

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

**In the Matter of the Accusation Against:**

**PHILIP JASON GREGORY, Respondent**

**Registered Pharmacist License No. RPH 51282**

**Agency Case No. 6712**

**DECISION AND ORDER**

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

This Decision shall become effective at 5:00 p.m. on May 20, 2020.

It is so ORDERED on April 20, 2020.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

Greg Lippe  
Board President

1 XAVIER BECERRA  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 KRISTINA T. JARVIS  
Deputy Attorney General  
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 6712

13 **PHILIP JASON GREGORY**  
14 **15650 Grant Circle**  
**Omaha, NE 68116**

**STIPULATED SURRENDER OF**  
**LICENSE AND ORDER**

15 **Registered Pharmacist License No. RPH**  
16 **51282**

17 Respondent.

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
22 (Board). She brought this action solely in her official capacity and is represented in this matter by  
23 Xavier Becerra, Attorney General of the State of California, by Kristina T. Jarvis, Deputy  
24 Attorney General.

25 2. On or about September 28, 1999, the Board issued Registered Pharmacist License  
26 No. RPH 51282 to Philip Jason Gregory (Respondent). The Registered Pharmacist License was  
27 in full force and effect at all times relevant to the charges brought in Accusation No. 6712 and  
28 expired on September 30, 2019, and has not yet been renewed.



**CONTINGENCY**

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

11           11. The parties understand and agree that Portable Document Format (PDF) and facsimile  
12 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures  
13 thereto, shall have the same force and effect as the originals.

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

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

**ORDER**

22  
23           IT IS HEREBY ORDERED that Registered Pharmacist License No. RPH 51282, issued to  
24 Respondent Philip Jason Gregory, is surrendered and accepted by the Board.

25           1. The surrender of Respondent's Registered Pharmacist License and the acceptance of  
26 the surrendered license by the Board shall constitute the imposition of discipline against  
27 Respondent. This stipulation constitutes a record of the discipline and shall become a part of  
28 Respondent's license history with the Board.





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**ENDORSEMENT**

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

DATED: \_\_\_\_\_

Respectfully submitted,  
XAVIER BECERRA  
Attorney General of California  
KENT D. HARRIS  
Supervising Deputy Attorney General

KRISTINA T. JARVIS  
Deputy Attorney General  
*Attorneys for Complainant*

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**ENDORSEMENT**

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

DATED: 2/19/2020

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
KENT D. HARRIS  
Supervising Deputy Attorney General

  
KRISTINA T. JARVIS  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 6712**

1 XAVIER BECERRA  
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2 KENT D. HARRIS  
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3 MABEL LEW  
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 6712

13 **PHILIP JASON GREGORY**

15650 Grant Circle  
Omaha, NE 68116

**FIRST AMENDED**

**ACCUSATION**

14 **Pharmacist License No. RPH 51282**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about September 28, 1999, the Board issued Pharmacist License No. RPH  
23 51282 to Philip Jason Gregory (“Respondent”). The Pharmacist License was in full force and  
24 effect at all times relevant to the charges brought herein and expired on September 30, 2019.

25 **JURISDICTION**

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

1 4. Code section 4300 states, in pertinent part:

2 (a) Every license issued may be suspended or revoked.

3 (b) The board shall discipline the holder of any license issued by the board,  
4 whose default has been entered or whose case has been heard by the board and found  
guilty, by any of the following methods:

5 (1) Suspending judgment.

6 (2) Placing him or her upon probation.

7 (3) Suspending his or her right to practice for a period not exceeding one year.

8 (4) Revoking his or her license.

9 (5) Taking any other action in relation to disciplining him or her as the board in  
10 its discretion may deem proper . . . .

11 5. Code section 4300.1 states:

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

16 **STATUTORY PROVISIONS**

17 6. Code section 4301 states, in pertinent part:

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

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

22 (l) The conviction of a crime substantially related to the qualifications,  
23 functions, and duties of a licensee under this chapter. The record of conviction of a  
24 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
States Code regulating controlled substances or of a violation of the statutes of this  
25 state regulating controlled substances or dangerous drugs shall be conclusive  
evidence of unprofessional conduct. In all other cases, the record of conviction shall  
26 be conclusive evidence only of the fact that the conviction occurred. The board may  
inquire into the circumstances surrounding the commission of the crime, in order to  
27 fix the degree of discipline or, in the case of a conviction not involving controlled  
substances or dangerous drugs, to determine if the conviction is of an offense  
28 substantially related to the qualifications, functions, and duties of a licensee under this  
chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
contendere is deemed to be a conviction within the meaning of this provision. The

1 board may take action when the time for appeal has elapsed, or the judgment of  
2 conviction has been affirmed on appeal or when an order granting probation is made  
3 suspending the imposition of sentence, irrespective of a subsequent order under  
4 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
5 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
6 dismissing the accusation, information, or indictment. . . .

7 7. Code section 490 states, in pertinent part:

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

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

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

### 23 **COST RECOVERY**

24 8. Code section 125.3 provides, in pertinent part, that the Board may request the  
25 administrative law judge to direct a licentiate found to have committed a violation or violations of  
26 the licensing act to pay a sum not to exceed the reasonable costs of investigation and enforcement  
27 of the case, with failure of the licentiate to comply subjecting the license to not being renewed or  
28 reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a  
stipulated settlement.

### 29 **FIRST CAUSE FOR DISCIPLINE**

30 (Criminal Conviction)

31 9. Respondent is subject to disciplinary action pursuant to Code sections 4301(l) and  
32 490 on the grounds of unprofessional conduct, in that Respondent committed a crime  
33 substantially related to the qualifications, functions, and duties of a licensed pharmacist.  
34 Specifically, on or about June 21, 2019, in a criminal proceeding entitled *United States of*  
35 *America v. Philip J. Gregory*, United States District Court , District of Nebraska, Case No.

1 8:18CR139, Respondent was convicted by the court on his plea of guilty of violating Title 18  
2 United States Code section 2252(a)(1) and (b) (Transportation of Child Pornography), a felony.  
3 Upon his surrender no sooner than August 26, 2019 by 2:00 p.m., Respondent is to serve a term  
4 of ninety-six (96) months imprisonment at an institution designated by the Bureau of Prisons, and  
5 pay \$4,500.00 in victims' restitution. Upon his release from imprisonment, Respondent will be  
6 placed on ten (10) years of supervised release, which include registering as a sex offender, having  
7 no contact with children under the age of 18 unless approved in advance by the probation officer,  
8 and submitting his person, office, computers, etc. to random searches. The circumstances of the  
9 crime are that between June 27-28, 2016, the Federal Bureau of Investigation ("FBI") Cyber  
10 Crimes Task Force identified an internet services provider account who had uploaded an image of  
11 minors engaged in sexually explicit content to an electronic cloud storage service. During their  
12 investigation, the FBI traced the account user's IP address to Respondent's residence. On August  
13 4, 2016, law enforcement officials executed a search warrant and confiscated Respondent's laptop  
14 and several hard drives. Subsequent forensic analysis revealed approximately 25,808 and 174  
15 image files of child pornography.

16 **SECOND CAUSE FOR DISCIPLINE**

17 (Acts Involving Moral Turpitude)

18 10. Respondent is subject to disciplinary action pursuant to Code section 4301(f) on the  
19 grounds of unprofessional conduct, in that he committed an act involving moral turpitude, as  
20 more particularly set forth above in paragraph 9.

21 **PRAYER**

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

24 1. Revoking or suspending Pharmacist License No. RPH 51282, issued to Philip Jason  
25 Gregory;

26 2. Ordering Philip Jason Gregory to pay the Board of Pharmacy the reasonable costs of  
27 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
28 125.3; and,

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3. Taking such other and further action as deemed necessary and proper.

DATED: December 31, 2019



ANNE SODERGREN  
Interim Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

SA2019102117