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

12 In the Matter of the Accusation Against:

13 **NOLAN LO**
14 **414 W. Spruce**
Fresno, CA 93650

15 **Pharmacist License No. RPH 82208**

16
17 Respondent.

Case No. 7513

OAH No. 2023060166

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

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21 **FINDINGS OF FACT**

22 1. On or about April 26, 2023, Complainant Anne Sodergren, in her official capacity as
23 the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed
24 Accusation No. 7513 against Nolan Lo (Respondent) before the Board. (Accusation attached as
25 Exhibit A.)

26 2. On or about March 9, 2003, the Board issued Pharmacist License No. RPH 82208 to
27 Respondent. The Pharmacist License was in full force and effect at all times relevant to the
28 charges brought in Accusation No. 7513 and will expire on November 30, 2023, unless renewed.

- 1 3. On or about April 28, 2023, Respondent was served with Accusation No. 7513.
- 2 4. On or about May 26, 2023, Respondent signed and returned a Notice of Defense,
3 requesting a hearing in this matter.
- 4 5. On, June 7, 2023, a Notice of Hearing was served by mail at Respondent's address of
5 record which was and is: 414 W. Spruce, Fresno, CA 93650. The Notice of Hearing informed him
6 that an administrative hearing in this matter was scheduled for August 17, 2023.
- 7 6. On, June 26, 2023, a Notice of Hearing was served by mail at Respondent's additional
8 known address which was and is: 1354 S. Camino Real, Palm Springs, CA 92264. The Notice of
9 Hearing informed him that an administrative hearing in this matter was scheduled for August 17,
10 2023.
- 11 7. Service of the Accusation was effective as a matter of law under the provisions of
12 Government Code section 11505(c) and/or Business and Professions Code section 124.
- 13 8. The matter was called for hearing at the date, time and location set forth in the Notice
14 of Hearing. The assigned Administrative Law Judge found that the service of the Notice of
15 Hearing on Respondent was proper. There was no appearance by or on behalf of Respondent. A
16 default was declared and on motion of counsel for Complainant, the matter was remanded to the
17 Board under Government Code section 11520.
- 18 9. Government Code section 11506(c) states, in pertinent part:
- 19 (c) The respondent shall be entitled to a hearing on the merits if the respondent
20 files a notice of defense . . . and the notice shall be deemed a specific denial of all
21 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
22 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
23 discretion may nevertheless grant a hearing.
- 24 10. California Government Code section 11520(a) states, in pertinent part:
- 25 (a) If the respondent either fails to file a notice of defense . . . or to appear at
26 the hearing, the agency may take action based upon the respondent's express
27 admissions or upon other evidence and affidavits may be used as evidence without
28 any notice to respondent
11. Pursuant to its authority under Government Code section 11520, the Board finds
Respondent is in default. The Board will take action without further hearing and, based on the

relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter, finds that the charges and allegations in Accusation No. 7513, are separately and severally, found to be true and correct by clear and convincing evidence.

12. The Board finds that the actual costs for Investigation and Enforcement are \$3,131.04 as of August 10, 2023.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Nolan Lo has subjected his Pharmacist License No. RPH 82208 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacist License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

a. Respondent is subject to disciplinary action under Code section 4301, subdivision (h).

ORDER

IT IS SO ORDERED that Pharmacist License No. RPH 82208, issued to Respondent Nolan Lo, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective at 5:00 p.m. on October 18, 2023.

It is so ORDERED on September 18, 2023.

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

By



LO DEFAULT DECISION AND PACKET EDIT.DOCX
DOJ Matter ID:SA2023301862

Seung W. Oh, Pharm. D.
Board President

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 ROB BONTA
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2 KAREN R. DENVIR
Supervising Deputy Attorney General
3 KATELYN E. DOCHERTY
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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
13 In the Matter of the Accusation Against:

Case No. 7513

14 **NOLAN LO**
15 **414 W. Spruce**
Fresno, CA 93650

ACCUSATION

16 **Pharmacist License No. RPH 82208**

17 Respondent.

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21 **PARTIES**

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23 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity
24 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

25 2. On or about March 9, 2020, the Board of Pharmacy issued Pharmacist License
26 Number RPH 82208 to Nolan Lo (Respondent). The Pharmacist License was in full force and
27 effect at all times relevant to the charges brought herein and will expire on November 30, 2023,
28 unless renewed.

JURISDICTION

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

4. Code section 4011 provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code §§ 4000, *et seq.*] and the Uniform Controlled Substances Act [Health & Safety Code §§ 11000, *et seq.*].

5. Code section 4300 states, in pertinent part:

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

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

(1) Suspending judgment.

(2) Placing him or her upon probation.

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

(4) Revoking his or her license.

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

(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

6. Code section 4300.1, states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the 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 investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

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

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

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

(Dangerous Use of Alcohol)

10. On or about September 26, 2020, officers with the Riverside County Sheriff observed a large cloud of dust from the center median of a road in Riverside, California. Upon approaching the cloud of dust, the officers observed that a vehicle was disabled in the left turn lane. Officers noted that the driver, later confirmed to be Respondent, was emitting a strong odor of an alcoholic beverage, had bloodshot and watery eyes, slurred speech, and an unsteady gait. Respondent told the officers he had been drinking wine at a bar with friends. Respondent was unable to successfully complete subsequent field sobriety testing. Respondent submitted to a breathalyzer

1 test. Respondent's blood alcohol content was determined to be 0.22/.22%. Respondent was
2 arrested and taken to Indio jail for violating Vehicle Code sections 23152, subdivision (a), and
3 23152, subdivision (b).

4 **PRAYER**

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

- 7 1. Revoking or suspending Pharmacist License Number RPH 82208, issued to Nolan
8 Lo;
9 2. Ordering Nolan Lo to pay the Board of Pharmacy the reasonable costs of the
10 investigation and enforcement of this case, pursuant to Business and Professions Code section
11 125.3; and,
12 3. Taking such other and further action as deemed necessary and proper.

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15 DATED: 4/26/2023

Sodergren,
Anne@DCA

Digitally signed by Sodergren,
Anne@DCA
Date: 2023.04.26 20:47:43
-07'00'

16 ANNE SODERGREN
17 Executive Officer
18 Board of Pharmacy
19 Department of Consumer Affairs
20 State of California
21 *Complainant*

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23 Lo Accusation .docx
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