions and restrictions imposed
27 on respondent by the decision, as follows:
28

1 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
2 respondent undertaking any new employment, respondent shall cause his direct supervisor,
3 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
4 tenure of employment) and owner to report to the board in writing acknowledging that the listed
5 individual(s) has/have read the decision in case number 3243, and terms and conditions imposed
6 thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s)
7 submit timely acknowledgment(s) to the board.

8 If respondent works for or is employed by or through a pharmacy employment service,
9 respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity
10 licensed by the board of the terms and conditions of the decision in case number 3243 in advance
11 of the respondent commencing work at each licensed entity. A record of this notification must be
12 provided to the board upon request.

13 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
14 (15) days of respondent undertaking any new employment by or through a pharmacy employment
15 service, respondent shall cause his direct supervisor with the pharmacy employment service to
16 report to the board in writing acknowledging that he has read the decision in case number 3243
17 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
18 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

19 Failure to timely notify present or prospective employer(s) or to cause such employer(s) to
20 submit timely acknowledgment(s) to the board shall be considered a violation of probation.

21 "Employment" within the meaning of this provision shall include any full-time,
22 part-time, temporary, relief or pharmacy management service as a pharmacist or any
23 position for which a pharmacist license is a requirement or criterion for employment,
24 whether the respondent is an employee, independent contractor or volunteer.

25 **11. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as
26 Designated Representative-in-Charge, or Serving as a Consultant**

27 During the period of probation, respondent shall not supervise any intern pharmacist, be the
28 pharmacist-in-charge or designated representative-in-charge of any entity licensed by the board
nor serve as a consultant unless otherwise specified in this order. Assumption of any such
unauthorized supervision responsibilities shall be considered a violation of probation.

1 **12. No Ownership of Licensed Premises**

2 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
3 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
4 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
5 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
6 days following the effective date of this decision and shall immediately thereafter provide written
7 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
8 documentation thereof shall be considered a violation of probation.

9 **13. Reimbursement of Board Costs**

10 As a condition precedent to successful completion of probation, respondent shall pay to the
11 board its costs of investigation and prosecution in the amount of \$2,131.00, payable in full within
12 the first year of probation in equal quarterly installments of \$532.75. There shall be no deviation
13 from this schedule absent prior written approval by the board or its designee. Failure to pay costs
14 by the deadline(s) as directed shall be considered a violation of probation.

15 The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to
16 reimburse the board its costs of investigation and prosecution.

17 **14. Probation Monitoring Costs**

18 Respondent shall pay any costs associated with probation monitoring as determined by the
19 board each and every year of probation. Such costs shall be payable to the board on a schedule as
20 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
21 be considered a violation of probation.

22 **15. Pharmacists Recovery Program (PRP)**

23 Within thirty (30) days of the effective date of this decision, respondent shall contact the
24 Pharmacists Recovery Program (PRP) for evaluation, and shall immediately thereafter enroll,
25 successfully participate in, and complete the treatment contract and any subsequent addendums as
26 recommended and provided by the PRP and as approved by the board or its designee. The costs
27 for PRP participation shall be borne by the respondent.

28 If respondent is currently enrolled in the PRP, said participation is now mandatory and as of

1 the effective date of this decision is no longer considered a self-referral under Business and
2 Professions Code section 4362(c)(2). Respondent shall successfully participate in and complete
3 his current contract and any subsequent addendums with the PRP.

4 Failure to timely contact or enroll in the PRP, or successfully participate in and complete
5 the treatment contract and/or any addendums, shall be considered a violation of probation.

6 Probation shall be automatically extended until respondent successfully completes the PRP.

7 Any person terminated from the PRP program shall be automatically suspended by the board.

8 Respondent may not resume the practice of pharmacy until notified by the board in writing.

9 Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a
10 licensed practitioner as part of a documented medical treatment shall result in the automatic
11 suspension of practice by respondent and shall be considered a violation of probation.

12 Respondent may not resume the practice of pharmacy until notified by the board in writing.

13 During suspension, respondent shall not enter any pharmacy area or any portion of the
14 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
15 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
16 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
17 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
18 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the
19 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
20 and controlled substances. Respondent shall not resume practice until notified by the board.

21 During suspension, respondent shall not engage in any activity that requires the
22 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
23 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
24 designated representative for any entity licensed by the board.

25 Failure to comply with this suspension shall be considered a violation of probation.

26 Respondent shall pay administrative fees as invoiced by the PRP or its designee. Fees not
27 timely paid to the PRP shall constitute a violation for probation. The board will collect unpaid
28 administrative fees as part of the annual probation monitoring costs if not submitted to the PRP.

1 16. **Random Drug Screening**

2 Respondent, at his own expense, shall participate in random testing, including but not
3 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
4 screening program as directed by the board or its designee. Respondent may be required to
5 participate in testing for the entire probation period and frequency of testing will be determined
6 by the board or its designee. At all times, respondent shall fully cooperate with the board or its
7 designee, and shall, when directed, submit to such tests and samples for the detection of alcohol,
8 narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its designee
9 may direct. Failure to timely submit to testing as directed shall be considered a violation of
10 probation. Upon request of the board or its designee, respondent shall provide documentation
11 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is
12 a necessary part of the treatment of the respondent. Failure to timely provide such documentation
13 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any
14 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment
15 shall be considered a violation of probation and shall result in automatic suspension of practice by
16 respondent. Respondent may not resume practice until notified by the board in writing.

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

25 During suspension, respondent shall not engage in any activity requiring the professional
26 judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of
27 pharmacy. Respondent shall not perform the duties of a pharmacy technician or a designated
28 representative for any entity licensed by the board.

1 Failure to comply with this suspension shall be considered a violation of probation.

2 **17. Abstain from Drug and Alcohol Possession or Use**

3 Respondent shall completely abstain from the possession or use of alcohol, controlled
4 substances, dangerous drugs and their associated paraphernalia except when the drugs are
5 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
6 request of the board or its designee, respondent shall provide documentation from the licensed
7 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
8 treatment of the respondent. Failure to timely provide such documentation shall be considered a
9 violation of probation. Respondent shall ensure that he is not in the same physical location as
10 individuals who are using illicit substances even if respondent is not personally ingesting the
11 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
12 not supported by the documentation timely provided, and/or any physical proximity to persons
13 using illicit substances, shall be considered a violation of probation.

14 **18. Community Services Program**

15 Within sixty (60) days of the effective date of this decision, respondent shall submit to the
16 board or its designee, for prior approval, a community service program in which respondent shall
17 provide free health-care related services on a regular basis to a community or charitable facility or
18 agency for at least fifty (50) hours, to be completed within the first two (2) years of probation.
19 Within thirty (30) days of board approval thereof, respondent shall submit documentation to the
20 board demonstrating commencement of the community service program. Respondent shall report
21 on progress with the community service program in the quarterly reports. Failure to timely
22 submit, commence, or comply with the program shall be considered a violation of probation.

23 **19. License Surrender While on Probation/Suspension**

24 Following the effective date of this decision, should respondent cease practice due to
25 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
26 respondent may tender his license to the board for surrender. The board or its designee shall have
27 the discretion whether to grant the request for surrender or take any other action it deems
28 appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent

1 will no longer be subject to the terms and conditions of probation. This surrender constitutes a
2 record of discipline and shall become a part of the respondent's license history with the board.

3 Upon acceptance of surrender, respondent shall relinquish his pocket and wall license to the
4 board within ten (10) days of notification by the board that the surrender is accepted. Respondent
5 may not reapply for any license from the board for three (3) years from the effective date of the
6 surrender. Respondent shall meet all requirements applicable to the license sought as of the date
7 the application for that license is submitted to the board, including any outstanding costs.

8 **20. Violation of Probation**

9 If a respondent has not complied with any term or condition of probation, the board shall
10 have continuing jurisdiction over respondent, and probation shall automatically be extended, until
11 all terms and conditions have been satisfied or the board has taken other action as deemed
12 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
13 to impose the penalty that was stayed.

14 If respondent violates probation in any respect, the board, after giving respondent notice
15 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
16 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
17 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
18 a petition to revoke probation or an accusation is filed against respondent during probation, the
19 board shall have continuing jurisdiction and the period of probation shall be automatically
20 extended until the petition to revoke probation or accusation is heard and decided.

21 **21. Completion of Probation**

22 Upon written notice by the board or its designee indicating successful completion of
23 probation, respondent's license will be fully restored.
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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

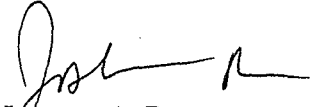
DATED: 11/12/09 
BRIAN D. LEE
Respondent

ENDORSEMENT

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

Dated: 12/4/09

Respectfully Submitted,
EDMUND G. BROWN JR.
Attorney General of California
FRANK H. PACOE
Supervising Deputy Attorney General


JOSHUA A. ROOM
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 3243

1 EDMUND G. BROWN JR., Attorney General
of the State of California
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6 Attorneys for Complainant

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9 **DEPARTMENT OF CONSUMER AFFAIRS**
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10 In the Matter of the Accusation Against:

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11 BRIAN D. LEE
12 88 Townsend Street # 323
San Francisco, CA 94107

A C C U S A T I O N

13 Pharmacist License No. RPH 51443

14 Respondent.

15
16
17 Complainant alleges:

18 PARTIES

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

21 2. On or about March 27, 2000, the Board of Pharmacy issued Pharmacist
22 License Number RPH 51443 to Brian D. Lee (Respondent). The Pharmacist License was in full
23 force and effect at all times relevant to the charges brought herein and will expire on October 31,
24 2009, unless renewed.

25 JURISDICTION

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

