

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

In the Matter of the Accusation Against:

Case No. 4340

LEE DOLLINS
18729 Romar
Northridge, CA 91324

Registered Pharmacist License No.
RPH 23505

Respondent.

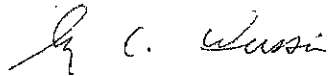
DECISION AND ORDER

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

This decision shall become effective on January 15, 2014.

It is so ORDERED on January 10, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 4340

13 **LEE S. DOLLINS**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 **Registered Pharmacist License No.
RPH 23505**

[Gov. Code, § 11415.60.]

15 Respondent.

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

18 **PARTIES**

19 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.
20 She brought this action solely in her official capacity and is represented in this matter by Kamala
21 D. Harris, Attorney General of the State of California, by Matthew A. King, Deputy Attorney
22 General.

23 2. Lee S. Dollins ("Respondent") is representing himself in this proceeding and has
24 chosen not to exercise his right to be represented by counsel.

25 3. On August 10, 1964, the Board of Pharmacy issued Registered Pharmacist License
26 Number RPH 23505 to Respondent. The Registered Pharmacist License was in full force and
27 effect at all times relevant to the charges brought herein and will expire on April 30, 2014 unless
28 it is renewed.

1 **JURISDICTION**

2 4. Accusation Number 4340 was filed before the Board and is currently pending against
3 Respondent. The Accusation and all other statutorily required documents were properly served
4 on Respondent on April 8, 2013. Respondent timely filed his Notice of Defense contesting the
5 Accusation. A copy of the Accusation is attached as Exhibit A and is incorporated herein by
6 reference.

7 **ADVISEMENT AND WAIVERS**

8 5. Respondent has carefully read, and understands the charges and allegations in the
9 Accusation. Respondent also has carefully read this Stipulated Surrender of License and Order
10 and understands its effects.

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

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

20 **CULPABILITY**

21 8. Respondent admits the truth of each and every charge and allegation in the
22 Accusation, agrees that cause exists for discipline and hereby surrenders his Registered
23 Pharmacist License for the Board's formal acceptance.

24 9. Respondent understands that by signing this stipulation he enables the Board to issue
25 an order accepting the surrender of his license without further process.

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CONTINGENCY

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

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

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments whether written or oral. This Stipulated Surrender of License and Order may not be modified except by a writing executed by an authorized representative of each of the parties.


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

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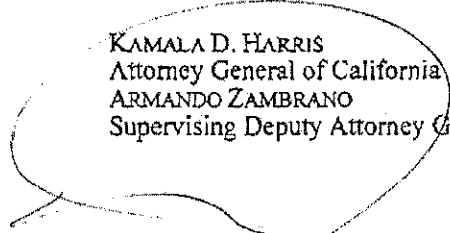
ACCEPTANCE

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

DATED: Sept 6, 2013 
LEE S. DOLLINS
Respondent

ENDORSEMENT

I respectfully submit the foregoing Stipulated Surrender of License and Order for consideration by the Board of Pharmacy.

Dated: Sept. 12, 2013 
KAMALA D. HARRIS
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

MATTHEW A. KING
Deputy Attorney General
Attorneys for Complainant

LA2012507305

Exhibit A
Accusation No. 4340

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

11 In the Matter of the Accusation Against:	Case No. 4340
12 LEE S. DOLLINS	ACCUSATION
13 18729 Romar	
14 Northridge, CA 91324-1334	
15 Registered Pharmacist License No. RPH	
23505	
16 Respondent.	

17 Complainant alleges:

18 **PARTIES**

19 1. Virginia K. Herold ("Complainant") brings this Accusation solely in her official
20 capacity as the Executive Officer of the Board of Pharmacy ("Board"), Department of Consumer
21 Affairs. On or about August 10, 1964, the Board issued Registered Pharmacist License Number
22 RPH 23505 to Lee S. Dollins ("Respondent"). The Registered Pharmacist License was in full
23 force and effect at all times relevant to the charges brought herein and will expire on April 30,
24 2014, unless it is renewed.

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1 the board or by any other state or federal regulatory agency.

2 ...
3 (p) Actions or conduct that would have warranted denial of a license."

4 5. Section 4306 of the Code states:

5 "It shall constitute unprofessional conduct and a violation of this chapter for any person
6 licensed under this chapter to violate, attempt to violate, directly or indirectly, or assist in or abet
7 the violation of, or conspire to violate, any provision or term of this article, the Moscone-Knox
8 Professional Corporation Act, or any regulations duly adopted under those laws."

9 6. Section 4307 of the Code states, in relevant part:

10 "(a) Any person who has been denied a license or whose license has been revoked or is
11 under suspension, or who has failed to renew his or her license while it was under suspension, or
12 who has been a manager, administrator, owner, member, officer, director, associate, or partner of
13 any partnership, corporation, firm, or association whose application for a license has been denied
14 or revoked, is under suspension or has been placed on probation, and while acting as the manager,
15 administrator, owner, member, officer, director, associate, or partner had knowledge of or
16 knowingly participated in any conduct for which the license was denied, revoked, suspended, or
17 placed on probation, shall be prohibited from serving as a manager, administrator, owner,
18 member, officer, director, associate, or partner of a licensee as follows:

19 (a)(1) Where a probationary license is issued or where an existing license is placed on
20 probation, this prohibition shall remain in effect for a period not to exceed five years.

21 (a)(2) Where the license is denied or revoked, the prohibition shall continue until the
22 license is issued or reinstated.

23 (b) Manager, administrator, owner, member, officer, director, associate, or partner," as
24 used in this section and Section 4308, may refer to a pharmacist or to any other person who serves
25 in that capacity in or for a licensee.

26 (c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to
27 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code.
28 However, no order may be issued in that case except as to a person who is named in the caption,

1 as to whom the pleading alleges the applicability of this section, and where the person has been
2 given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part
3 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision
4 shall be in addition to the board's authority to proceed under Section 4339 or any other provision
5 of law."

6 **REGULATORY PROVISIONS**

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

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

14 **COST RECOVERY**

15 8. Section 125.3 of the Code provides, in relevant part, that the Board may request the
16 administrative law judge to direct a licentiate found to have committed a violation or violations of
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
18 enforcement of the case.

19 **DRUG CLASSIFICATIONS**

20 9. Effexor, a trade name for venlafaxine hydrochloride, is indicated for the treatment of
21 depression. Effexor is defined as a dangerous drug by Code section 4022.

22 10. Ambien, a trade name for zolpidem tartrate, is a non-benzodiazepine hypnotic drug
23 indicated for treatment of insomnia. Ambien is defined as a dangerous drug by Code section
24 4022 and is classified as a schedule IV controlled substance under Health and Safety Code section
25 1308.14.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Dishonest Acts)**

3 11. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),
4 in conjunction with California Code of Regulations, title 16, section 1770, for unprofessional
5 conduct in that Respondent committed a dishonest and deceitful act, which is substantially related
6 to the qualifications, functions, and duties of a registered pharmacist. On or about December 7,
7 2011, Respondent entered Kaiser Permanente Outpatient Pharmacy, located at 2200 East
8 Gonzales Road in Oxnard, California through an employee entrance. After socializing with his
9 former coworkers, Respondent rounded the dispensing area, placed three bottles of medication
10 into his pockets, and attempted to leave the pharmacy. The pharmacist-in-charge detained
11 Respondent and recovered the medication. The bottles separately contained Effexor 50mg,
12 Effexor 100mg, and Ambien 5mg.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Violate Laws Regulating Controlled Substances and Dangerous Drugs)**

15 12. Respondent is subject to disciplinary action under Code section 4301, subdivision (j),
16 in conjunction with California Code of Regulations, title 16, section 1770, for unprofessional
17 conduct in that Respondent violated laws regulating controlled substances and dangerous drugs.
18 Complainant refers to and, by this reference, incorporates the allegations set forth in paragraph
19 11, as though set forth fully.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Violate Provision of Chapter 9 of the Pharmacy Law)**

22 13. Respondent is subject to disciplinary action under Code section 4301, subdivision (o),
23 in conjunction with California Code of Regulations, title 16, section 1770, for unprofessional
24 conduct in that Respondent violated a provision of Chapter 9 of the Pharmacy Law. Complainant
25 refers to and, by this reference, incorporates the allegations set forth in paragraphs 11-12,
26 inclusive, as though set forth fully.

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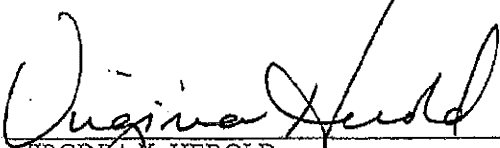
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PRAYER

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

1. Revoking or suspending Registered Pharmacist License Number RPH 23505, issued to Lee S. Dollins;
2. Ordering Lee S. Dollins to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Prohibiting Lee S. Dollins from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee, pursuant to Business and Professions Code section 4307;
4. Taking such other and further action as deemed necessary and proper.

DATED: 3/26/13 
VIRGINIA K. HEROLD
Executive Officer
Board of Pharmacy
State of California
Complainant

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