

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

In the Matter of the Accusation Against:

Case No. 3506

**LOUIS JOSEPH YERED**

20 Calle Cataluna  
Camarillo, CA 93012

Pharmacist License No. RPH 37006

Respondent.

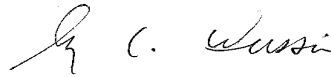
**DECISION AND ORDER**

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 December 21, 2011.

It is so ORDERED on November 21, 2011.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 MATTHEW A. KING  
Deputy Attorney General  
4 State Bar No. 265691  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-7446  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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. 3506

11 **LOUIS JOSEPH YERED, JR.**

OAH No. L-2010090333

12 20 Calle Cataluna  
13 Camarillo, CA 93012

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

14 Pharmacist License No. RPH 37006

15 Respondent.

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

21 **PARTIES**

22 1. Virginia Herold (Complainant) brings this action solely in her official capacity as  
23 Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.  
24 Complainant is represented in this matter by Kamala D. Harris, Attorney General of the State of  
25 California, by and through Matthew A. King, Deputy Attorney General.

26 2. Louis Joseph Yered, Jr. (Respondent) is represented in this proceeding by Armond  
27 Marcarian, Marcarian Law Firm, 15260 Ventura Boulevard, Suite 2250, Sherman Oaks,  
28 California 91403.

1 3. On or about November 25, 1981, the Board of Pharmacy issued Pharmacist License  
2 No. RPH 37006 to Louis Joseph Yered, Jr. The Pharmacist License was in full force and effect at  
3 all times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

4 **JURISDICTION**

5 4. On April 14, 2010, Accusation No. 3506 was filed before the Board. The Accusation  
6 and all other statutorily required documents were properly served upon Respondent on April 23,  
7 2010. Respondent timely filed his Notice of Defense contesting the Accusation.

8 **ADVISEMENT AND WAIVERS**

9 5. Respondent has carefully read, fully discussed with counsel, and understands the  
10 charges and allegations in Accusation No. 3506. Respondent has also carefully read, fully  
11 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
12 Order.

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

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

22 **CULPABILITY**

23 8. Respondent admits that at hearing Complainant could establish a factual basis for the  
24 charges and allegations in Accusation No. 3506, and that those charges and allegations are cause  
25 for discipline. Respondent hereby gives up his right to contest those charges and allegations.

26 9. Respondent agrees that his Pharmacist License No. RPH 37006 is subject to  
27 discipline and agrees to be bound by the Board's imposition of discipline as set forth in the  
28

1 Disciplinary Order below.

2 **CONTINGENCY**

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

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

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

18 **DISCIPLINARY ORDER**

19 IT IS HEREBY ORDERED that the Pharmacist License No. RPH 37006 issued to  
20 Respondent is revoked; however, the revocation is stayed and Respondent is placed on probation  
21 for three (3) years upon the following terms and conditions:

22 1. **Obey All Laws.** Respondent shall obey all state and federal laws and regulations.  
23 Respondent shall report any of the following occurrences to the Board, in writing, within seventy-  
24 two (72) hours of such occurrence: (1) an arrest or issuance of a criminal complaint for violation  
25 of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal  
26 controlled substances laws; (2) a plea of guilty or nolo contendere in any state or federal criminal  
27 proceeding to any criminal complaint, information or indictment; (3) a conviction of any crime;

1 and (4) discipline, citation, or other administrative action filed by any state or federal agency  
2 which involves Respondent's pharmacist license or which is related to the practice of pharmacy  
3 or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device  
4 or controlled substance. Failure to timely report such occurrence shall be considered a violation of  
5 probation.

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

14       3.    **Interview with the Board.** Upon receipt of reasonable prior notice, Respondent  
15 shall appear in person for interviews with the Board or its designee, at such intervals and  
16 locations as are determined by the Board or its designee. Failure to appear for any scheduled  
17 interview without prior notification to Board staff, or failure to appear for two (2) or more  
18 scheduled interviews with the Board or its designee during the period of probation, shall be  
19 considered a violation of probation.

20       4.    **Cooperate with Board Staff.** Respondent shall cooperate with the Board's  
21 inspection program and with the Board's monitoring and investigation of Respondent's  
22 compliance with the terms and conditions of his probation. Failure to cooperate shall be  
23 considered a violation of probation.

24       5.    **Continuing Education.** Respondent shall provide evidence of efforts to maintain  
25 skill and knowledge as a pharmacist as directed by the Board or its designee.

26       6.    **Cooperate with Board Staff.** During the period of probation, Respondent shall  
27 notify all present and prospective employers of the decision in case number 3506 and the terms,  
28

1 conditions and restrictions imposed on Respondent by the decision, as follows:

2       Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
3 Respondent undertaking any new employment, Respondent shall cause his direct supervisor,  
4 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's  
5 tenure of employment) and owner to report to the Board in writing acknowledging that the listed  
6 individual(s) has/have read the decision in case number 3506, and terms and conditions imposed  
7 thereby. It shall be Respondent's responsibility to ensure that his employer(s) and/or supervisor(s)  
8 submit timely acknowledgment(s) to the Board.

9       If Respondent works for or is employed by or through a pharmacy employment service,  
10 Respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity  
11 licensed by the Board of the terms and conditions of the decision in case number 3506 in  
12 advance of the Respondent commencing work at each licensed entity. A record of this notification  
13 must be provided to the Board upon request.

14       Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
15 (15) days of Respondent undertaking any new employment by or through a pharmacy  
16 employment service, Respondent shall cause his direct supervisor with the pharmacy employment  
17 service to report to the Board in writing acknowledging that he or she has read the decision in  
18 case number 3506 and the terms and conditions imposed thereby. It shall be Respondent's  
19 responsibility to ensure that his employer(s) and/or supervisor(s) submit timely  
20 acknowledgment(s) to the Board.

21       Failure to timely notify present or prospective employer(s) or to cause that/those  
22 employer(s) to submit timely acknowledgments to the Board shall be considered a violation of  
23 probation.

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

28



1           **11. License Surrender While on Probation/Suspension.** Following the effective date  
2 of this decision, should Respondent cease practice due to retirement or health, or be otherwise  
3 unable to satisfy the terms and conditions of probation, Respondent may tender his license to the  
4 Board for surrender. The Board or its designee shall have the discretion whether to grant the  
5 request for surrender or take any other action it deems appropriate and reasonable. Upon formal  
6 acceptance of the surrender of the license, Respondent will no longer be subject to the terms and  
7 conditions of probation. This surrender constitutes a record of discipline and shall become a part  
8 of the Respondent's license history with the Board.

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

15           **12. Notification of a Change in Name, Residence Address, Mailing Address or**  
16 **Employment.** Respondent shall notify the Board in writing within ten (10) days of any change of  
17 employment. Said notification shall include the reasons for leaving, the address of the new  
18 employer, the name of the supervisor and owner, and the work schedule if known. Respondent  
19 shall further notify the Board in writing within ten (10) days of a change in name, residence  
20 address, mailing address, or phone number.

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

23           **13. Tolling of Probation.** Except during periods of suspension, Respondent shall, at all  
24 times while on probation, be employed as a pharmacist in California for a minimum of forty (40)  
25 hours per calendar month. Any month during which this minimum is not met shall toll the period  
26 of probation, i.e., the period of probation shall be extended by one month for each month during  
27 which this minimum is not met. During any such period of tolling of probation, Respondent must  
28



1 nonetheless comply with all terms and conditions of probation.

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

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

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

15       **14. Violation of Probation.** If Respondent has not complied with any term or condition  
16 of probation, the Board shall have continuing jurisdiction over Respondent, and probation shall  
17 automatically be extended, until all terms and conditions have been satisfied or the Board has  
18 taken other action as deemed appropriate to treat the failure to comply as a violation of probation,  
19 to terminate probation, and to impose the penalty that was stayed.

20       If Respondent violates probation in any respect, the Board, after giving Respondent notice  
21 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
22 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a  
23 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If  
24 a petition to revoke probation or an accusation is filed against Respondent during probation, the  
25 Board shall have continuing jurisdiction and the period of probation shall be automatically  
26 extended until the petition to revoke probation or accusation is heard and decided.

27       **15. Completion of Probation.** Upon written notice by the Board or its designee  
28

1 indicating successful completion of probation, Respondent's license will be fully restored.

2       16. **Mental Health Examination.** Within thirty (30) days of the effective date of this  
3 decision, and on a periodic basis as may be required by the Board or its designee, Respondent  
4 shall undergo, at his own expense, psychiatric evaluation(s) by a Board-appointed or Board-  
5 approved licensed mental health practitioner. The approved evaluator shall be provided with a  
6 copy of the Board's Accusation No. 3506 and decision. Respondent shall sign a release  
7 authorizing the evaluator to furnish the Board with a current diagnosis and a written report  
8 regarding the Respondent's judgment and ability to function independently as a pharmacist with  
9 safety to the public. Respondent shall comply with all the recommendations of the evaluator if  
10 directed by the Board or its designee.

11       If the evaluator recommends, and the Board or its designee directs, Respondent shall  
12 undergo psychotherapy. Within thirty (30) days of notification by the Board that a  
13 recommendation for psychotherapy has been accepted, Respondent shall submit to the Board or  
14 its designee, for prior approval, the name and qualification of a licensed mental health  
15 practitioner of Respondent's choice. Within thirty (30) days of approval thereof by the Board,  
16 Respondent shall submit documentation to the Board demonstrating the commencement of  
17 psychotherapy with the approved licensed mental health practitioner. Should Respondent, for  
18 any reason, cease treatment with the approved licensed mental health practitioner, Respondent  
19 shall notify the Board immediately and, within thirty (30) days of ceasing treatment therewith,  
20 submit the name of a replacement licensed mental health practitioner of Respondent's choice to  
21 the Board for its prior approval. Within thirty (30) days of approval thereof, Respondent shall  
22 submit documentation to the Board demonstrating the commencement of psychotherapy with the  
23 approved replacement. Failure to comply with any requirement or deadline stated by this  
24 paragraph shall be considered a violation of probation.

25       Upon approval of the initial or any subsequent licensed mental health practitioner,  
26 Respondent shall undergo and continue treatment with that therapist, at Respondent's own  
27 expense, until the therapist recommends in writing to the Board, and the Board or its designee  
28

1 agrees by way of a written notification to Respondent, that no further psychotherapy is  
2 necessary. Upon receipt of such recommendation from the treating therapist, and before  
3 determining whether to accept or reject said recommendation, the Board or its designee may  
4 require Respondent to undergo, at Respondent's expense, a mental health evaluation by a  
5 separate Board-appointed or Board-approved evaluator. If the approved evaluator recommends  
6 that Respondent continue psychotherapy, the Board or its designee may require Respondent to  
7 continue psychotherapy.

8         Psychotherapy shall be at least once a week unless otherwise approved by the Board.  
9 Respondent shall provide the therapist with a copy of the Board's accusation and decision no  
10 later than the first therapy session. Respondent shall take all necessary steps to ensure that the  
11 treating therapist submits written quarterly reports to the Board concerning Respondent's fitness  
12 to practice, progress in treatment, and other such information as may be required by the Board or  
13 its designee.

14         If at any time the approved evaluator or therapist determines that Respondent is unable to  
15 practice safely or independently as a pharmacist, the licensed mental health practitioner shall  
16 notify the Board immediately by telephone and follow up by written letter within three (3)  
17 working days. Upon notification from the Board or its designee of this determination,  
18 Respondent shall be automatically suspended and shall not resume practice until notified by the  
19 Board that practice may be resumed.

20         Subject to the above restrictions, Respondent may continue to own or hold an interest in  
21 any licensed premises in which he or she holds an interest at the time this decision becomes  
22 effective unless otherwise specified in this order.

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

24         **17. Pharmacists Recovery Program (PRP).** Within thirty (30) days of the effective  
25 date of this decision, Respondent shall contact the Pharmacists Recovery Program (PRP) for  
26 evaluation, and shall immediately thereafter enroll, successfully participate in, and complete the  
27 treatment contract and any subsequent addendums as recommended and provided by the PRP  
28

1 and as approved by the Board or its designee. The costs for PRP participation shall be borne by  
2 the Respondent.

3 If Respondent is currently enrolled in the PRP, said participation is now mandatory and as  
4 of the effective date of this decision is no longer considered a self-referral under Business and  
5 Professions Code section 4362(c)(2). Respondent shall successfully participate in and complete  
6 his current contract and any subsequent addendums with the PRP.

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

9 Probation shall be automatically extended until Respondent successfully completes the  
10 PRP. Any person terminated from the PRP program shall be automatically suspended by the  
11 Board. Respondent may not resume the practice of pharmacy until notified by the Board in  
12 writing.

13 Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a  
14 licensed practitioner as part of a documented medical treatment shall result in the automatic  
15 suspension of practice by Respondent and shall be considered a violation of probation.  
16 Respondent may not resume the practice of pharmacy 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  
20 devices or controlled substances are maintained. Respondent shall not practice pharmacy nor do  
21 any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or  
22 patient consultation; nor shall Respondent manage, administer, or be a consultant to any licensee  
23 of the Board, or have access to or control the ordering, manufacturing or dispensing of  
24 dangerous drugs and controlled substances. Respondent shall not resume practice until notified  
25 by the Board.

26 During suspension, Respondent shall not engage in any activity that requires the  
27 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
28

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

3 Subject to the above restrictions, Respondent may continue to own or hold an interest in  
4 any licensed premises in which he or she holds an interest at the time this decision becomes  
5 effective unless otherwise specified in this order.

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

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

10 **18. Community Services Program.** Within sixty (60) days of the effective date of this  
11 decision, Respondent shall submit to the Board or its designee, for prior approval, a community  
12 service program in which Respondent shall provide free health-care related services on a regular  
13 basis to a community or charitable facility or agency for a total of ninety hours (90) served over  
14 the length of the probationary term. Within thirty (30) days of Board approval thereof,  
15 Respondent shall submit documentation to the Board demonstrating commencement of the  
16 community service program. A record of this notification must be provided to the Board upon  
17 request. Respondent shall report on progress with the community service program in the quarterly  
18 reports. Failure to timely submit, commence, or comply with the program shall be considered a  
19 violation of probation.

20 **19. Supervised Practice.** During the period of probation, Respondent shall practice only  
21 under the supervision of a licensed pharmacist not on probation with the Board. Upon and after  
22 the effective date of this decision, Respondent shall not practice pharmacy and his license shall be  
23 automatically suspended until a supervisor is approved by the Board or its designee. The  
24 supervision shall be, as required by the Board or its designee, either:

25 Continuous – At least 75% of a work week

26 Substantial - At least 50% of a work week

27 Partial - At least 25% of a work week

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

2 Within thirty (30) days of the effective date of this decision, Respondent shall have his  
3 supervisor submit notification to the Board in writing stating that the supervisor has read the  
4 decision in case number 3506 and is familiar with the required level of supervision as determined  
5 by the Board or its designee. It shall be the Respondent's responsibility to ensure that his  
6 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the  
7 Board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely  
8 acknowledgements to the Board shall be considered a violation of probation.

9 If Respondent changes employment, it shall be the Respondent's responsibility to ensure  
10 that his employer(s), pharmacist-in-charge and/or supervisor(s) submit timely  
11 acknowledgement(s) to the Board. Respondent shall have his new supervisor, within fifteen (15)  
12 days after employment commences, submit notification to the Board in writing stating the direct  
13 supervisor and pharmacist-in-charge have read the decision in case number 3506 and is familiar  
14 with the level of supervision as determined by the Board. Respondent shall not practice pharmacy  
15 and his license shall be automatically suspended until the Board or its designee approves a new  
16 supervisor. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely  
17 acknowledgements to the Board shall be considered a violation of probation.

18 Within ten (10) days of leaving employment, Respondent shall notify the Board in writing.

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 controlled substances. Respondent shall not resume practice until notified by the Board.

27 During suspension, Respondent shall not engage in any activity that requires the  
28

1 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
2 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
3 designated representative for any entity licensed by the Board.

4 Subject to the above restrictions, Respondent may continue to own or hold an interest in  
5 any licensed premises in which he or she holds an interest at the time this decision becomes  
6 effective unless otherwise specified in this order.

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

8 20. **Ethics Course.** Within sixty (60) calendar days of the effective date of this decision,  
9 Respondent shall enroll in a course in ethics, at Respondent's expense, approved in advance by  
10 the Board or its designee. Failure to initiate the course during the first year of probation, and  
11 complete it within the second year of probation, is a violation of probation.

12 Respondent shall submit a certificate of completion to the Board or its designee within five  
13 days after completing the course.

14 **ACCEPTANCE BY RESPONDENT**

15 I, Louis Joseph Yered, have carefully read the above Stipulated Settlement and Disciplinary  
16 Order and have fully discussed it with my attorney, Armond Marcarian, Marcarian Law Firm. I  
17 understand the stipulation and the effect it will have on my Pharmacist License No. RPH 37006.  
18 I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and  
19 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

20  
21 DATED: 9/6/2011 *Louis Joseph Yered*  
22 LOUIS JOSEPH YERED

23 I have read and fully discussed with my client, Louis Joseph Yered, the terms and  
24 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
25 I approve its form and content.

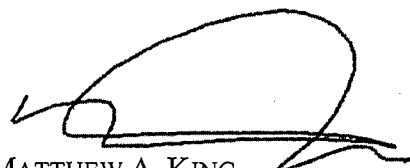
26 DATED: Sept. 6, 2011 *Armond Marcarian*  
27 ARMOND MARCARIAN, Attorney for Respondent

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

**ENDORSEMENT**

Dated: 6 September 2011

KAMALA D. HARRIS  
Attorney General of California



MATTHEW A. KING  
Deputy Attorney General  
*Attorneys for Complainant*

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

LA2009604455



**Exhibit A**

**Accusation No. 3506**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
4 State Bar No. 94811  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2540  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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

11 In the Matter of the Accusation Against:

Case No. 3506

12 **LOUIS JOSEPH YERED, JR.**

13 20 Calle Cataluna  
Camarillo, CA 93012

**ACCUSATION**

14 Pharmacist License No. RPH 37006

15 Respondent.  
16  
17

18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about November 25, 1981, the Board of Pharmacy issued Pharmacist License  
23 No. RPH 37006 to Louis Joseph Yered, Jr. (Respondent). The Pharmacist License was in full  
24 force and effect at all times relevant to the charges brought herein and will expire on June 30,  
25 2010, unless renewed.

26 **JURISDICTION**

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

STATUTORY PROVISIONS

1  
2       4.    Section 118, subdivision (b), provides that the suspension, expiration, surrender or  
3 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary  
4 action during the period within which the license may be renewed, restored, reissued or  
5 reinstated.

6       5.    Section 490 provides, in pertinent part, that a board may suspend or revoke a license  
7 on the ground that the licensee has been convicted of a crime substantially related to the  
8 qualifications, functions, or duties of the business or profession for which the license is issued.

9       6.    Section 4060 provides that no person shall possess any controlled substance, except  
10 that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist,  
11 veterinarian, naturopathic doctor, or other acting within the scope authorized by his or her license.

12       7.    Section 4059 provides that a person may not furnish any dangerous drug, except upon  
13 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, naturopathic doctor,  
14 or other acting within the scope authorized by his or her license.

15       8.    Section 4300, subdivision (a), states that "[e]very license issued may be suspended or  
16 revoked."

17       9.    Section 4301 states, in pertinent part:

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

21       ....

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

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

27       "(h) The administering to oneself, of any controlled substance, or the use of any dangerous  
28 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to

1 oneself, to a person holding a license under this chapter, or to any other person or to the public, or  
2 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
3 practice authorized by the license.

4 . . . .

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

7 . . . .

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

23 . . . .

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

28 ///

1 10. Section 4324 states:

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

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

9 11. Section 4327 states that "[a]ny person who, while on duty, sells, dispenses or  
10 compounds any drug while under the influence of any dangerous drug or alcoholic beverages  
11 shall be guilty of a misdemeanor."

12 12. Section 4333, subdivision (a), states that "[a]ll prescriptions filled by a pharmacy and  
13 all other records required by Section 4081 shall be maintained on the premises and available for  
14 inspection by authorized officers of the law for a period of at least three years. . . ."

15 **REGULATORY PROVISIONS**

16 13. California Code of Regulations, title 16, section 1717, subdivision (a), states, in  
17 pertinent part that "[n]o medication shall be dispensed on prescription except in a new container  
18 which conforms with standards established in the official compendia. . . ."

19 14. California Code of Regulations, title 16, section 1770 states:

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

26 **COST RECOVERY**

27 15. Section 125.3 states, in pertinent part, that the Board may request the administrative  
28 law judge to direct a licensee found to have committed a violation or violations of the licensing

1 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
2 case.

3 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

4 16. Cozaar, a brand name of losartan, is categorized as a dangerous drug pursuant to  
5 section 4022.

6 17. Cymbalta, a brand name of duloxetine, is categorized as a dangerous drug pursuant to  
7 section 4022.

8 18. Promethazine with Codeine syrup is a Schedule V controlled substance as designated  
9 by Health and Safety Code section 11058(c)(1) and is categorized as a dangerous drug pursuant to  
10 section 4022.

11 19. Valium, a trade name for the chemical substance diazepam, is a Schedule IV  
12 controlled substance as designated by Health and Safety Code section 11057(d)(9) and is  
13 categorized as a dangerous drug pursuant to section 4022.

14 20. Vicodin ES, trade name for a combination drug containing hydrocodone bitartrate  
15 (opioid analgesic) and acetaminophen, is a Schedule III controlled substance as defined in Health  
16 and Safety Code section 11056(e)(4) and is categorized as a dangerous drug according to  
17 section 4022.

18 **VONS PHARMACY NO. 1913**

19 21. On or about February 14, 1992 through February 8, 2007, Respondent was employed  
20 as a staff pharmacist at Vons Pharmacy No. 1913.

21 22. On or about February 8, 2007, after being anonymously advised that Respondent was  
22 stealing store merchandise, Vons Company loss prevention investigators conducted a dedicated  
23 surveillance on Respondent's actions during his work shift at Vons Pharmacy No. 1913. During  
24 the surveillance, at various times of the day, Respondent selected a myriad of merchandise from  
25 the store, ate merchandise, and took merchandise to the Pharmacy Department without making  
26 any attempt for payment at the store's front registers or Pharmacy register. At the end of his work  
27 day shift, Respondent exited the store with his collection of unpaid merchandise in numerous  
28 bags and large mailing envelopes. Respondent's clothing pockets held other merchandise and

1 prescription medications, controlled substances and dangerous drugs, in improperly labeled,  
2 fictitiously labeled, and / or unlabeled containers taken without payment and without valid  
3 prescriptions. Also, in his possession were Vons Pharmacy patient records for approximately ten  
4 (10) different patients<sup>1</sup>. Without incident, Respondent voluntarily returned all unpaid for items:  
5 \$116.14 of miscellaneous merchandise<sup>2</sup>, and \$355.46 of prescription drugs, 30 100mg Cozaar  
6 tablets, 30 Cymbalta, 20 Vicodin ES tablets, and 30 5mg Valium tablets, and a bottle of  
7 Promethazine with Codeine syrup labeled with Respondent's name and fictitious prescription  
8 number. Further inspection of the store's Pharmacy area revealed \$402 of store merchandise and  
9 \$25.19 of cleaning supplies that did not belong in the Pharmacy area and were returned to the  
10 sales floor. Respondent was arrested by Vons loss prevention officers, released into the custody  
11 of Oxnard Police, and transported to Oxnard Police Department jail.

12 23. On or about August 6, 2007, Vons Pharmacy No. 1913 filed a Report of Theft or Loss  
13 of Controlled Substances, Form DEA - 106, for the period of May 1, 2006 through May 1, 2007,  
14 listing losses of controlled substances with theft reported to Oxnard Police. The list of controlled  
15 substances lost was: 140 Hydrocodone/APAP tablets, 1,914 Hydrocodone/APAP tablets, 1304ml  
16 Promethazine with Codeine syrup, and 86 5mg Valium tablets. The security measures taken to  
17 prevent future losses were identified as "careful monitoring of inventory" and "Pharmacist in  
18 charge was terminated."

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption**

21 **- Theft of Controlled Substances and / or Dangerous Drugs)**

22 24. Respondent is subject to disciplinary action under sections 4300 and 4301,  
23 subdivision (f), on the grounds of unprofessional conduct, in that on or about February 8, 2007,  
24 Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption

25 \_\_\_\_\_  
26 <sup>1</sup> Patient names are being withheld and patient records will be produced at trial.

27 <sup>2</sup> An abbreviated list of groceries: 2 cucumbers 2 tangerines, 6 avocados, 2 limes, 2  
28 lemons, 2 pizzas, 3 Playtex gloves, 1 apple, 4 rice pudding, 1 Cinderella III DVD, 4 14oz orange  
juice, 3 toothbrushes, 1 raspberry coffee cake, 1 apple cinnamon muffins, 2 glade candles, 1 6oz  
yogurt, and 1 lqt. water.

1 when he stole from his employer \$355.46 worth of controlled substances and / or dangerous  
2 drugs, without valid prescriptions, as follows: 30 100mg Cozaar tablets, 30 Cymbalta, 1 bottle of  
3 Promethazine with Codeine syrup, 20 Vicodin ES tablets, and 30 5mg Valium tablets.

4 Complainant refers to and by this reference incorporates the allegations set forth above in  
5 paragraphs 21 – 23, inclusive, as though set forth fully.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption**  
8 **- Theft of Merchandise)**

9 25. Respondent is subject to disciplinary action under sections 4300 and 4301,  
10 subdivision (f), on the grounds of unprofessional conduct, in that on or about February 8, 2007,  
11 Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption  
12 when he stole from his employer \$116.14 worth of miscellaneous store merchandise.

13 Complainant refers to and by this reference incorporates the allegations set forth above in  
14 paragraphs 21 – 23, inclusive, as though set forth fully.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Possession of Controlled Substances and / or Dangerous Drugs, Illegally)**

17 26. Respondent is subject to disciplinary action under Code sections 4300 and 4301,  
18 subdivision (j) and / or (o), on the grounds of unprofessional conduct, in that on or about February  
19 8, 2007, Respondent furnished to himself and was in possession of controlled substances and / or  
20 dangerous drugs, without valid prescriptions, in violation of sections 4059 and 4060 in  
21 conjunction with Health and Safety Code sections 11173, subdivision (a) [obtaining controlled  
22 substances by fraud , deceit, or subterfuge], 11350, subdivision (a) [possession of Vicodin and  
23 Phenergan with Codeine (narcotic)], and 11377, subdivision (b) [possession of Valium].

24 Complainant refers to and by this reference incorporates the allegations set forth above in  
25 paragraphs 21 – 23, inclusive, as though set forth fully.

26 **FOURTH CAUSE FOR DISCIPLINE**

27 **(Dangerous Use of Controlled Substances / Dangerous Drugs)**

28 27. Respondent is subject to disciplinary action under sections 4300 and 4301,



1 subdivision (h), in that on or about February 8, 2007, Respondent admittedly had administered to  
2 himself controlled substances and dangerous drugs, without valid prescriptions, using them to an  
3 extent to be dangerous or injurious to himself, or others, and / or to the extent that his use  
4 impaired his ability to conduct with safety to the public the authorized practice of pharmacy.

5 Complainant refers to and by this reference incorporates the allegations set forth above in  
6 paragraphs 21 – 23, inclusive, as though set forth fully.

7 **FIFTH CAUSE FOR DISCIPLINE**

8 **(Operating Pharmacy While Under the Influence)**

9 28. Respondent is subject to disciplinary action under sections 4300 and 4301,  
10 subdivision (j) and / or (o), on the grounds of unprofessional conduct, in that on or about February  
11 8, 2007, and other dates unknown, Respondent admittedly worked as a pharmacist while under  
12 the influence of controlled substances and dangerous drugs, without valid prescriptions, in  
13 violation of section 4327. Complainant refers to and by this reference incorporates the allegations  
14 set forth above in paragraphs 21 – 23, inclusive, as though set forth fully.

15 **SIXTH CAUSE FOR DISCIPLINE**

16 **(False Records)**

17 29. Respondent is subject to disciplinary action under sections 4300 and 4301,  
18 subdivisions (g) and / or (o), on the grounds of unprofessional conduct, in conjunction with  
19 section 4324 and California Code of Regulations, title 16, section 1717, subdivision (a), in that on  
20 or about February 8, 2007, Respondent prepared and possessed a fictitious prescription label for a  
21 container of a controlled substance and dangerous drug, specifically, a bottle of Promethazine  
22 with Codeine syrup having his name and a fictitious prescription number. Complainant refers to  
23 and by this reference incorporates the allegations set forth above in paragraphs 21 – 23, inclusive,  
24 as though set forth fully.

25 **SEVENTH CAUSE FOR DISCIPLINE**

26 **(Failure to Maintain Records on Premises)**

27 30. Respondent is subject to disciplinary action under sections 4300 and 4301,  
28 subdivision (o), on the grounds of unprofessional conduct, in that on or about February 8, 2007,

1 Respondent removed client prescription records from the premises, failing to maintain the  
2 prescriptions records on the premises, in violation of section 4333, subdivision (a). Complainant  
3 refers to and by this reference incorporates the allegations set forth above in paragraphs 21 – 23,  
4 inclusive, as though set forth fully.

5 **EIGHTH CAUSE FOR DISCIPLINE**

6 **(Criminal Conviction)**

7 31. Respondent is subject to disciplinary action under sections 490, 4300 and 4301,  
8 subdivision (l), on the grounds of unprofessional conduct, in conjunction with California Code of  
9 Regulations, title 16, section 1770, in that on or about December 10, 2008, Respondent was  
10 convicted of a crime substantially related to the qualifications, functions, or duties of a  
11 pharmacist.

12 a. On or about December 10, 2008, after pleading nolo contendere to one count  
13 misdemeanor, violating Penal Code section 484, subdivision (a) [petty theft] in the criminal  
14 proceeding entitled *The People of the State of California v. Louis Joseph Yered, Jr.* (Super. Ct.  
15 County of Ventura, Case No. 2007007751. The Court ordered Respondent to one year probation,  
16 restitution of \$116.14 and fines.

17 b. The circumstances underlying the conviction, Complainant refers to and by this  
18 reference incorporates the allegations set forth above in paragraphs 21 – 23, inclusive, as though  
19 set forth fully.

20  
21 **PRAYER**

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

- 24 1. Revoking or suspending Pharmacist License No. RPH 37006, issued to Respondent;  
25 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and  
26 enforcement of this case, pursuant to section 125.3; and  
27 3. Taking such other and further action as deemed necessary and proper.

28

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

///

DATED: 4/14/10

*Virginia Herold*

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

LA2009604455  
3/30/2010dmm  
60528659.doc