

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

**In the Matter of the Petition for Reinstatement of:**

**KEITH CHUNG, Petitioner.**

**Agency Case No. 3716**

**OAH No. 2021060380**

**DECISION**

On June 17, 2021, this matter was heard by a Committee of the Board of Pharmacy (Board) sitting with Administrative Law Judge Eric Sawyer of the Office of Administrative Hearings, State of California, pursuant to Business and Professions Code section 4309, subdivision (c). Due to the COVID-19 pandemic, the hearing was conducted by videoconference.

Keith Chung (Petitioner) represented himself.

Steve Pyun, Deputy Attorney General, represented the Attorney General of the State of California pursuant to Government Code section 11522.

At the conclusion of the hearing, the record was closed, following which the Committee of the Board (Committee) met in an executive session. Pursuant to Business and Professions Code section 4309, subdivision (c), and Government Code section

11517, the administrative law judge was required to prepare and deliver a draft Decision in a form reflecting the views of the Committee that may be adopted by the Board as a final Decision in this matter. The Board voted to adopt the Committee recommendation as reflected in this Decision.

## **FACTUAL FINDINGS**

### **Petitioner's Prior Discipline**

1. On September 1, 1998, the Board issued Pharmacist License Number RPH 50486 (license) to Petitioner.

2. Effective January 11, 2012, in Board Case Number 3716, Petitioner's license was revoked pursuant to the Board's Decision and Order adopting a Stipulated Revocation of License and Disciplinary Order executed by Petitioner (Stipulation). As part of the Decision and Order, Petitioner agreed to pay the Board \$24,307.50 for the costs of investigation and prosecution of the matter prior to the issuance of a new license or reinstated license.

3. The revocation of Petitioner's license was based on his admission in the Stipulation that he was convicted of a crime substantially related to the qualifications, functions, and duties of a licensed pharmacist; engaged in acts constituting gross immorality and moral turpitude; was under the influence of drugs; was in possession of a controlled substance; and committed acts which would have warranted a denial of licensure as pharmacist.

4. More specifically, Petitioner admitted in the Stipulation that he engaged in the following misconduct:

a. On or about August 21, 2008, in the Los Angeles County Superior Court, after pleading nolo contendere, Petitioner was convicted of one felony count of animal cruelty. He was sentenced to 16 months in state prison.

b. The underlying circumstances that led to the conviction were that on July 13, 2007, Petitioner was arrested after two officers responded to a radio call of a male beating a dog. In searching the premises, officers found an injured dog on the balcony, barely alive. As a result of Petitioner's mistreatment, the dog had to be put down. In a bathroom, the officers found a knife, bloodied walls, and a feces-covered floor, as well as an additional knife and animal fur. In other rooms of the apartment, the officers found a methamphetamine pipe with residue, prescription drugs, and a dead dog in the freezer.

c. On or about December 26, 2006, Petitioner purchased a brown and silver schnauzer puppy from a private party. Later that same day, Petitioner called and said he wanted to return the puppy because he felt it was too "big" for his daughter. Petitioner was told to bring the puppy back. When Petitioner returned the puppy, it appeared dead. In fact, the puppy died while being transported to a veterinary hospital. A necropsy was performed, and it was determined the puppy died because of trauma to its chest.

d. On or about May 9, 2010, Petitioner was stopped at a DUI checkpoint. Petitioner, the driver of the vehicle, had in his possession methamphetamine. Petitioner appeared to be under the influence of drugs, and admitted that he used illegal drugs a couple of hours earlier.

## **Petitioner's 2016 Petition for Reinstatement**

5. Effective February 25, 2016, in Board Case Number 5726, the Board denied Petitioner's petition for reinstatement. The Board found Petitioner failed to establish it would be consistent with public health, safety, and welfare to grant the petition. Additionally, the Board concluded Petitioner had not fully come to terms with his animal cruelty and was not currently receiving counseling or therapy to address his anger management or other psychological issues. The Board also noted Petitioner failed to demonstrate he had an adequate support system and failed to establish he had anyone willing to employ him should the Board reinstate his license. Finally, the Board determined Petitioner failed to establish he was emotionally and psychologically ready to return to the practice of pharmacy at that time.

## **Petitioner's 2018 Petition for Reinstatement**

6. Effective September 25, 2018, in Board Case Number 6410, the Board denied Petitioner's second petition for reinstatement. The Board found Petitioner's acknowledgements of wrongdoing and efforts at rehabilitation were commendable, but they were not intensive or extensive enough to show sufficient rehabilitation or address his serious misconduct leading to the revocation of his license.

## **The Pending Petition for Reinstatement**

7. The instant petition for reinstatement (petition), Petitioner's third, was filed with the Board on March 8, 2021. The petition is timely and meets all jurisdictional requirements. Petitioner seeks reinstatement of his license because he has "been rehabilitated." (Ex. 1, p. 16.)

8. The petition includes continuing education certificates totaling 47.75 hours taken from August 2020 through January 2021.

9. The petition also includes four character reference letters supporting reinstatement of petitioner's license, two from Board licensees.

10. Petitioner successfully completed his felony conviction sentence. In 2017, he was granted a certificate of rehabilitation from the Superior Court of the State of California.

11. Petitioner has successfully addressed his substance abuse problem. He has been sober since October 1, 2014. For the past several years, Petitioner confirmed his sobriety by getting drug tested every three months, all of which have been negative. He stopped that drug testing in October 2020, but he is drug tested at work. The petition includes negative drug test results from 2018 through 2020. Petitioner also attends a recovery support meeting on a regular basis to bolster his sobriety.

12. Perhaps most convincing is that Petitioner has dedicated himself to the sobriety of others. He completed a drug counseling course at Rio Hondo Community College and has become a certified substance abuse counselor. From 2018 to the present, Petitioner has worked as a substance abuse counselor at the Los Angeles Centers for Alcohol and Drug Abuse (LACADA). In 2020, Petitioner was promoted to the position of program coordinator, a supervisory position.

13. Petitioner has found working at LACADA so rewarding that he enrolled in a Master of Social Work program at Walden University in 2019, which he still attends.

14. Petitioner attended anger management classes for over one year at the Veteran Affairs Medical Center. He now facilitates anger management groups at LACADA. Since 2009, Petitioner has regularly seen a therapist.

15. To address his past severe mistreatment of animals, Petitioner volunteered at the Society for the Prevention of Cruelty to Animals in Los Angeles. Petitioner has volunteered over 149 hours there from 2017 through early 2020, until the volunteer program was closed due to the COVID-19 pandemic. Petitioner has not had contact with animals except when acting as a volunteer.

### **Other Relevant Facts**

16. No evidence was presented indicating Petitioner has engaged in any misconduct after the revocation of his license.

17. Petitioner testified he dreamed of being a pharmacist since he was a child. He still has that dream. He also would like his license reinstated to become a community pharmacist or perhaps a licensed practitioner of the healing arts (LPHA) where he can better serve the substance abuse community.

18. During the hearing, Petitioner candidly explained the cause of his problems. He went through a bad divorce in 2007 and fell into the grip of depression and substance abuse. His life spiraled downward, leading to his conviction in 2008 and the revocation of his license in 2012. Since then, he has worked hard and steadily to rebuild his personal and professional lives, including his efforts described above.

19. During the hearing, Petitioner also demonstrated contrition, remorse, and accepted responsibility for his actions. He described his past misconduct as evil and callous. The Committee found sincere Petitioner's apology for his heinous acts to

animals and breach of the public's trust due to his misconduct. The Board finds it unlikely that Petitioner will reoffend.

## LEGAL CONCLUSIONS

1. A petition for reinstatement of a revoked license may be brought after three years have elapsed from the effective date of the revocation. (Bus. & Prof. Code, § 4309, subd. (a)(1). In exercising its authority in deciding the petition, protection of the public is the Board's highest priority. (Bus. & Prof. Code, § 4001.1.)

2. In considering whether to reinstate a revoked license, the Board shall consider certain factors, including the petitioner's actions since revocation, the offenses for which discipline was imposed, and the petitioner's documented rehabilitative efforts. (Bus. & Prof. Code, § 4309, subd. (d).) However, because public protection takes priority over rehabilitation, where evidence of rehabilitation and public protection conflict, public protection takes precedence. (Bus. & Prof. Code, § 4313.)

3. The burden in this petition rests with Petitioner. (*Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398.) The standard of proof is clear and convincing evidence to a reasonable certainty (*ibid.*), which is proof that is so clear as to leave no substantial doubt and sufficiently strong to command the unhesitating assent of every reasonable mind. (*In re Marriage of Weaver* (1990) 224 Cal.App.3d 478, 487.)

4. In this case, Petitioner met his burden of clearly and convincingly establishing reinstatement of his license is warranted. Petitioner has done an admirable job of addressing all the problems that led to the revocation of his license,

including his substance abuse problem, anger management, and tendency toward cruelty to animals. He took to heart the Board's recommendations when it denied his prior two petitions. Petitioner has taken significant efforts to improve himself and reintegrate with society. He also demonstrated genuine contrition and acceptance of responsibility such that the Board does not believe he will commit similar misconduct in the future. Petitioner's level of rehabilitation indicates public protection will not be jeopardized by granting his petition. (Factual Findings 1-19.)

5. The Board may impose necessary terms and conditions on the licensee in reinstating a revoked license. (Bus. & Prof. Code, § 4309, subd. (f).) Here, based on the above conclusions, the public will be adequately protected by Petitioner's license being reinstated under appropriate probationary terms for five years, including drug and alcohol testing for two years. Given the length of time that Petitioner has not worked as a pharmacist, he also shall take and pass the California Pharmacist Jurisprudence Examination and the North American Pharmacist Licensure Examination as a condition precedent to reinstatement of his license. Finally, another condition precedent to reinstatement of his license is Petitioner fully reimbursing the Board's costs from his prior disciplinary matter within 90 days of the effective date of this decision. (Factual Findings 1-19.)

## **ORDER**

It is hereby ordered that the petition for reinstatement filed by Keith Chung (Petitioner) is granted and Petitioner's license, Pharmacist License Number RPH 50486, shall be reinstated subject to satisfaction of the following conditions precedent:



A. Petitioner shall take and pass The North American Pharmacist Licensure Examination (NAPLEX) and the California Practice Standards and Jurisprudence Examination for Pharmacists (CPJE) within one (1) year of the effective date of this Order. Failure to take and pass the examinations within one (1) year of the effective date of this Order shall invalidate the order granting the petition for reinstatement, Petitioner shall be deemed to have failed the conditions precedent for re-licensure, and Pharmacist License Number RPH 50486 shall remain revoked.

B. Petitioner must pay the fee(s) in place at the time for these examinations.

C. Petitioner shall pay all applicable application and licensing fees.

D. Petitioner shall reimburse the Board for its costs of investigation and prosecution owed from the prior action in the amount of \$24,307.50 within 90 days of the effective date of this decision.

Upon completion of the foregoing conditions precedent, Petitioner's license shall be reinstated and immediately revoked, with revocation stayed and Petitioner placed on probation for a period of five years on the following terms and conditions:

**1. Obey All Laws**

Petitioner shall obey all state and federal laws and regulations.

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

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws;
- a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information or indictment;
- a conviction of any crime;
- the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency which involves Petitioner's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

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

## **2. Report to the Board**

Petitioner shall report to the Board quarterly, on a schedule as directed by the Board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, Petitioner shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation.

Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final

probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the Board.

### **3. Interview with the Board**

Upon receipt of reasonable prior notice, Petitioner shall appear in person for interviews with the Board or its designee, at such intervals and locations as are determined by the Board or its designee. Failure to appear for any scheduled interview without prior notification to Board staff, or failure to appear for two or more scheduled interviews with the Board or its designee during the period of probation, shall be considered a violation of probation.

### **4. Cooperate with Board Staff**

Petitioner shall timely cooperate with the Board's inspection program and with the Board's monitoring and investigation of Petitioner's compliance with the terms and conditions of his probation, including but not limited to: timely responses to requests for information by Board staff; timely compliance with directives from Board staff regarding requirements of any term or condition of probation; and timely completion of documentation pertaining to a term or condition of probation. Failure to timely cooperate shall be considered a violation of probation.

### **5. Continuing Education**

Petitioner shall provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the Board or its designee.

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## **6. Reporting of Employment and Notice to Employers**

During the period of probation, Petitioner shall notify all present and prospective employers of the decision in case number 3716 and the terms, conditions and restrictions imposed on Petitioner by the decision, as follows:

Within 30 days of the effective date of this decision, and within 10 days of undertaking any new employment, Petitioner shall report to the Board in writing the name, physical address, and mailing address of each of his employer(s), and the name(s) and telephone number(s) of all of his direct supervisor(s), as well as any pharmacist(s)-in-charge, designated representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work schedule, if known. Petitioner shall also include the reason(s) for leaving the prior employment. Petitioner shall sign and return to the Board a written consent authorizing the Board or its designee to communicate with all of Petitioner's employer(s) and supervisor(s), and authorizing those employer(s) or supervisor(s) to communicate with the Board or its designee, concerning Petitioner's work status, performance, and monitoring. Failure to comply with the requirements or deadlines of this condition shall be considered a violation of probation.

Within 30 days of the effective date of this decision, and within 15 days of Petitioner undertaking any new employment, Petitioner shall cause (a) his direct supervisor, (b) his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other compliance supervisor, and (c) the owner or owner representative of his employer, to report to the Board in writing acknowledging that the listed individual(s) has/have read the decision in case number 3716, and terms and conditions imposed thereby. If one person serves in more than one role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Petitioner's

responsibility to ensure that these acknowledgment(s) are timely submitted to the Board. In the event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term of probation, Petitioner shall cause the person(s) taking over the role(s) to report to the Board in writing within 15 days of the change acknowledging that he or she has read the decision in case number 3716, and the terms and conditions imposed thereby.

If Petitioner works for or is employed by or through an employment service, Petitioner must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the Board of the decision in case number 3716, and the terms and conditions imposed thereby in advance of Petitioner commencing work at such licensed entity. A record of this notification must be provided to the Board upon request.

Furthermore, within 30 days of the effective date of this decision, and within 15 days of Petitioner undertaking any new employment by or through an employment service, Petitioner shall cause the person(s) described in (a), (b), and (c) above at the employment service to report to the Board in writing acknowledging that he or she has read the decision in case number 3716, and the terms and conditions imposed thereby. It shall be Petitioner's responsibility to ensure that these acknowledgment(s) are timely submitted to the Board.

Failure to timely notify present or prospective employer(s) or failure to cause the identified person(s) with that/those employer(s) to submit timely written acknowledgments to the Board shall be considered a violation of probation.

"Employment" within the meaning of this provision includes any full-time, part-time, temporary, relief, or employment/management service position as a pharmacist,

or any position for which a pharmacist license is a requirement or criterion for employment, whether the Petitioner is an employee, independent contractor or volunteer.

**7. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

Petitioner shall further notify the Board in writing within 10 days of any change in employer, name, residence address, mailing address, e-mail address, or phone number.

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

**8. Restrictions on Supervision and Oversight of Licensed Facilities**

During the period of probation, Petitioner shall not supervise any intern pharmacist, be the pharmacist-in-charge, designated representative-in-charge, responsible manager or other compliance supervisor of any entity licensed by the Board, nor serve as a consultant.

Assumption of any such unauthorized supervision responsibilities shall be considered a violation of probation.

**9. Reimbursement of Board Costs**

As set forth above, reimbursing the Board its costs from the prior action is a condition precedent to reinstatement of Petitioner's license.

## **10. Probation Monitoring Costs**

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

## **11. Status of License**

Petitioner shall, at all times while on probation, maintain an active, current pharmacist license with the Board, including any period during which suspension or probation is tolled.

Failure to maintain an active, current pharmacist license shall be considered a violation of probation.

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

## **12. License Surrender While on Probation/Suspension**

Following the effective date of this decision, should Petitioner cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, Petitioner may relinquish his license, including any indicia of licensure issued by the Board, along with a request to surrender the license. The Board or its designee shall have the discretion whether to accept the surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender

of the license, Petitioner will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of the Petitioner's license history with the Board.

Upon acceptance of the surrender, Petitioner shall relinquish his pocket and/or wall license, including any indicia of licensure not previously provided to the Board within 10 days of notification by the Board that the surrender is accepted if not already provided.

Petitioner may not reapply for any license from the Board for three years from the effective date of the surrender. Petitioner shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board, including any outstanding costs.

### **13. Certification Prior to Resuming Work**

This term and condition only pertaining to Pharmacy Technicians is not applicable to Petitioner.

### **14. Practice Requirement – Extension of Probation**

Except during periods of suspension, Petitioner shall, at all times while on probation, be employed as a pharmacist in California for a minimum of 80 hours per calendar month. Any month during which this minimum is not met shall extend the period of probation by one month. During any such period of insufficient employment, Petitioner must nonetheless comply with all terms and conditions of probation, unless Petitioner receives a waiver in writing from the Board or its designee.

If Petitioner does not practice as a pharmacist in California for the minimum number of hours in any calendar month, for any reason (including vacation), Petitioner



shall notify the Board in writing within 10 days of the conclusion of that calendar month. This notification shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the interruption or reduction in practice; and the anticipated date(s) on which Petitioner will resume practice at the required level. Petitioner shall further notify the Board in writing within 10 days following the next calendar month during which Petitioner practices as a pharmacist in California for the minimum of hours. Any failure to timely provide such notification(s) shall be considered a violation of probation.

It is a violation of probation for Petitioner's probation to be extended pursuant to the provisions of this condition for a total period, counting consecutive and non-consecutive months, exceeding 36 months. The Board or its designee may post a notice of the extended probation period on its website.

### **15. Violation of Probation**

If Petitioner has not complied with any term or condition of probation, the Board shall have continuing jurisdiction over Petitioner, and the Board shall provide notice to Petitioner that probation shall automatically be extended, until all terms and conditions have been satisfied or the Board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty that was stayed. The Board or its designee may post a notice of the extended probation period on its website.

If Petitioner violates probation in any respect, the Board, after giving Petitioner notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If a petition to revoke probation or an accusation is filed against Petitioner during probation, or the preparation of an accusation or

petition to revoke probation is requested from the Office of the Attorney General, the Board shall have continuing jurisdiction and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided.

### **16. Completion of Probation**

Upon written notice by the Board or its designee indicating successful completion of probation, Petitioner's license will be fully restored.

### **17. Drug and Alcohol Testing**

For the first 24 months of this probation, Petitioner, at his own expense, shall participate in testing as directed by the Board or its designee for the detection of alcohol, controlled substances, and dangerous drugs and/or dangerous devices. Testing protocols may include biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other testing protocols as directed by the Board or its designee. All testing must be pursuant to an observed testing protocol, unless Petitioner is informed otherwise in writing by the Board or its designee. The frequency of testing will be determined by the Board or its designee.

By no later than thirty (30) days after the effective date of this decision, Petitioner shall have completed all of the following tasks: enrolled and registered with an approved drug and alcohol testing vendor; provided that vendor with any documentation, and any information necessary for payment by Petitioner; commenced testing protocols, including all required contacts with the testing vendor to determine testing date(s); and begun testing. At all times, Petitioner shall fully cooperate with the testing vendor, and with the Board or its designee, with regard to enrollment,

registration, and payment for, and compliance with, testing. Any failure to cooperate timely shall be considered a violation of probation.

Petitioner may be required to test on any day, including weekends and holidays. Petitioner is required to make daily contact with the testing vendor to determine if a test is required, and if a test is required must submit to testing on the same day.

Prior to any vacation or other period of absence from the area where the approved testing vendor provides services, Petitioner shall seek and receive approval from the Board or its designee to use an alternate testing vendor to ensure testing can occur. Upon approval, Petitioner shall enroll and register with the approved alternate drug testing vendor, provide to that alternate vendor any documentation required by the vendor, including any necessary payment by Petitioner. During the period of absence of the area, Petitioner shall commence testing protocols with the alternate vendor, including required daily contacts with the testing vendor to determine if testing is required, and required testing. Any failure to timely seek or receive approval from the Board or its designee, or to timely enroll and register with, timely commence testing protocols with, or timely undergo testing with, the alternate testing vendor, shall be considered a violation of probation.

Upon detection of an illicit drug, controlled substance or dangerous drug, the Board or its designee may require Petitioner to timely provide documentation from a licensed practitioner authorized to prescribe the detected substance demonstrating that the substance was administered or ingested pursuant to a legitimate prescription issued as a necessary part of treatment. All such documentation shall be provided by Petitioner within ten (10) days of being requested.

Any of the following shall be considered a violation of probation and shall result in Petitioner being immediately suspended from practice as a pharmacist until notified by the Board in writing that he may resume practice: failure to timely complete all of the steps required for enrollment/registration with the drug testing vendor, including making arrangements for payment; failure to timely commence drug testing protocols; failure to contact the drug testing vendor as required to determine testing date(s); failure to test as required; failure to timely supply documentation demonstrating that a detected substance was taken pursuant to a legitimate prescription issued as a necessary part of treatment; and/or detection through testing of alcohol, or of an illicit drug, or of a controlled substance or dangerous drug absent documentation that the detected substance was taken pursuant to a legitimate prescription and a necessary treatment. In the event of a suspension ordered after detection through testing of alcohol, an illicit drug, or of a controlled substance or dangerous drug absent documentation that the detected substance was taken pursuant to a legitimate prescription and a necessary treatment, the Board or its designee shall inform Petitioner of the suspension and inform him to immediately leave work, and shall notify Petitioner's employer(s) and work site monitor(s) of the suspension.

During any such suspension, Petitioner shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, third-party-logistics provider, veterinary food-animal drug retailer, or any other distributor of drugs which is licensed by the Board, or any manufacturer, or any area where dangerous drugs and/or dangerous devices or controlled substances are maintained. Petitioner shall not practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall Petitioner manage, administer, or be a consultant to any licensee of the Board, or have access to

or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or dangerous devices and controlled substances.

During any such suspension, Petitioner shall not engage in any activity that requires the professional judgment of and/or licensure as a pharmacist. Petitioner shall not direct or control any aspect of the practice of pharmacy, or of the manufacturing, distributing, wholesaling, or retailing of dangerous drugs and/or dangerous devices.

Failure to comply with any such suspension shall be considered a violation of probation. Failure to comply with any requirement or deadline stated by this term shall be considered a violation of probation.

### **18. Abstain from Drugs and Alcohol**

Petitioner shall completely abstain from the possession or use of alcohol, controlled substances, illicit drugs, dangerous drugs and/or dangerous devices, or their associated paraphernalia, except when possessed or used pursuant to a legitimate prescription issued as a necessary part of treatment. Petitioner shall ensure that he is not in the same physical location as individuals who are using illicit substances even if Petitioner is not personally ingesting the drugs. Any possession or use of alcohol, dangerous drugs and/or dangerous devices or controlled substances, or their associated paraphernalia for which a legitimate prescription has not been issued as a necessary part of treatment, or any physical proximity to persons using illicit substances, shall be considered a violation of probation.

### **19. Prescription Coordination and Monitoring of Prescription Use**

Within thirty (30) days of the effective date of this decision, Petitioner shall submit to the Board, for its prior approval, the name and qualifications of a single physician, nurse practitioner, physician assistant, or psychiatrist of Petitioner's choice,

who shall be aware of the Petitioner's history with the use of illicit drugs, controlled substances, and/or dangerous drugs, and who will coordinate and monitor any prescriptions for Petitioner for dangerous drugs and/or dangerous devices, controlled substances or mood-altering drugs. The approved practitioner shall be provided with a copy of the Board's Decision and Order adopting a Stipulated Revocation of License and Disciplinary Order in Board Case Number 3716 and this Decision. A record of this notification must be provided to the Board or its designee upon request.

Petitioner shall sign a release authorizing the practitioner to communicate with the Board or its designee about Petitioner's treatment(s). The coordinating physician, nurse practitioner, physician assistant, or psychiatrist shall report to the Board on a quarterly basis for the duration of probation regarding Petitioner's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances. The Board or its designee may require that the single coordinating physician, nurse practitioner, physician assistant or psychiatrist be a specialist in addictive medicine, or consult a specialist in addictive medicine. Should Petitioner, for any reason, cease supervision by the approved practitioner, Petitioner shall notify the Board or its designee immediately and, within thirty (30) days of ceasing supervision, submit the name of a replacement physician, nurse practitioner, physician assistant, or psychiatrist of Petitioner's choice to the Board or its designee for its prior approval. Failure to timely submit the selected practitioner or replacement practitioner to the Board or its designee for approval, or to ensure the required quarterly reporting thereby, shall be considered a violation of probation.

If at any time an approved practitioner determines that Petitioner is unable to practice safely or independently as a pharmacist, the practitioner shall notify the Board

or its designee immediately by telephone and follow up by written letter within three (3) working days. Upon notification from the Board or its designee of this determination, Petitioner shall be automatically suspended and shall not resume practice as a pharmacist until notified by the Board or its designee that practice may be resumed.

During any suspension, Petitioner shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug retailer, or any other distributor of drugs which is licensed by the Board, or any manufacturer, or any area where dangerous drugs and/or dangerous devices or controlled substances are maintained. Petitioner shall not practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall Petitioner manage, administer, or be a consultant to any licensee of the Board, or have access to or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or dangerous devices and controlled substances. Petitioner shall not resume practice until notified by the Board.

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During any suspension, Petitioner shall not engage in any activity that requires the professional judgment and/or licensure as a pharmacist. Petitioner shall not direct or control any aspect of the practice of pharmacy or of the manufacturing, distributing, wholesaling, or retailing of dangerous drugs and/or dangerous devices or controlled substances. Failure to comply with any requirement or deadline stated by this term shall be considered a violation of probation.

This Decision shall become effective at 5:00 p.m. on October 21, 2021.

It is so ORDERED on September 21, 2021.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

A handwritten signature in cursive script, appearing to read "Seung W. Oh".

Seung W. Oh, Pharm.D.  
Board President



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

In the Matter of the Accusation Against:

Case No. 3716

**KEITH CHUNG**  
11621 Salford Avenue  
Downey, CA 90241

Pharmacist License No. RPH 50486

Respondent.

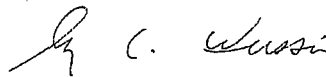
**DECISION AND ORDER**

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

This decision shall become effective on January 11, 2012.

It is so ORDERED on December 12, 2011.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

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STANLEY C. WEISSER  
Board President

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

10 In the Matter of the First Amended Accusation  
11 Against:

Case No. 3716

12 **KEITH CHUNG**

**STIPULATED REVOCATION OF  
LICENSE AND DISCIPLINARY ORDER**

13 **11621 Salford Avenue**  
14 **Downey, CA 90241**

15 **Pharmacist License No. RPH 50486**

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

20 PARTIES

21 1. Virginia K. Herold (Complainant) is the Executive Officer of the Board of Pharmacy,  
22 Department of Consumer Affairs. She brought this action solely in her official capacity and is  
23 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
24 Gloria A. Barrios, Supervising Deputy Attorney General.

25 2. Keith Chung is represented by Benjamin Robert Margolis, Esq., whose office is  
26 located at 1387 Monument Street, Pacific Palisades, CA 90272-2544.

27 3. On or about September 1, 1998, the Board of Pharmacy issued Pharmacist License  
28 No. RPH 50486 to Respondent. The Pharmacist License was in full force and effect at all times

1 relevant to the charges brought in the Accusation in Case No 3716 and will expire on April 30,  
2 2012, unless renewed. On October 1, 2007, Respondent's Pharmacist license was suspended by  
3 the Board pursuant to court order. (*The People of the State of California v. Keith Chung*)  
4 (Super.Ct. Los Angeles County, 2008, No. SA064964) On February 9, 2011, the Superior Court  
5 terminated the suspension order.

6 JURISDICTION

7 4. The Accusation in Case No. 3716 was filed before the Board of Pharmacy (Board),  
8 and is currently pending against Respondent. The Accusation and all other statutorily required  
9 documents were properly served on Respondent on May 27, 2010. The First Amended  
10 Accusation was properly served on Respondent's attorney on May 5, 2011. A copy of the First  
11 Amended Accusation in Case No. 3716 is attached as Exhibit A and incorporated herein by  
12 reference.

13 ADVISEMENT AND WAIVERS

14 5. Respondent has carefully read, fully discussed with counsel, and understands the  
15 charges and allegations in the First Amended Accusation in Case No. 3716. Respondent also has  
16 carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
17 Revocation of License and Disciplinary Order.

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

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

27 ///

CULPABILITY

1           8.       Respondent admits the truth of each and every charge and allegation in the First  
2 Amended Accusation in Case No. 3716.

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

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

14           11.      The parties understand and agree that facsimile copies of this Stipulated Revocation  
15 of License and Disciplinary Order, including facsimile signatures thereto, shall have the same  
16 force and effect as the originals.

17           12.      This Stipulated Revocation of License and Disciplinary Order is intended by the  
18 parties to be an integrated writing representing the complete, final, and exclusive embodiment of  
19 their agreement. It supersedes any and all prior or contemporaneous agreements, understandings,  
20 discussions, negotiations, and commitments (written or oral). This Stipulated Revocation of  
21 License and Disciplinary Order may not be altered, amended, modified, supplemented, or  
22 otherwise changed except by a writing executed by an authorized representative of each of the  
23 parties.

24           13.      In consideration of the foregoing admissions and stipulations, the parties agree that  
25 the Director may, without further notice or formal proceeding, issue and enter the following  
26 Order:  
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ORDER

1  
2 IT IS HEREBY ORDERED that Pharmacist License No. 50486, issued to Respondent Keith  
3 Chung, is revoked.

4       14. The revocation of Respondent's Pharmacist License shall constitute the imposition  
5 of discipline against Respondent. This stipulation constitutes a record of the discipline and shall  
6 become a part of Respondent's license history with the Board.

7       15. Respondent shall lose all rights and privileges as a Pharmacist in California as of the  
8 effective date of the Board's Decision and Order.

9       16. Respondent shall cause to be delivered to the Board his wall license and pocket  
10 license on or before the effective date of the Decision and Order.

11       17. Respondent may not apply reapply, or petition for any licensure or registration of the  
12 Board for three (3) years from the effective date of the Board of Pharmacy's Decision and  
13 Disciplinary Order.

14       18. Respondent understands and agrees that if he ever applies for licensure or petitions  
15 for reinstatement in the State of California, the Board shall treat it as petition for reinstatement.  
16 Respondent must comply with all the laws, regulations and procedures for licensure in effect at  
17 the time an application or petition is filed, and all of the charges and allegations contained in the  
18 First Amended Accusation in Case No. 3716, shall be deemed to be true, correct and admitted by  
19 Respondent when the Board determines whether to grant or deny the petition.

20       19. Should Respondent ever apply or reapply for a new license or certification, or petition  
21 for reinstatement of a license, by any other health care licensing agency in the State of California,  
22 all of the charges and allegations contained in the First Amended Accusation in Case No. 3716,  
23 shall be deemed to be true, correct and admitted by Respondent for the purpose of any Statement  
24 of Issues or any other proceeding seeking to deny or restrict licensure.

25       20. Respondent shall pay the Board its costs of investigation and enforcement in the  
26 amount of \$24,307.50 prior to issuance of a new or reinstated license.


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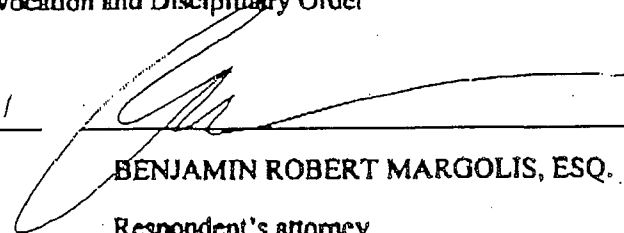
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ACCEPTANCE

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

DATED: 9/24/2011   
KEITH CHUNG  
Respondent

I concur with this Stipulated Revocation and Disciplinary Order

DATED: 9/25/2011   
BENJAMIN ROBERT MARGOLIS, ESQ.  
Respondent's attorney

ENDORSEMENT

The foregoing Stipulated Revocation of License and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

Dated: 9/26, 2011


Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
  
GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
*Attorneys for Complainant*

Exhibit A

First Amended Accusation, Case No. 3716

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

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

10 In the Matter of the Accusation Against:

Case No. 3716

11 **KEITH CHUNG**  
12 4060 Glencoe Ave., #231  
13 Los Angeles, CA 90066

**FIRST AMENDED**  
**ACCUSATION**

14 Pharmacist License No. 50486

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about September 1, 1998, the Board of Pharmacy (Board) issued  
23 Pharmacist License Number 50486 to Keith Chung (Respondent). The Pharmacist License was  
24 in full force and effect at all times relevant to the charges brought herein and will expire on  
25 April 30, 2012, unless renewed. On October 1, 2007, Respondent's Pharmacist license was  
26 suspended by the Board pursuant to court order. (*The People of the State of California v. Keith*  
27 *Chung*) (Super.Ct. Los Angeles County, 2008, No. SA064964) On February 9, 2011, the  
28 Superior Court terminated the suspension order allowing Respondent to practice pharmacy.



1 JURISDICTION

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

5 STATUTORY PROVISIONS

6 4. Section 118, subdivision (b), of the Code provides that the expiration of a  
7 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the  
8 period within which the license may be renewed, restored, reissued or reinstated.

9 5. Section 480 states, in pertinent part:

10 "(a) A board may deny a license regulated by this code on the grounds that the  
11 applicant has one of the following:

12 "(1) Been convicted of a crime. A conviction within the meaning of this  
13 section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any  
14 action which a board is permitted to take following the establishment of a conviction may be  
15 taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on  
16 appeal, or when an order granting probation is made suspending the imposition of sentence,  
17 irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

18 . . . .

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

23 7. Section 4060 of the Code states, in pertinent part:

24 "No person shall possess any controlled substance, except that furnished to a  
25 person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or  
26 naturopathic doctor . . . ."

27 8. Section 4300 of the Code provides, in pertinent part, that every license issued  
28 by the Board is subject to discipline including suspension or revocation.

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9. Section 4301 of the Code states, in pertinent part:

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

"(a) Gross immorality.

....

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

....

"(h) The administration to oneself, of any controlled substances or the use of dangerous drugs or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of 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 any other state, or of the United States regulating controlled substances and dangerous drugs.

....

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. . . . A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not

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

3 . . . .  
4 "(p) Actions or conduct that would have warranted denial of a license."

5 **REGULATORY SECTION**

6 10. California Code of Regulations, title 16, section 1770, states:

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

13 **DANGEROUS DRUGS / CONTROLLED SUBSTANCES**

14 11. Methamphetamine is a Schedule II controlled substance as designated by  
15 Health and Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug  
16 pursuant to Business and Professions Code section 4022.

17 12. Hydrocodone is a trade name for Vicodin which is a Schedule III controlled  
18 substance as designated by Health and Safety Code section 11056, subdivision (e), and is  
19 categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

20 13. Niravam and Xanax are trade names for Alprazolam which is a Schedule IV  
21 controlled substance as designated by Health and Safety Code section 11057, subdivision (d), and  
22 is categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

23 14. Phendimetrazine Tartrate is a Schedule III controlled substance as designated  
24 by Health and Safety Code section 11056, subdivision (b)(6), and is categorized as a dangerous  
25 drug pursuant to Business and Professions Code section 4022.

26 15. Propoxyphene Napsylate is a Schedule IV controlled substance as designated  
27 by Health and Safety Code section 11057, and is categorized as a dangerous drug pursuant to  
28 Business and Professions Code section 4022.

1           16. Endodan and Endocet are trade names for Oxycodone and Acetaminopen which  
2 is a Schedule II controlled substance as designated by Health and Safety Code section 11055,  
3 subdivision (b)(1), and is categorized as a dangerous drug pursuant to Business and Professions  
4 Code section 4022.

5           17. Lomotil is a trade name for Diphenoxylate/Atropine which is a Schedule V  
6 controlled substance and is categorized as a dangerous drug pursuant to Business and Professions  
7 Code section 4022.

8           18. Restoril is a trade name for Temazepam which is a Schedule IV controlled  
9 substance as designated by Health and Safety Code section 11057, subdivision (d), and is  
10 categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

11           19. Diazepam (Valium) is a Schedule IV controlled substance as designated by  
12 Health and Safety Code section 11057, and is categorized as a dangerous drug pursuant to  
13 Business and Professions Code section 4022.

14           20. Propoxyphene Hydrochloride is a Schedule IV controlled substance as  
15 designated by Health and Safety Code section 11057, and is categorized as a dangerous drug  
16 pursuant to Business and Professions Code section 4022.

17           22. Ritalin is a trade name for Methylphenidate Hydrochloride, a Schedule II  
18 controlled substance as designated by Health and Safety Code section 11055, and is categorized  
19 as a dangerous drug pursuant to Business and Professions Code section 4022.

20           23. Klonopin is a trade name for Clonazepam which is a Schedule IV controlled  
21 substance as designated by Health and Safety Code section 11057, and is categorized as a  
22 dangerous drug pursuant to Business and Professions Code section 4022.

23           24. Codeine is a Schedule III controlled substance as designated by Health and  
24 Safety Code section 11056, subdivision (e), and is categorized as a dangerous drug pursuant to  
25 Business and Professions Code section 4022.

26           25. Librax is a trade name for Chlordiazepoxide, a Schedule IV controlled  
27 substance as designated by Health and Safety Code section 11057, and is categorized as a  
28 dangerous drug pursuant to Business and Professions Code section 4022.

1           26. Phentermine Hydrochloride is a Schedule IV controlled substance as designated  
2 by Health and Safety Code section 11057, and is categorized as a dangerous drug pursuant to  
3 Business and Professions Code section 4022.

4                                   **COST RECOVERY**

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

9                                   **FIRST CAUSE FOR DISCIPLINE**

10                                   **(Conviction of a Substantially-Related Crime)**

11           28. Respondent is subject to disciplinary action under Code sections 490 and 4301,  
12 subdivision (1), as a result of Respondent's conviction of a crime that is substantially related to the  
13 qualifications, functions, and duties of a licensed pharmacist. On or about August 21, 2008, after  
14 pleading *nolo contendere*, Respondent was convicted of one felony count of violating Penal Code  
15 section 597, subdivision (a) [animal cruelty], in the criminal proceeding entitled *The People of the*  
16 *State of California v. Keith Chung* (Super. Ct. Los Angeles County, 2008, No. SA064964).  
17 Respondent was sentenced to 16 months in state prison.

18           29. The underlying factual circumstances occurred on or about July 13, 2007, when  
19 Respondent was arrested after two Los Angeles Police Department officers responded to a radio  
20 call of a male beating a dog. In searching the premises, the officers found an injured dog on the  
21 balcony, which was barely alive. As a result of Respondent's mistreatment, the dog had to be put  
22 down. In a bathroom, they found a knife, bloodied walls, and a feces-covered floor. In the  
23 bathroom, the officers found an additional knife and animal fur. In other rooms of the apartment,  
24 the arresting officers found a methamphetamine pipe with residue, prescription drugs, and a dead  
25 dog in the freezer. The prescription drugs included the following:

- 26           a. Vicodin;  
27           b. Alprazolam;  
28           c. Hydrocodone;

- 1 d. Phendimetrazine Tartrate;
- 2 e. Propoxyphene Napsylate;
- 3 f. Endocet;
- 4 g. Lomotil;
- 5 h. Temazepam;
- 6 i. Diazepam (Valium);
- 7 j. Propoxyphene Hydrochloride;
- 8 k. Alprazolam;
- 9 l. Oxycodone;
- 10 m. Methylphenidate Hydrochloride;
- 11 n. Phentermine Hydrochloride;
- 12 o. Clonazepam;
- 13 p. Ritalin;
- 14 q. Codeine;
- 15 r. Valium;
- 16 s. Librax;
- 17 t. Endodan; and
- 18 u. Niravam;

19 30. On or about December 26, 2006, Respondent purchased a brown and silver  
20 schnauzer puppy from a private party. Later that same day, Respondent called and said he  
21 wanted to return the puppy because he felt it was too "big" for his daughter. Respondent was told  
22 to bring the puppy back. When Respondent returned the puppy, it appeared dead. In fact the  
23 puppy died while being transported to a veterinary hospital. A necropsy was performed and it  
24 was determined the puppy died as a result of trauma to its chest.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Gross Immorality)**

3 31. Respondent is subject to disciplinary action under Code section 4301,  
4 subdivision (a), as a result of Respondent's gross immorality. Complainant now refers to and  
5 incorporates all the allegations in paragraphs 28, 29, 30, and 34, as though set forth fully.

6  
7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Moral Turpitude)**

9 32. Respondent is subject to disciplinary action under Code section 4301,  
10 subdivision (f), as a result of Respondent's moral turpitude. Complainant now refers to and  
11 incorporates all the allegations in paragraphs 28, 29, 30, and 34, as though set forth fully.

12 **FOURTH CAUSE FOR DISCIPLINE**

13 **(Under the Influence of Drugs)**

14 33. Respondent is subject to disciplinary action under Code section 4301,  
15 subdivision (h), as a result of Respondent's being under the influence of drugs.

16 34. On or about May 9, 2010, Respondent was stopped at a DUI checkpoint in  
17 Norco, CA, by Riverside County Sheriff. Respondent, driver of the vehicle, had in his possession  
18 Methamphetamine. Respondent also appeared to be under the influence of drugs. He had rapid  
19 speech, red and watery eyes, rancid breath and muscle rigidity. Respondent could not stand still  
20 and had eyelid tremors. His pulse was 118 BPM. He admitted that he used illegal drugs a couple  
21 of hours earlier.

22 **FIFTH CAUSE FOR DISCIPLINE**

23 **(Possession of a Controlled Substance)**

24 35. Respondent is subject to disciplinary action under Code section 4301,  
25 subdivision (j), in conjunction with section 4060, as a result of Respondent's possession of  
26 controlled substances.

27 36. Complainant now refers to and incorporates all the allegations in paragraphs  
28 29 and 34 as though set forth fully.

1 SIXTH CAUSE FOR DISCIPLINE

2 (Conduct Warranting the Denial of a License)

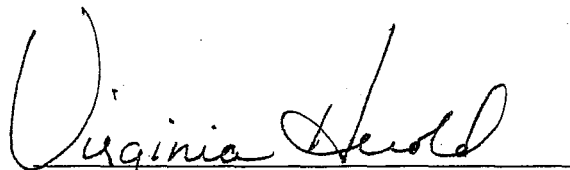
3 37. Respondent is subject to disciplinary action under Code section 480,  
4 subdivision (a)(1), and section 4301, subdivision (p), in that Respondent committed acts which  
5 would have warranted a denial of licensure as a Registered Pharmacist. Complainant now refers  
6 to and incorporates all the allegations in paragraphs 28, 29, 30, and 34, as though set forth fully.

7 PRAYER

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

- 10 1. Revoking or suspending Pharmacist License Number 50486, issued to
- 11 Respondent;
- 12 2. Ordering Respondent to pay the Board the reasonable costs of the investigation
- 13 and enforcement of this case, pursuant to Code section 125.3; and
- 14 3. Taking such other and further action as is deemed necessary and proper.

15  
16 DATED: 4/29/11

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18  
19 

20 VIRGINIA HEROLD  
21 Executive Officer  
22 Board of Pharmacy  
23 Department of Consumer Affairs  
24 State of California  
25 Complainant

26 LA2007601286