

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

In the Matter of the Accusation Against:

**GEORGE GREGORY SOLOMON**

Pharmacist License No. RPH 49116,

Respondent.

Case No. 5506

OAH No. 2015101093

**DECISION AFTER REJECTION**

John E. DeCure, Administrative Law Judge (ALJ), Office of Administrative Hearings, State of California, heard this matter on July 22, 2016, in Los Angeles. Michael Brown, Deputy Attorney General, represented Virginia K. Herold (complainant), Executive Officer of the California State Board of Pharmacy (Board), Department of Consumer Affairs. George Gregory Solomon (respondent) appeared and represented himself.

Evidence was taken and argument was heard. The record remained open after the hearing to allow submission of certified copies of evidence. The record was closed and the matter was submitted on August 19, 2016. The ALJ prepared a Proposed Decision on August 25, 2016.

On November 4, 2016, pursuant to section 11517 of the Government Code, the Board issued an Order rejecting the August 25, 2016, Proposed Decision of the ALJ. On December 13, 2016, the Board issued an Order reflecting that the transcript had been received and the deadline for submission of written argument was set for January 12, 2017. Both parties timely submitted written argument.

The Board, having reviewed and considered the entire record, including the transcript, exhibits and written arguments, now issues this decision.

**FACTUAL FINDINGS**

*Jurisdiction*

1. Complainant filed the Accusation in her official capacity, alleging that in 2015 respondent was convicted of a crime substantially related to the qualifications, functions, or

duties of a pharmacist, that he was in unlawful possession of a controlled substance, and that he furnished a controlled substance to an addict. Respondent timely filed a notice of defense.

2. The board issued Pharmacist License Number RPH 49116 to respondent on September 9, 1996. The license was in full force and effect at all times relevant to the charges in the Accusation and, at the time of hearing, had an expiration date of October 31, 2017.

3. Dangerous drugs are drugs unsafe for self-use and require a prescription. Controlled substances require a prescription and, hence, are dangerous drugs. Controlled substances are substances listed in chapter 2 of division 10, commencing with section 11053, of the Health and Safety Code. Methamphetamine is a synthetic drug with more rapid and lasting effects than amphetamine, which is an addictive, mood-altering stimulant. Methamphetamine is a Schedule II controlled substance.

### *The Conviction*

4. On February 17, 2015, respondent entered a guilty plea in California Superior Court, Los Angeles County, case number SA088456, to one count of violating Health and Safety Code section 11355 (sell/furnish a controlled substance), a felony. The court entered a deferred entry of judgment pursuant to Penal Code section 1000, ordering respondent to serve one day in jail, placing him on 18 months' probation, and ordering him to complete a drug diversion program.

5. The facts and circumstances surrounding the conviction involved a July 26, 2014, anonymous phone call to the Los Angeles County Sheriff's Department received alleging a drug overdose occurred at respondent's apartment. When Sheriff's deputies arrived, respondent and another man, Robert Ellingsen (Ellingsen), who was a known felon on probation following a conviction for possession of a controlled substance, were present in respondent's apartment. Respondent identified Ellingsen as his roommate. Respondent consented to allow the deputies to enter the apartment to determine whether anyone needed medical attention. When deputies entered, they observed a glass pipe with a bulb-like end and a syringe on the coffee table. Respondent then consented to a search of the entire apartment, where deputies found drugs and drug paraphernalia including two baggies of crystal methamphetamine, used syringes, a scale, and a glass pipe. According to the police report, the drug paraphernalia was found throughout the apartment, including in respondent's room, in an adjoining bathroom and the kitchen. Respondent told deputies Ellingsen had a drug problem, and respondent had let him live with respondent the last year and a half as friends while respondent tried to help Ellingsen get over his drug addiction, with no success. Respondent admitted that due to Ellingsen's lifestyle and negative influence, respondent had personally used methamphetamine. Ellingsen told deputies that respondent kept methamphetamine around his apartment to trade with Ellingsen for helping around the apartment, because Ellingsen could not afford to pay for the drugs.<sup>1</sup> Deputies arrested Ellingsen and respondent, who were both later criminally charged.

---

<sup>1</sup> Ellingsen did not testify. His oral and written statements to police were contained in the Incident Report (Exhibit 6).

6. a. Respondent testified that he had initially attempted to help and mentor Ellingsen, who at first presented as vulnerable and in need of assistance, but Ellingsen was cunning and soon became bullying and manipulative toward respondent once he moved into respondent's apartment. Over time, Ellingsen became a squatter respondent could not remove, and he leveled threats of violence toward respondent and respondent's family if respondent did not do what Ellingsen wanted, which was primarily to tolerate Ellingsen's drug-abusing lifestyle while Ellingsen lived rent-free in respondent's apartment.

b. Respondent acknowledged during his hearing testimony that he used methamphetamine during the summer of 2014. When first asked how many times he had used it, he responded "Probably multiple times. He [Ellingsen] was the type – he kept pushing on me." When he was again asked to estimate how many times he used it, he said, "Might have been a few times that summer. Maybe like – maybe when I was most despondent, once or twice a week." He later stated "I dabbled in it because I was down. ..." When police arrested him, respondent was finally free of Ellingsen, which is why he described to police how Ellingsen had manipulated him. In his written statement to police on the night he was arrested, respondent wrote, by his own hand, that the "mayhem" Ellingsen had brought into his life resulted in respondent's "own personal use of methamphetamine from casual to daily at times..." Respondent denied having ever been addicted to methamphetamine or pursuing a drug lifestyle. He denied ever having sold drugs or having any direct involvement with the drug-users who associated with Ellingsen, whom he described as terrifying.

#### *Additional Evidence*

7. Los Angeles City Councilman Paul Koretz submitted a letter, dated July 21, 2016, with an additional September 2014 letter as an attachment, on respondent's behalf. Councilman Koretz is a long-time neighbor and friend of respondent, and he attested to respondent's good character. He also stated that while Ellingsen was living in respondent's apartment, Ellingsen took advantage of respondent as a squatter. Councilman Koretz noted that while respondent was on a vacation, he had assigned a friend to house-sit while he was gone, but Ellingsen attempted to throw the man out, claiming squatter's rights. This incident prompted a police investigation, but Ellingsen was not removed and continued living with respondent. Councilman Koretz described how Ellingsen brought strangers with scary physical appearances into the apartment complex, and how their presence frightened other tenants. He described respondent as being victimized by Ellingsen, who paralyzed respondent's state of being.

8. Respondent submitted a September 2014, letter from his therapist, Lauren Jacobs M.A., and M.F.T., which reiterated much of respondent's above-stated description of his situation with Ellingsen that led to his arrest.

9. Respondent has complied with his criminal probation. Respondent submitted a certificate of completion showing he completed a 40-hour course in drug diversion on July 9, 2015. This program was a requirement of his criminal probation. He has not used illegal drugs since his arrest and denies having an addiction to drugs. He has had not continued with the program after he completed the requirements of his criminal probation. He attended a 12-step program, but did not complete the 12 steps. He did not have a sponsor. He does not currently

attend any meetings. Respondent testified that the board could be assured that he will not use methamphetamine in the future because he is in a happier place now without chaos in his life. Respondent is, however, still in contact with Ellingsen. After the conviction, and as recently as the week before the hearing, respondent was in contact with Ellingsen. Respondent believes that Ellingsen is now sober, but they had not discussed it and Ellingsen had provided him no representations to that effect.

10. Respondent is not currently practicing as a pharmacist because he is on disability due to repeated knee surgeries and he suffers from persistent knee-and-ankle swelling when he stands up for prolonged periods of time.

11. Trang Song, a licensed pharmacist in California and a Board of Pharmacy Inspector for 18 months (Inspector Song), testified that in her opinion, respondent's convictions are substantially related to the qualifications, functions and duties of a pharmacist. Regarding a pharmacist's duties, Inspector Song stated that a pharmacist works without supervision, dispensing controlled substances to medical patients, storing and inventorying drugs, and preparing prescriptions. The pharmacist must use sound judgment and be dedicated to patient care. The pharmacist must work within the confines of the law, including with regard to controlled substances. Inspector Song opined that respondent's conviction is substantially related to his responsibilities as a pharmacist because public protection is the board's highest priority, and a pharmacist who is practicing while under the influence of non-prescribed controlled substances cannot safely fulfill his duties.

#### *Cost of Enforcement*

12. The board incurred enforcement costs, in the form of Attorney General fees, in the amount of \$3,370. Those costs were reasonably incurred.

---

## LEGAL CONCLUSIONS

### *The Standard of Proof*

1. The practice of pharmacy, like the practice of medicine, is a profession. *Vermont & 110th Medical Arts Pharmacy v. Board of Pharmacy* (1981) 125 Cal.App.3d 19, 25. The standard of proof in an administrative disciplinary action seeking the suspension or revocation of a professional license is "clear and convincing evidence." *Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 856.

2. The key element of "clear and convincing evidence" is that it must establish a high probability of the existence of the disputed fact, greater than proof by a preponderance of the evidence. Evidence of a charge is clear and convincing so long as there is a "high probability" that the charge is true. *People v. Mabini* (2001) 92 Cal.App.4th 654, 662.

3. Each cause for discipline established below was established by clear and convincing evidence.

### *Applicable Authority*

4. The board is guided by principles and statutes that mandate that whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public must be paramount. (Code, §§ 4001.1 and 4313.)

5. Business and Professions Code section 4301 provides that the board may take action against a licensee for unprofessional conduct, which includes: the violation of any statutes of this state, or any other state, or of the United States regulating controlled substances (subd. (j)); and the conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct (Code, § 4301, subd. (l)).

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

For the purpose of denial, suspension, or revocation of a personal... license... a crime or act shall be considered substantially related to the qualifications, functions, or duties of a licensee... if to a substantial degree it evidences present or potential unfitness of a licensee to perform the functions authorized by his license... in a manner consistent with the public, health, safety, or welfare.

7. Business and Professions Code section 125.3 provides that the board may request an administrative law judge to direct a licensee found to have violated the licensing act to pay a sum not to exceed its reasonable costs of investigation and enforcement. Complainant is entitled to recover reasonable costs of the investigation and prosecution of this matter in the amount of \$3,370, as set forth in Factual Finding 12.

8. Respect for human life and compliance with the law are paramount for pharmacists, who have access to dangerous drugs and controlled substances and must store, compound, and dispense drugs with total accuracy. Pharmacists also have a corresponding responsibility, a legal duty, to assure the proper prescribing and dispensing of a controlled substance. (Health & Saf. Code, § 11153.) Under those circumstances, pharmacists must be able to restrict access to drugs where appropriate. "Whenever a pharmacist believes that a prescription may not have been written for a legitimate medical purpose, the pharmacist must inquire; when the results of a reasonable inquiry do not overcome the pharmacist's concern about a prescription having been written for a legitimate medical purpose, the pharmacist must not fill the prescription." (*In re Pacifica Pharmacy, et al*, Board Prec. Dec. 2013-01, p. 12.) Respondent's conviction of a felony crime involving illegal drugs, and his admitted use of methamphetamine, evidences an unfitness to perform the functions of a pharmacist in a manner consistent with the public health, safety, and welfare.

### *Causes for Discipline*

9. Cause exists to discipline respondent's pharmacist license under Business and Professions Code (Code) sections 4301, subdivision (l), and 490, in conjunction with California Code of Regulations, title 16 (Regulation), section 1770, on the grounds that respondent committed unprofessional conduct by being convicted of a crime substantially related to the qualifications, functions, or duties of a pharmacist, as set forth in Factual Findings 4, 5, 6 and 11.

10. Cause exists to discipline respondent's pharmacist license under Code section 4301, subdivision (j), in conjunction with Code section 4060, on the grounds that respondent committed unprofessional conduct by being in possession of methamphetamine, a controlled substance, as set forth in Factual Findings 4, 5 and 6.

11. Cause does not exist to discipline respondent's pharmacist license under Code sections 4301, subdivision (i), and 4059, subdivision (a). Respondent was convicted of selling or furnishing a controlled drug in violation of Health and Safety Code section 11355; respondent describes his roommate, Ellingsen, as an addict. There is not, however, direct evidence of Ellingsen's assertion that respondent's conviction was for supplying Ellingson with drugs, and so that cause is not supported.

### *Analysis to Determine Penalty*

12. The board's Disciplinary Guidelines state that in determining whether the minimum, maximum, or an intermediate penalty is to be imposed in a given case, the following applicable factors should be considered (each factor is accompanied by a corresponding analysis):

a. Actual or potential harm to the public. No actual harm to the public was alleged. The potential harm to the public was that respondent could have been injured or died because of his self-use of illegal drugs. Had respondent practiced pharmacy while under the influence, he could have mishandled prescriptions, or dispensed the wrong drugs, thereby potentially causing serious injury or even death. By facilitating and tolerating use of illegal drugs by his roommate and the roommates' friends in his home, those individuals were at risk for injury or death, including from overdose.

b. Actual or potential harm to any consumer. No actual harm to a consumer was alleged. A potential harm to consumers is that respondent, if practicing pharmacy while under the influence, could have mishandled or incorrectly filled their prescriptions. In addition, should respondent be unable to refuse the type of pressure asserted by his roommate in a professional setting, consumers could receive access to controlled substances without a prescription, significant harm could occur.

c. Prior disciplinary record, including level of compliance with disciplinary order(s). Respondent has no prior disciplinary record.

d. Number and/or variety of current violations. Respondent's misconduct represented two violations of the Pharmacy Law. His conviction for a violation of law related to controlled substances; his use of the controlled substances is also a concern.

e. Nature and severity of the act(s), offense(s) or crime(s) under consideration. Respondent's conviction of a felony is a serious violation of the Pharmacy Law. His use of illegal methamphetamine is a serious violation of the law given his role to follow numerous, drug-related laws as a pharmacist.

f. Aggravating evidence. Respondent allowed himself to be bullied into using drugs by his roommate. His inability to resist or gain control over the situation with his roommate is concerning and could bear on his ability to resist illegal activity if he is in charge of distributing drugs. His recent contact with his prior roommate is also concerning.

g. Mitigating evidence. Respondent's friend and neighbor, a Los Angeles City Councilman, submitted a letter attesting to respondent's good character and corroborating a substantial portion of respondent's testimony.

h. Rehabilitation evidence. The ALJ found that respondent was a candid, cooperative witness and expressed sincere remorse for his misconduct. Respondent participated in a drug diversion program as part of his criminal probation, but ceased that activity once obligations of his criminal probation were satisfied.

i. Compliance with terms of any criminal sentence, parole, or probation. Respondent is in compliance with his criminal probation, which was set to expire in September 2016.

j. Time passed since the act(s) or offense(s). The misconduct occurred just over three years ago, and respondent was still on criminal probation at the time of hearing.

k. Whether the conduct was intentional or negligent, demonstrated incompetence, or, if the respondent is being held to account for conduct committed by another, the respondent had knowledge of or knowingly participated in such conduct. Respondent's conduct was intentional, as he allowed for illegal controlled substances and drug paraphernalia to be present and used in his apartment. His knowing participation with Ellingsen, even if it was under duress as he described, is of great concern. He admitted to using amphetamine as a result of pressure by his roommate, but yet denies any criminal activity. As a pharmacist, who literally controls the distribution of drugs including addictive controlled substances, respondent must be able to resist the pressure of others to violate pharmacy law, particularly under circumstances where an addict or other person seek to obtain drugs illegally.

13. After the hearing in this matter, the ALJ found that respondent was remorseful and showed rehabilitation and recommended a stayed revocation of the license under lenient probationary terms. Significant weight is given to the ALJ's demeanor and credibility finding, however, the board is not bound by the ALJ's determination of the licensee's qualifications for continued licensure. (*In re Glass* (2014) 58 Cal.4th 500, 520-21; *In re Gossage* (2000), 23

Cal.4th 1080.) In this case, the evidence compels the board to reject the ALJ's conclusion about the level of respondent's rehabilitation, thus compelling the board to impose additional and stronger probationary terms.

The evidence in the record is contrary to respondent's denial of wrongdoing. Respondent was convicted of violating Health and Safety Code section 11355; he was still on criminal probation at the time of the hearing. Despite those facts, he denied any illegal activity. He admitted under oath that he had used methamphetamine, but said he was pressured by police to make statements that he used it. Even in respondent's written argument, he continues to deny misconduct, despite his testimony and written admissions to the contrary. His lack of responsibility for his misconduct warrants board's close scrutiny on probation.

Respondent committed serious misconduct due to his conviction of a substantially related crime and his use of methamphetamine. In issuing this decision, the board has considered all of the factors above, including the mitigation and rehabilitation evidence presented. Protection of the public is paramount. His completion of a criminal drug diversion program is noted, but respondent's rehabilitation is ongoing, as at the time of hearing he had yet to complete his criminal probation. No evidence was presented to show respondent ever practiced pharmacy while under the influence of either legal or illegal drugs, but the board must protect the public by ensuring that circumstances where that could happen do not arise. As such, and given his admitted use of drugs, conditions that require respondent to participate in the board's pharmacist's recovery program are appropriate. Respondent's prior participation in a criminal drug diversion program is not a substitute for rigorous oversight and reporting requirements of the board's pharmacist's recovery program, which will occur during the probation. A lengthy period of probation is also appropriate. Weighing the circumstances, the order that follows will best achieve the board's primary mission of public protection.

### ORDER

Pharmacist License Number RPH 49116, issued to respondent George Gregory Solomon, is hereby revoked; however, the order of revocation is stayed and respondent Solomon placed on probation for five (5) years upon the following terms and conditions:

**1. Obey All Laws**

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the board, in writing, within seventy-two (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 in any state or federal criminal proceeding to any criminal complaint, information or indictment;



- A conviction of any crime; and
- Discipline, citation, or other administrative action filed by any state or federal agency which involves respondent's pharmacist 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**

Respondent 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, respondent 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, respondent 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 (2) 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**

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

## **5. Continuing Education**

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

## **6. Notice to Employers**

During the period of probation, respondent shall notify all present and prospective employers of the decision in board case number 5506 and the terms, conditions and restrictions imposed on respondent by the decision, as follows:

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment, respondent shall cause his or her direct

supervisor, pharmacist in charge (including each new pharmacist in charge employed during respondent's tenure of employment) and owner to report to the board in writing acknowledging that the listed individual(s) has/have read the decision in board case number 5506, and terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

If respondent works for or is employed by or through a pharmacy employment service, respondent must notify his direct supervisor, pharmacist in charge, and owner at every entity licensed by the board of the terms and conditions of the decision in board case number 5506 in advance of the respondent commencing work at each licensed entity. A record of this notification must be provided to the board upon request.

Furthermore, within thirty (30) days of the effective date of this decision and within fifteen (15) days of respondent undertaking any new employment by or through a pharmacy employment service, respondent shall cause his direct supervisor with the pharmacy employment service to report to the board in writing acknowledging that he or she has read the decision in board case number 5506 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

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

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

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

**8. Reimbursement of Board Costs**

As a condition precedent to successful completion of probation, respondent shall pay to the board its costs of investigation and prosecution in the amount of \$3,370. Respondent shall make said payments each month until this obligation is satisfied in accordance with a board-approved payment plan, or as the board in its discretion may otherwise order.

There shall be no deviation from this schedule absent prior written approval by the board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

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

#### **9. Probation Monitoring Costs**

Respondent 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.

#### **10. Status of License**

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

If respondent's 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 respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

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

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

Upon acceptance of the surrender, respondent shall relinquish his pocket and wall license to the board within ten (10) days of notification by the board that the surrender is accepted. Respondent may not reapply for any license from the board for three (3) years from the effective date of the surrender. Respondent 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.

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

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

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

## **13. Tolling of Probation**

Respondent is required to practice as a pharmacist in a licensed pharmacy setting that dispenses medication for a minimum of one year prior to the completion of probation. After the first year of probation, the board or its designee may consider a modification of this requirement. If respondent fails to comply with this requirement or a subsequent modification thereto, such failure shall be considered a violation of probation.

## **14. Supervised Practice**

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

Continuous - At least 75% of a work week

Substantial - At least 50% of a work week

Partial - At least 25% of a work week

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

Within thirty (30) days of the effective date of this decision, respondent shall have his supervisor submit notification to the board in writing stating that the supervisor has read the decision in board case number 5506 and is familiar with the required level of supervision as determined by the board or its designee. It shall be the respondent's responsibility to ensure that his employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely acknowledgements to the board shall be considered a violation of probation.

If respondent changes employment, it shall be the respondent's responsibility to ensure that his employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the board. Respondent shall have his new supervisor, within fifteen (15) days after employment commences, submit notification to the board in writing stating the direct supervisor and pharmacist-in-charge have read the decision in board case number 5506 and is familiar with

the level of supervision as determined by the board. Respondent shall not practice pharmacy and his license shall be automatically suspended until the board or its designee approves a new supervisor. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely acknowledgements to the board shall be considered a violation of probation.

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

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

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

#### **15. Ethics Course**

Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll in a course in ethics, at respondent's expense, approved in advance by the board or its designee. Failure to initiate the course during the first year of probation, and complete it within the second year of probation, is a violation of probation.

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

#### **16. Random Drug Screening**

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

During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent shall not practice pharmacy nor do

any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and controlled substances. Respondent shall not resume practice until notified by the board.

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

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

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

#### **17. Abstain from Drugs and Alcohol Use**

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

#### **18. Pharmacists Recovery Program (PRP)**

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

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

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

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

Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment shall result in the automatic suspension of practice by respondent and shall be considered a violation of probation. Respondent may not resume the practice of pharmacy until notified by the board in writing.

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

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

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

---

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

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

#### **19. Violation of Probation**

If respondent has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent, and 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.

If respondent violates probation in any respect, the board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that

was stayed. Notice and opportunity to be heard are not required for those provisions stating that a violation thereof may lead to automatic termination of the stay and/or revocation of the license. If a petition to revoke probation or an accusation is filed against respondent during probation, 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.

**20. Completion of Probation**

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

This Decision shall become effective at 5:00 p.m. on April 6, 2017.

It is so ORDERED on March 7, 2017.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

Amy Gutierrez, Pharm.D.  
Board President



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

In the Matter of the Accusation Against:

GEORGE GREGORY SOLOMON,

Respondent.

Case No. 5506

OAH No. 2015101093

TO ALL PARTIES AND THEIR ATTORNEY OF RECORD:

**ORDER SETTING DATE FOR SUBMISSION OF WRITTEN ARGUMENT**

The administrative record of the hearing in the above-entitled matter having now become available, the parties are hereby notified of the opportunity to submit written argument in accordance with the Order Rejecting the Proposed Decision dated November 4, 2016.

Written argument shall be filed with the Board of Pharmacy, 1625 N. Market Blvd., Suite N-219, Sacramento, California, 95834 on or before January 12, 2017. **No new evidence may be submitted.**

IT IS SO ORDERED December 13, 2016.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

Amy Gutierrez, Pharm.D.  
Board President

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

In the Matter of the Accusation Against:

GEORGE GREGORY SOLOMON,

Respondent.

Case No. 5506

OAH No. 2015101093

**ORDER REJECTING PROPOSED DECISION**

Pursuant to section 11517 of the Government Code, the Proposed Decision of the Administrative Law Judge in the above-entitled matter is rejected. The California State Board of Pharmacy (hereinafter "board") will decide the case upon the record, including the transcript(s) of the hearing, and upon such written argument as the parties may wish to submit.

Although the right to argue is not limited, the board is particularly interested in arguments directed to the question whether the penalty is appropriate to protect the public in light of the board's Disciplinary Guidelines. The parties will be notified of the date for submission of such argument when the transcript of the above-mentioned hearing becomes available.

It is so ORDERED on November 4, 2016.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

Amy Gutierrez, Pharm.D.  
Board President

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

In the Matter of the Accusation Against:

GEORGE GREGORY SOLOMON,

Respondent.

Case No. 5506

OAH No. 2015101093

**PROPOSED DECISION**

John E. DeCure, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on July 22, 2016, in Los Angeles.

Michael Brown, Deputy Attorney General, represented Virginia K. Herold (complainant), Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.

George Gregory Solomon (respondent) appeared and represented himself.

Evidence was taken and argument was heard. At the conclusion of the hearing, the Administrative Law Judge noted that complainant's Exhibit 6, a copy of a Los Angeles Sheriff's Department Incident Report, was identified as "certified" in complainant's exhibit index but did not contain a Sheriff's Department certification. Complainant's counsel requested that the record remain open so he could obtain a certified copy of Exhibit 6. Respondent did not object. The request was granted, and complainant was given until July 29, 2016 to obtain the certified copy.

On July 29, 2016, complainant's counsel made a written request for further time to obtain the certified copy of Exhibit 6, because the Sheriff's Department had indicated it would need more time to provide the requested certified documents. Respondent did not object to complainant's request for additional time. The Administrative Law Judge found good cause existed for the time-extension request and ordered that: the record would remain open; complainant was to provide the certified copy of Exhibit 6 by August 12, 2016; and respondent was to lodge any objections by August 19, 2016.

On August 9, 2016, complainant submitted the newly-obtained certified copy of the Sheriff's Department Incident Report, which was identical in content to Exhibit 6 but for a one-page "Declaration of Custodian of Records" containing the certification. Respondent did not lodge any objections. Therefore, the former uncertified copy of Exhibit 6 was

removed from the record and replaced by the new certified copy, which was marked as Exhibit 6 and received in evidence. The record was closed and the matter was submitted on August 19, 2016.

## FACTUAL FINDINGS

### *Jurisdiction*

1. Complainant filed the Accusation in her official capacity, alleging that in 2015 Respondent was convicted of a crime substantially related to the qualifications, functions, or duties of a pharmacist, that he was in unlawful possession of a controlled substance, and that he furnished a controlled substance to an addict. Respondent timely filed a notice of defense.

2. The Board issued Pharmacist License Number RPH 49116 to Respondent on September 9, 1996. The license was in full force and effect at all times relevant to the charges in the Accusation and has an expiration date of October 31, 2017.

3. Dangerous drugs are drugs unsafe for self-use and require a prescription. Controlled substances require a prescription and, hence, are dangerous drugs. Controlled substances are substances listed in Chapter 2, commencing with section 11053, of the Health and Safety Code. Methamphetamine is a synthetic drug with more rapid and lasting effects than amphetamine, which is an addictive, mood-altering stimulant. Methamphetamine is a Schedule II controlled substance.

### *The Conviction*

4. On February 17, 2015, respondent entered a guilty plea in California Superior Court, Los Angeles County, case number SA088456, to one count of violating Health and Safety Code section 11355, subdivision (a) (sell/furnish a controlled substance), a felony. The court entered a deferred entry of judgment pursuant to Penal Code section 1000, ordering respondent to serve one day in jail, placing him on 18 months' probation, and ordering him to complete a drug diversion program.

5. The facts and circumstances surrounding the conviction involved a July 26, 2014, anonymous phone call the Los Angeles County Sheriff's Department received alleging a drug overdose occurred at respondent's apartment. When Sheriff's deputies arrived, respondent and another man, Robert Ellingsen (Ellingsen), who was a known felon on probation following a conviction for possession of a controlled substance, were present in respondent's apartment. Respondent identified Ellingsen as his roommate. Respondent consented to allow the deputies to enter the apartment to determine whether anyone needed medical attention. When deputies entered, they observed a glass pipe with a bulb-like end and a syringe on the coffee table. Respondent then consented to a search of the entire apartment, where deputies found drugs and drug paraphernalia including two baggies of crystal methamphetamine, used syringes, a scale, and a glass pipe. Respondent told deputies Ellingsen had a drug problem, and respondent had let him live with respondent the last year and a half as friends while respondent tried to help

Ellingsen get over his drug addiction, with no success. Respondent complained that Ellingsen had brought mayhem into respondent's life because of Ellingsen's drug-abusing lifestyle and the unsavory people Ellingsen invited to the apartment. Respondent admitted that due to Ellingsen's lifestyle and negative influence, respondent had personally used methamphetamine. Ellingsen told deputies respondent kept methamphetamine around his apartment to trade with Ellingsen for helping around the apartment, because Ellingsen could not afford to pay for the drugs.<sup>1</sup> Deputies arrested Ellingsen and respondent, who were both later criminally charged.

6. Respondent testified that he had initially attempted to help and mentor Ellingsen, who at first presented as vulnerable and in need of assistance, but Ellingsen was cunning and soon became bullying and manipulative toward respondent once he moved into respondent's apartment. Over time, Ellingsen became a squatter respondent could not remove, and he leveled threats of violence toward respondent and respondent's family if respondent did not do what Ellingsen wanted, which was primarily to tolerate Ellingsen's drug-abusing lifestyle while Ellingsen lived rent-free in respondent's apartment. Respondent admitted to using methamphetamine sporadically during the summer of 2014. He used methamphetamine because he was depressed that Ellingsen had been squatting in his apartment for one and one-half years by then, and by that point in time, respondent felt completely bullied, manipulated, and trapped. When police arrested him, respondent was finally free of Ellingsen, which is why he described to police how Ellingsen had manipulated him. But he was devastated by the shame and embarrassment of facing criminal charges. Respondent denied having ever been addicted to methamphetamine or pursuing a drug lifestyle. He denied ever having sold drugs or having any direct involvement with the drug-users who associated with Ellingsen, whom he described as terrifying.

#### *Additional Evidence*

7. Los Angeles City Councilman Paul Koretz submitted a letter, dated July 21, 2016, with an additional September 2014 letter as an attachment, on respondent's behalf. Councilman Koretz is a long-time neighbor and friend of respondent, and he attested to respondent's good character. He also stated that while Ellingsen was living in respondent's apartment, Ellingsen took advantage of respondent as a squatter. Councilman Koretz noted that while respondent was on a vacation, he had assigned a friend to house-sit while he was gone, but Ellingsen attempted to throw the man out, claiming squatter's rights. This incident prompted a police investigation, but Ellingsen was not removed and continued living with respondent. Councilman Koretz described how Ellingsen brought strangers with scary physical appearances into the apartment complex, and how their presence frightened other tenants. He described respondent as being victimized by Ellingsen, who paralyzed respondent's state of being. (Exhibit A.)

---

<sup>1</sup> Ellingsen did not testify. His statements to police were contained in the Incident Report (Exhibit 6).

8. Respondent submitted a September 2014 letter from his therapist, Laureen Jacobs, M.A., and M.F.T., which reiterated much of respondent's above-stated description of his situation with Ellingsen that led to his arrest.

9. Respondent submitted a certificate of completion showing he completed a 40-hour course in drug diversion on July 9, 2015. He has not used illegal drugs since his arrest and denies having an addiction to drugs. He has complied with his criminal probation. He is not currently practicing as a pharmacist because he is on disability due to repeated knee surgeries and he suffers from persistent knee-and-ankle swelling when he stands up for prolonged periods of time.

10. Trang Song, a licensed pharmacist in California and a Board of Pharmacy Inspector for 18 months (Inspector Song), testified that in his opinion, Respondent's convictions are substantially related to the qualifications, functions and duties of a pharmacist. Regarding a pharmacist's duties, Inspector Song stated a pharmacist works without supervision, dispensing controlled substances to medical patients, storing and inventorying drugs, and preparing prescriptions. The pharmacist must use sound judgment and be dedicated to patient care. Inspector Song opined that Respondent's conviction is substantially related to his responsibilities as a pharmacist because public protection is the Board's highest priority, and a pharmacist who is practicing while under the influence of non-prescribed controlled substances cannot safely fulfill his duties.

11. Respondent expressed sincere remorse over his conviction. He was humble and candid in his testimony, and he was visibly affected when recounting the circumstances surrounding the conviction, which he considered to be the worst events of his life. Respondent is physically diminutive and presented in a soft-spoken, non-aggressive manner. Nothing in his demeanor suggested he would be capable of dealing drugs to strangers.

#### *Cost of Enforcement*

12. The Board incurred enforcement costs, in the form of Attorney General fees, in the amount of \$3,370. Those costs were reasonably incurred.

### LEGAL CONCLUSIONS

1. Cause exists to discipline Respondent's pharmacist license under Business and Professions Code (Code) sections 4301, subdivision (l), and 490, in conjunction with California Code of Regulations, title 16 (Regulation), section 1770, on the grounds that Respondent committed unprofessional conduct by being convicted of a crime substantially related to the qualifications, functions, or duties of a pharmacist, as set forth in Factual Findings 4, 5, 6 and 10.

2. Cause exists to discipline Respondent's pharmacist license under Code section 4301, subdivision (j), in conjunction with Code section 4060, on the grounds that Respondent

committed unprofessional conduct by being in possession of methamphetamine, a controlled substance, as set forth in Factual Findings 4, 5 and 6.

3. Cause does not exist to discipline Respondent's pharmacist license under Code sections 4301, subdivision (i), and 4059, subdivision (a), because it was not proven by clear and convincing evidence that Respondent furnished controlled substances to an addict. The sole evidence in support of this allegation was the statements Ellingsen made to police, contained in the incident report. Ellingsen, a known felon previously convicted for a prior drug offense, was still on criminal probation when the July 26, 2014 incident occurred. As a result, he had very self-serving reasons to claim the drugs belonged to respondent and not himself. Complainant provided no other proof that respondent furnished drugs to Ellingsen.

#### *The Standard of Proof*

4. The practice of pharmacy, like the practice of medicine, is a profession. *Vermont & 110th Medical Arts Pharmacy v. Board of Pharmacy* (1981) 125 Cal.App.3d 19, 25. The standard of proof in an administrative disciplinary action seeking the suspension or revocation of a professional license is "clear and convincing evidence." *Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 856.

5. The key element of "clear and convincing evidence" is that it must establish a high probability of the existence of the disputed fact, greater than proof by a preponderance of the evidence. Evidence of a charge is clear and convincing so long as there is a "high probability" that the charge is true. *People v. Mabini* (2001) 92 Cal.App.4th 654, 662.

6. The Board met its burden of proving the First and Second Causes for Discipline by clear and convincing evidence.

#### *Applicable Authority*

7. Business and Professions Code section 4301 provides that the Board may take action against a licensee for unprofessional conduct, which includes: the violation of any statutes of this state, or any other state, or of the United States regulating controlled substances (subd. (j)); and the conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct (subd. (l)).

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

For the purpose of denial, suspension, or revocation of a personal . . . license . . . a crime or act shall be considered substantially related to the qualifications, functions, or duties of a licensee . . . if to a substantial degree it evidences present or potential unfitness of a licensee to perform the functions authorized by his license . . . in a manner consistent with the public health, safety, or welfare.

9. Business and Professions Code section 125.3 provides that the Board may request an administrative law judge to direct a licentiate found to have violated the licensing act to pay a sum not to exceed its reasonable costs of investigation and enforcement. Complainant is entitled to the recover reasonable costs of the investigation and prosecution of this matter in the amount of \$3,370, as set forth in Factual Finding 12.

10. Respect for human life and compliance with the law are paramount for pharmacists, who have access to dangerous drugs and controlled substances and must store, compound, and dispense drugs with total accuracy. Respondent's conviction of a felony crime involving illegal drugs, and his admitted use of methamphetamine, evidences an unfitness to perform the functions of a pharmacist in a manner consistent with the public health, safety, and welfare.

*Analysis to Determine Penalty*

17. The Board's Disciplinary Guidelines state that in determining whether the minimum, maximum, or an intermediate penalty is to be imposed in a given case, the following applicable factors should be considered (each factor is accompanied by a corresponding analysis):

1. Actual or potential harm to the public. No actual harm to the public was alleged. The potential harm to the public was that respondent, if practicing pharmacy while under the influence, could have mishandled prescriptions, or dispensed the wrong drugs, thereby potentially causing serious injury or even death.

2. Actual or potential harm to any consumer. No actual harm to a consumer was alleged. The potential harm to patients was that respondent, if practicing pharmacy while under the influence, could have mishandled or incorrectly filled their prescriptions.

3. Prior disciplinary record, including level of compliance with disciplinary order(s). Respondent has no prior disciplinary record.

5. Number and/or variety of current violations. Respondent's misconduct represented two violations of the Pharmacy Law, both stemming from his conviction.

6. Nature and severity of the act(s), offense(s) or crime(s) under consideration. Respondent's conviction of a felony is a serious violation of the Pharmacy Law.

7. Aggravating evidence. The evidence did not give rise to aggravating circumstances.

8. Mitigating evidence. Respondent's friend and neighbor, a Los Angeles City Councilman, submitted a letter attesting to respondent's good character and corroborating a substantial portion of respondent's testimony.



9. Rehabilitation evidence. Respondent was a candid, cooperative witness and expressed sincere remorse for his misconduct. Respondent completed a drug diversion program over one year ago and attested credibly that he is not a drug-user.

10. Compliance with terms of any criminal sentence, parole, or probation. Respondent is in compliance with his criminal probation, which will expire in September 2016.

13. Time passed since the act(s) or offense(s). The misconduct occurred just over three years ago.

14. Whether the conduct was intentional or negligent, demonstrated incompetence, or, if the respondent is being held to account for conduct committed by another, the respondent had knowledge of or knowingly participated in such conduct. Respondent's conduct was intentional, as he allowed for illegal controlled substances and drug paraphernalia to be present and used in his apartment. His knowing participation with Ellingsen appears to have been under duress.

15. Considering all of these factors, Respondent committed serious misconduct due to his conviction of a substantially related crime. Respondent's culpability was attenuated, however, by his insight into his misconduct, his willingness to take responsibility, his cooperation with police and the Board, and his completion of a drug diversion program. Nonetheless, his rehabilitation is ongoing, as at the time of hearing he had yet to complete his criminal probation. No evidence was presented to suggest respondent is a drug addict with a continuing substance abuse problem. No evidence was presented to show respondent ever practiced pharmacy while under the influence of either legal or illegal drugs. Respondent also has no prior history of discipline over a 20-year period. Weighing the circumstances, the following order will best achieve the Board's primary mission of public protection.

#### ORDER

1. Pharmacist License Number RPH 49116, issued to respondent George Gregory Solomon, is hereby revoked; however, the order of revocation is stayed and respondent Solomon placed on probation for four (4) years upon the following terms and conditions:

1. **Obey All Laws**

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the Board, in writing, within seventy-two (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 in any state or federal criminal proceeding to any criminal complaint, information or indictment

-A conviction of any crime

-Discipline, citation, or other administrative action filed by any state or federal agency which involves Respondent's pharmacist 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**

Respondent 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, Respondent 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, Respondent 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 (2) 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**

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

## **5. Continuing Education**

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

## 6. Notice to Employers

During the period of probation, Respondent shall notify all present and prospective employers of the decision in case number 2015101093 and the terms, conditions and restrictions imposed on Respondent by the decision, as follows:

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of Respondent undertaking any new employment, Respondent shall cause his or her direct supervisor, pharmacist in charge (including each new pharmacist in charge employed during Respondent's tenure of employment) and owner to report to the Board in writing acknowledging that the listed individual(s) has/have read the decision in case number 2015101093, and terms and conditions imposed thereby. It shall be Respondent's responsibility to ensure that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the Board.

If Respondent works for or is employed by or through a pharmacy employment service, Respondent must notify his direct supervisor, pharmacist in charge, and owner at every entity licensed by the Board of the terms and conditions of the decision in case number 2015101093 in advance of the Respondent commencing work at each licensed entity. A record of this notification must be provided to the Board upon request.

Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen (15) days of Respondent undertaking any new employment by or through a pharmacy employment service, Respondent shall cause his direct supervisor with the pharmacy employment service to report to the Board in writing acknowledging that he or she has read the decision in case number 2015101093 and the terms and conditions imposed thereby. It shall be Respondent's responsibility to ensure that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the Board.

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

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

//

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

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

**8. Reimbursement of Board Costs**

As a condition precedent to successful completion of probation, Respondent shall pay to the Board its costs of investigation and prosecution in the amount of \$3,370. Respondent shall make said payments each month until this obligation is satisfied in accordance with a Board-approved payment plan, or as the Board in its discretion may otherwise order.

There shall be no deviation from this schedule absent prior written approval by the Board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to reimburse the Board its costs of investigation and prosecution.

**9. Probation Monitoring Costs**

Respondent 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.

**10. Status of License**

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

If Respondent's 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 Respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

**11. License Surrender While on Probation/Suspension**

Following the effective date of this decision, should Respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, Respondent may tender his license to the Board for surrender. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it

deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent 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 Respondent's license history with the Board.

Upon acceptance of the surrender, Respondent shall relinquish his pocket and wall license to the Board within ten (10) days of notification by the Board that the surrender is accepted. Respondent may not reapply for any license from the Board for three (3) years from the effective date of the surrender. Respondent 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.

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

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

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

**13. Tolling of Probation**

Respondent is required to practice as a pharmacist in a licensed pharmacy setting that dispenses medication for a minimum of one year prior to the completion of probation. After the first year of probation, the Board or its designee may consider a modification of this requirement. If Respondent fails to comply with this requirement or a subsequent modification thereto, such failure shall be considered a violation of probation.

**14. Violation of Probation**

If Respondent has not complied with any term or condition of probation, the Board shall have continuing jurisdiction over Respondent, and 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.

If Respondent violates probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. Notice and opportunity to be heard are not required for those provisions stating that a violation thereof may lead to automatic termination of the stay and/or revocation of the license. If a petition to revoke probation or an accusation is filed against Respondent during probation, 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.

#### 15. **Completion of Probation**

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

#### 16. **Supervised Practice**

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

Continuous – At least 75% of a work week

Substantial - At least 50% of a work week

Partial - At least 25% of a work week

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

Within thirty (30) days of the effective date of this decision, respondent shall have his supervisor submit notification to the board in writing stating that the supervisor has read the decision in case number 2015101093 and is familiar with the required level of supervision as determined by the board or its designee. It shall be the respondent's responsibility to ensure that his employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely acknowledgements to the board shall be considered a violation of probation.

If respondent changes employment, it shall be the respondent's responsibility to ensure that his employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the board. Respondent shall have his new supervisor, within fifteen (15) days after employment commences, submit notification to the board in writing stating the direct supervisor and pharmacist-in-charge have read the decision in case number 2015101093 and is familiar with the level of supervision as determined by the board. Respondent shall not practice pharmacy and his license shall be automatically suspended until the board or its designee approves a new supervisor. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely acknowledgements to the board shall be considered a violation of probation.

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

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

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

#### **17. Ethics Course**

Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll in a course in ethics, at respondent's expense, approved in advance by the board or its designee. Failure to initiate the course during the first year of probation, and complete it within the second year of probation, is a violation of probation.

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

#### **18. Random Drug Screening**

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

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

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

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

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

**19. Abstain from Drugs and Alcohol Use**

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

DATED: August 25, 2016.

DocuSigned by:

*John DeCure*

17FD47F80FC543E

JOHN E. DeCURE  
Administrative Law Judge  
Office of Administrative Hearings



1 KAMALA D. HARRIS  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 MICHAEL BROWN  
Deputy Attorney General  
4 State Bar No. 231237  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2095  
6 Facsimile: (213) 897-2804

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. 5506

13 **GEORGE GREGORY SOLOMON**  
9015 Cynthia #2  
West Hollywood, CA 90069

**A C C U S A T I O N**

14 **Pharmacist License No. RPH 49116**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as  
20 the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.  
21 2. On or about September 9, 1996, the Board issued Pharmacist License No. RPH 49116  
22 to George Gregory Solomon (Respondent). The Pharmacist License was in full force and effect at  
23 all times relevant to the charges brought herein and will expire on October 31, 2015, unless  
24 renewed.

25 **JURISDICTION**

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

1           4.     Section 4300 of the Code provides in pertinent part, that every license issued by the  
2 Boards is subject to discipline, including suspension or revocation.

3           5.     Section 4300.1 of the Code states:

4           "The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation  
5 of law or by order or decision of the board or a court of law, the placement of a license on a  
6 retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of  
7 jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding  
8 against, the licensee or to render a decision suspending or revoking the license."

9                                 **STATUTORY AND REGULATORY PROVISIONS**

10          6.     Section 490 of the Code states:

11           “(a) In addition to any other action that a board is permitted to take against a licensee, a  
12 board may suspend or revoke a license on the ground that the licensee has been convicted of a  
13 crime, if the crime is substantially related to the qualifications, functions, or duties of the business  
14 or profession for which the license was issued.

15           “(b) Notwithstanding any other provision of law, a board may exercise any authority to  
16 discipline a licensee for conviction of a crime that is independent of the authority granted under  
17 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of  
18 the business or profession for which the licensee's license was issued.

19           “(c) A conviction within the meaning of this section means a plea or verdict of guilty or a  
20 conviction following a plea of nolo contendere. An action that a board is permitted to take  
21 following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
22 the judgment of conviction has been affirmed on appeal, or when an order granting probation is  
23 made suspending the imposition of sentence, irrespective of a subsequent order under Section  
24 1203.4 of the Penal Code.”

25          7.     Section 492 of the Code states:

26           "Notwithstanding any other provision of law, successful completion of any diversion  
27 program under the Penal Code, or successful completion of an alcohol and drug problem  
28 assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of

1 Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2  
2 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that  
3 division, from taking disciplinary action against a licensee or from denying a license for  
4 professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a  
5 record pertaining to an arrest.

6 "This section shall not be construed to apply to any drug diversion program operated by any  
7 agency established under Division 2 (commencing with Section 500) of this code, or any initiative  
8 act referred to in that division."

9 8. Section 4059 states, in pertinent part:

10 "(a) A person may not furnish any dangerous drug, except upon the prescription of a  
11 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section  
12 3640.7. A person may not furnish any dangerous device, except upon the prescription of a  
13 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section  
14 3640.7."

15 9. Section 4060 of the Code states:

16 "No person shall possess any controlled substance, except that furnished to a person upon  
17 prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
18 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-  
19 midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 28361.1, or a  
20 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,  
21 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
22 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply  
23 to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,  
24 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified  
25 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
26 labeled with the name and address of the supplier or producer.

27 ///

28 ///

1 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a physician  
2 assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and devices."

3 10. Section 4301 states, in pertinent part:

4 "The board shall take action against any holder of a license who is guilty of unprofessional  
5 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

6 Unprofessional conduct shall include, but is not limited to, any of the following:

7 . . . .

8 "(i) Except as otherwise authorized by law, knowingly selling, furnishing, giving away, or  
9 administering, or offering to sell, furnish, give away, or administer, any controlled substance to an  
10 addict.

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

13 . . . .

14 "(l) The conviction of a crime substantially related to the qualifications, functions, and  
15 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
16 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
17 substances or of a violation of the statutes of this state regulating controlled substances or  
18 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
19 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
20 The board may inquire into the circumstances surrounding the commission of the crime, in order to  
21 fix the degree of discipline or, in the case of a conviction not involving controlled substances or  
22 dangerous drugs, to determine if the conviction is of an offense substantially related to the  
23 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
24 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
25 of this provision. The board may take action when the time for appeal has elapsed, or the  
26 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
27 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
28 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 11. California Code of Regulations, title 16, section 1770, states:

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

#### 10 COST RECOVERY

11 12. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
12 administrative law judge to direct a licentiate found to have committed a violation or violations of  
13 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
14 enforcement of the case.

#### 15 CONTROLLED SUBSTANCE / DANGEROUS DRUG

16 13. "Methamphetamine," is a Schedule II controlled substance as designated by Health  
17 and Safety Code section 11055, subdivision (d)(2) and is categorized as a dangerous drug  
18 pursuant to section 4022.

#### 19 FIRST CAUSE FOR DISCIPLINE

##### 20 (Conviction of a Substantially Related Crime)

21 14. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and  
22 490, in conjunction with California Code of Regulations, title 16, section 1770, on the grounds of  
23 unprofessional conduct, in that, Respondent was convicted of a crime substantially related to the  
24 qualifications, functions or duties of a pharmacist as follows:

25 a. On or about February 17, 2015, after pleading guilty, the Court entered a deferred  
26 entry of judgment under Penal Code section 1000 for one felony count of violating Health and  
27 Safety Code section 11355, subdivision (a) [sell/furnish a controlled substance] in the criminal  
28 proceeding entitled *The People of the State of California v. George Gregory Solomon* (Super. Ct.

1 L.A. County, 2015, No. SA088456). The Court ordered Respondent to serve one day in jail and  
2 placed him on probation for 18 months, and ordered him to complete a drug diversion program.

3 b. The circumstances surrounding the conviction are that on or about July 26, 2014, Los  
4 Angeles County Sheriff deputies responded to a call of a possible drug overdose at Respondent's  
5 apartment. When they arrived, Respondent and his roommate denied calling the police.  
6 Respondent consented to a search of the apartment to check if there was anyone who needed  
7 medical attention. Deputies entered the living room and saw a glass pipe with a round bulb like  
8 end and a syringe on top of the coffee table. Deputies conducted a probation search of the  
9 roommate's bedroom and found glass pipes, additional syringes, methamphetamine and a scale.  
10 The roommate told deputies that Respondent kept large amounts of methamphetamine in the  
11 apartment and provided it to him in exchange for helping around the house. Respondent  
12 consented to a search of his entire apartment for drugs or drug paraphernalia and stated that all the  
13 drugs in the home belonged to his roommate. Several used syringes were found underneath the  
14 coffee table, in an eyeglass case and on the window ledge in the kitchen. In Respondent's  
15 bedroom, deputies found a glass pipe stashed in a coffee cup along with numerous used syringes  
16 and a clear baggie containing white crystal like substance resembling methamphetamine. When  
17 asked if he was aware of the amount of "meth" in his apartment, Respondent stated he had some  
18 "meth" in one of the top kitchen cabinets. Deputies recovered a small clear plastic baggie  
19 containing a crystal like substance resembling methamphetamine from the kitchen cabinet that  
20 tested positive for methamphetamine.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Unlawful Possession of a Controlled Substance)**

23 15. Respondent is subject to disciplinary action under sections 4301, subdivision (j), in  
24 conjunction with section 4060, on the grounds of unprofessional conduct, in that on or about July  
25 26, 2014, Respondent was in possession of methamphetamine, a controlled substance.  
26 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
27 paragraph 14, as though set forth fully.

28 **THIRD CAUSE FOR DISCIPLINE**

(Furnished Controlled Substance)

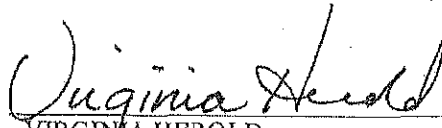
16. Respondent is subject to disciplinary action under section 4301, subdivision (i), and section 4059, subdivision (a), on the grounds of unprofessional conduct, in that, on or about July 26, 2014, Respondent furnished methamphetamine, a controlled substance and dangerous drug, to an addict. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 14, as though set forth fully.

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 Pharmacist License No. RPH 49116, issued to George Gregory Solomon;
2. Ordering George Gregory Solomon to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 9/15/15



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

LA2015501225  
51841884.doc  
mc (7/23/15)