

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

In the Matter of the Accusation Against:

ROBERT PAUL GAPUZ, Respondent

Pharmacist License No. RPH 72512

Agency Case No. 7827

OAH No. 2024100646

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary 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 7, 2025.

It is so ORDERED on April 7, 2025.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 KAREN R. DENVER
Supervising Deputy Attorney General
3 STEPHANIE ALAMO-LATIF
Deputy Attorney General
4 State Bar No. 283580
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-6112
Facsimile: (916) 327-8643
7 E-mail: Stephanie.AlamoLatif@doj.ca.gov
Attorneys for Complainant

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

11
12 In the Matter of the Accusation Against:

Case No. 7827

13 **ROBERT PAUL GAPUZ**
PO Box 693562
14 **Stockton, CA 95269**

OAH No. 2024100646

15 **Pharmacist License No. RPH 72512**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 Respondent.

17
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), Department of Consumer Affairs. She brought this action solely in her official capacity
23 and is represented in this matter by Rob Bonta, Attorney General of the State of California, by
24 Stephanie Alamo-Latif, Deputy Attorney General.

25 2. Robert Paul Gapuz (Respondent) is represented in this proceeding by attorney Lucy
26 S. McAllister, Esq., whose address is: 255 North Market, Suite 100, San Jose, California, 95110.

27 \\\

28

1 Failure to submit timely reports in a form as directed shall be considered a violation of
2 probation. Any period(s) of delinquency in submission of reports as directed may be added to the
3 total period of probation. Moreover, if the final probation report is not made as directed,
4 probation shall be automatically extended until such time as the final report is made and accepted
5 by the board.

6 **3. Interview with the Board**

7 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
8 with the board or its designee, at such intervals and locations as are determined by the board or its
9 designee. Failure to appear for any scheduled interview without prior notification to board staff,
10 or failure to appear for two (2) or more scheduled interviews with the board or its designee during
11 the period of probation, shall be considered a violation of probation.

12 **4. Cooperate with Board Staff**

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

19 **5. Continuing Education**

20 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
21 pharmacist as directed by the board or its designee in compliance with Title 16, California Code
22 of Regulations, section 1732.3.

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

24 During the period of probation, respondent shall notify all present and prospective
25 employers of the decision in case number 7827 and the terms, conditions and restrictions imposed
26 on respondent by the decision, as follows:

27 Within thirty (30) days of the effective date of this decision, and within ten (10) days of
28 undertaking any new employment, respondent shall report to the Board in writing the name,

1 physical address, and mailing address of each of their employer(s), and the name(s), telephone
2 number(s), and email address(es) of all of their direct supervisor(s), as well as any pharmacist(s)-
3 in-charge, designated representative(s)-in-charge, responsible manager, or other compliance
4 supervisor(s) and the work schedule, if known. Respondent shall also include the reason(s) for
5 leaving the prior employment and the last day worked. Respondent shall sign and return to the
6 Board a written consent authorizing the Board to communicate with all of respondent's
7 employer(s) and supervisor(s), and authorizing those employer(s) or supervisor(s) to
8 communicate with the Board concerning respondent's work status, performance, and monitoring.
9 Failure to comply with the requirements or deadlines of this condition shall be considered a
10 violation of probation.

11 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
12 respondent undertaking any new employment, respondent shall cause (a) their direct supervisor,
13 (b) their pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
14 compliance supervisor, and (c) the owner or owner representative of their employer, to report to
15 the Board in writing acknowledging that the listed individual(s) has/have read the decision in case
16 number 7827, and the terms and conditions imposed thereby. If one person serves in more than
17 one role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the
18 respondent's responsibility to ensure that these acknowledgment(s) are timely submitted to the
19 Board. In the event of a change in the person(s) serving the role(s) described in (a), (b), or (c)
20 during the term of probation, respondent shall cause the person(s) taking over the role(s) to report
21 to the Board in writing within fifteen (15) days of the change acknowledging that they have read
22 the decision in case number 7827, and the terms and conditions imposed thereby.

23 If respondent works for or is employed by or through an employment service, respondent
24 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the Board
25 of the decision in case number 7827, and the terms and conditions imposed thereby in advance of
26 respondent commencing work at such licensed entity. A record of this notification must be
27 provided to the Board upon request.

28 \\\

1 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
2 (15) days of respondent undertaking any new employment by or through an employment service,
3 respondent shall cause the person(s) described in (a), (b), and (c) above at the employment service
4 to report to the Board in writing acknowledging that they have read the decision in case number
5 7827, and the terms and conditions imposed thereby. It shall be respondent's responsibility to
6 ensure that these acknowledgment(s) are timely submitted to the Board.

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

10 "Employment" within the meaning of this provision includes any full-time, part-time,
11 temporary, relief, or employment/management service position as a Pharmacist, or any position
12 for which a Pharmacist license is a requirement or criterion for employment, whether the
13 respondent is an employee, independent contractor, or volunteer.

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

15 Respondent shall further notify the board in writing within ten (10) days of any change in
16 name, residence address, mailing address, e-mail address or phone number.

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

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

20 During the period of probation, respondent shall not supervise any intern pharmacist, be the
21 pharmacist-in-charge, designated representative-in-charge, responsible manager, supervising
22 pharmacist, quality manager, designated individual (as defined in the United States Pharmacopeia
23 (USP), including an individual responsible and accountable for the performance and operations of
24 the facility and personnel in the preparation of compounded sterile products), or other supervisor,
25 nor serve as a consultant of any entity licensed by the Board. Assumption of any such
26 unauthorized supervision responsibilities shall be considered a violation of probation.

27 \\\

28 \\\

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

9. 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 \$1,965.00.

Respondent shall be permitted to pay these costs in a payment plan approved by the board or its designee, so long as full payment is completed no later than one (1) year prior to the end date of probation.

10. 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.

11. Status of License

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

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

12. License Surrender While on Probation

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 relinquish his license, including any indicia of licensure issued by the board, along with a request to surrender the license. The board or its designee shall have the discretion whether to accept the surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to

1 the terms and conditions of probation. This surrender constitutes a record of discipline and shall
2 become a part of the respondent's license history with the board.

3 Upon acceptance of the surrender, respondent shall relinquish his pocket and/or wall
4 license, including any indicia of licensure not previously provided to the board within ten (10)
5 days of notification by the board that the surrender is accepted if not already provided.
6 Respondent may not reapply for any license from the board for three (3) years from the effective
7 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
8 of the date the application for that license is submitted to the board, including any outstanding
9 costs.

10 **13. Practice Requirement – Extension of Probation**

11 Except during periods of suspension, respondent shall, at all times while on probation, be
12 employed as a Pharmacist in California for a minimum of 100 hours per calendar month, unless
13 otherwise determined by the Pharmacist Recovery Program. Any month during which this
14 minimum is not met shall extend the period of probation by one month. During any such period
15 of insufficient employment, respondent must nonetheless comply with all terms and conditions of
16 probation, unless respondent receives a waiver in writing from the board or its designee.

17 If respondent does not practice as a Pharmacist in California for the minimum number of
18 hours in any calendar month, for any reason (including vacation), respondent shall notify the
19 board in writing within ten (10) days of the conclusion of that calendar month. This notification
20 shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the
21 interruption or reduction in practice; and the anticipated date(s) on which respondent will resume
22 practice at the required level. Respondent shall further notify the board in writing within ten (10)
23 days following the next calendar month during which respondent practices as a Pharmacist in
24 California for the minimum of hours. Any failure to timely provide such notification(s) shall be
25 considered a violation of probation.

26 It is a violation of probation for respondent's probation to be extended pursuant to the
27 provisions of this condition for a total period, counting consecutive and non-consecutive months,
28

1 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended
2 probation period on its website.

3 **14. Violation of Probation**

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

10 If respondent violates probation in any respect, the board, after giving respondent notice
11 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
12 was stayed. If a petition to revoke probation or an accusation is filed against respondent during
13 probation, or the preparation of an accusation or petition to revoke probation is requested from
14 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of
15 probation shall be automatically extended until the petition to revoke probation or accusation is
16 heard and decided, and the charges and allegations in Accusation No. 7827 shall be deemed true
17 and correct.

18 **15. Completion of Probation**

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

21 **16. Pharmacists Recovery Program**

22 By no later than ten (10) days after the effective date of this decision, respondent shall
23 contact the Pharmacists Recovery Program (PRP) for assessment and enrollment if deemed
24 appropriate. If enrollment is deemed appropriate, by no later than ten (10) days after the effective
25 date of this decision, respondent shall have completed all of the following: enrolled in the PRP;
26 completed, signed, and returned the treatment contract as well as any addendums required or
27 suggested by the PRP; successfully completed registration for any drug or alcohol testing
28 mandated by the treatment contract and/or by enrollment in the PRP; and begun compliance with

1 the drug or alcohol testing protocol(s). Respondent shall successfully participate in the PRP and
2 complete the treatment contract and any addendums required or suggested by the PRP. The costs
3 for PRP participation shall be borne by the respondent.

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

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

11 Any of the following shall result in the automatic suspension of practice by respondent and
12 shall be considered a violation of probation:

- 13 • Failure to contact, complete enrollment, and execute and return the treatment contract
14 with the PRP, including any addendum(s), within ten (10) days of the effective date of
15 the decision as directed by the PRP;
- 16 • Deemed unsafe to practice by an assessor in the PRP or medical evaluation;
- 17 • Failure to complete registration for any drug or alcohol testing mandated by the
18 treatment ` contract and/or by the PRP, and begin compliance with the testing protocol(s), within ten
19 (10) days of the effective date of the decision as directed by the PRP;
- 20 • Failure to comply with testing protocols regarding daily check-in and/or failure to
21 complete a mandated test as directed by the PRP;
- 22 • Any report from the PRP of material non-compliance with the terms and conditions of
23 the treatment contract and/or any addendum(s); or
- 24 • Termination by the PRP for non-compliance, failure to derive benefit, or as a public
25 risk.

26 Respondent may not resume the practice of pharmacy until notified by the board in writing.

27 Probation shall be automatically extended until respondent successfully completes the PRP.

28 The board will provide notice of any such suspension or extension of probation.

1 During any suspension, respondent shall not enter any pharmacy area or any portion of any
2 Board-licensed premises where dangerous drugs and/or dangerous devices or controlled
3 substances are maintained. Respondent shall not exercise any of the privileges conveyed by the
4 Board nor do any act involving drug selection, selection of stock, manufacturing, compounding,
5 dispensing, or patient consultation; nor shall respondent manage, administer, or be a consultant to
6 any licensee of the Board, or have access to or control the ordering, distributing, manufacturing,
7 or dispensing of dangerous drugs and/or dangerous devices or controlled substances.

8 During any suspension, respondent shall not engage in any activity that requires the
9 professional judgment of and/or licensure as a Pharmacist. Respondent shall not direct or control
10 any aspect of any Board-licensed premises.

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

13 **17. Drug and Alcohol Testing**

14 Respondent, at his own expense, shall participate in testing as directed by the Board or its
15 designee for the detection of alcohol, controlled substances, and dangerous drugs and/or
16 dangerous devices. Testing protocols may include biological fluid testing (urine, blood),
17 breathalyzer, hair follicle testing, or other testing protocols as directed by the Board or its
18 designee. All testing must be pursuant to an observed testing protocol, unless respondent is
19 informed otherwise in writing by the board or its designee. Respondent may be required to
20 participate in testing for the entire probation period and frequency of testing will be determined
21 by the board or its designee.

22 By no later than thirty (30) days after the effective date of this decision, respondent shall
23 have completed all of the following tasks: enrolled and registered with an approved drug and
24 alcohol testing vendor; provided that vendor with any documentation, and any information
25 necessary for payment by respondent; commenced testing protocols, including all required
26 contacts with the testing vendor to determine testing date(s); and begun testing. At all times,
27 respondent shall fully cooperate with the testing vendor, and with the board or its designee, with
28

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

3 Respondent may be required to test on any day, including weekends and holidays.

4 Respondent is required to make daily contact with the testing vendor to determine if a test is
5 required, and if a test is required must submit to testing on the same day.

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

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

22 Any of the following shall be considered a violation of probation and shall result in
23 respondent being immediately suspended from practice as a Pharmacist until notified by the board
24 in writing that he may resume practice: failure to timely complete

25 all of the steps required for enrollment/registration with the drug testing vendor, including
26 making arrangements for payment; failure to timely commence drug testing protocols; failure to
27 contact the drug testing vendor as required to determine testing date(s); failure to test as required;
28 failure to refrain from alcohol; failure to timely supply documentation demonstrating that a

1 detected substance was taken pursuant to a legitimate prescription issued as a necessary part of
2 treatment; and/or detection through testing of alcohol, or drug that contains alcohol, without a
3 prescription, or of an illicit drug, or of a controlled substance or dangerous drug absent
4 documentation that the detected substance was taken pursuant to a legitimate prescription and a
5 necessary treatment. In the event of a suspension ordered after detection through testing of
6 alcohol, or drug that contains alcohol, without a valid prescription, an illicit drug, or of a
7 controlled substance or dangerous drug absent documentation that the detected substance was
8 taken pursuant to a legitimate prescription and a necessary treatment, the Board shall inform
9 respondent of the suspension and inform him to immediately leave work, and shall notify
10 respondent's employer(s) and work site monitor(s) of the suspension.

11 During any such suspension, respondent shall not enter any pharmacy area or any portion of
12 any Board-licensed premises where dangerous drugs and/or dangerous devices or controlled
13 substances are maintained. Respondent shall not exercise any of the privileges by the Board nor
14 do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing,
15 or patient consultation; nor shall respondent manage, administer, or be a consultant to any
16 licensee of the Board, or have access to or control the ordering, distributing, manufacturing, or
17 dispensing of dangerous drugs and/or dangerous devices and controlled substances.

18 During any such suspension, respondent shall not engage in any activity that requires the
19 professional judgment of and/or licensure as a Pharmacist. Respondent shall not direct or control
20 any aspect of any Board-licensed premises.

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

24 18. Notification of Departure

25 Within three (3) business days prior to leaving the probationary geographic area designated
26 by the Board for a period greater than twenty-four (24) hours, respondent shall notify the Board
27 verbally and in writing of the dates of departure and return. Failure to comply with this provision
28 shall be considered a violation of probation.

1
2
3
4
5
6
7
8
9
10
11

19. Abstain from Drugs and Alcohol

Respondent shall completely abstain from the possession or use of alcohol, controlled substances, illicit drugs, dangerous drugs and/or dangerous devices, or their associated paraphernalia, except when possessed or used pursuant to a legitimate prescription issued as a necessary part of treatment. 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, dangerous drugs and/or dangerous devices or controlled substances, or their associated paraphernalia for which a legitimate prescription has not been issued as a necessary part of treatment, or any physical proximity to persons using illicit substances, shall be considered a violation of probation. Respondent shall sign an acknowledgment confirming receipt of a list of examples of prohibited substances.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

20. Prescription Coordination and Monitoring of Prescription Use

Within thirty (30) days of the effective date of this decision, respondent shall submit to the Board, for its prior approval, the name and qualifications of a single practitioner of respondent's choice, who shall be aware of the respondent's history with the use of alcohol, and who will coordinate and monitor any prescriptions for respondent for dangerous drugs and/or dangerous devices, controlled substances or mood-altering drugs. The approved practitioner shall be provided with a copy of the Board's accusation and decision. A record of this notification must be provided to the Board upon request. Respondent shall sign a release authorizing the practitioner to communicate with the Board about respondent's treatment(s). The coordinating practitioner shall report to the Board on a quarterly basis for the duration of probation regarding respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances. The Board may require that the single coordinating practitioner be a specialist in addictive medicine, or consult a specialist in addictive medicine. Should respondent, for any reason, cease supervision by the approved practitioner, respondent shall notify the Board immediately and, within thirty (30) days of ceasing supervision, submit the name of a replacement practitioner of respondent's choice to the Board for its prior approval. Failure to timely submit the selected practitioner or replacement

1 practitioner to the Board for approval, or to ensure the required quarterly reporting thereby, shall
2 be considered a violation of probation.

3 If at any time an approved practitioner determines that respondent is unable to practice
4 safely or independently as a Pharmacist, the practitioner shall notify the board or its designee
5 immediately by telephone and follow up by written letter within three (3) working days. Upon
6 notification from the board or its designee of this determination, respondent shall be
7 automatically suspended and shall not resume practice as a Pharmacist until notified by the board
8 or its designee that practice may be resumed.

9 During suspension, respondent shall not enter any pharmacy area or any portion of any
10 Board-licensed premises where dangerous drugs and/or dangerous devices or controlled
11 substances are maintained. Respondent shall not exercise any of the privileges conveyed by the
12 Board nor do any act involving drug selection, selection of stock, manufacturing, compounding,
13 dispensing, or patient consultation; nor shall respondent manage, administer, or be a consultant to
14 any licensee of the Board, or have access to or control the ordering, distributing, manufacturing,
15 or dispensing of dangerous drugs and/or dangerous devices and controlled substances.
16 Respondent shall not resume practice until notified by the Board.

17 During suspension, respondent shall not engage in any activity that requires the
18 professional judgment and/or licensure as a Pharmacist. Respondent shall not direct or control
19 any aspect of any Board-licensed premises.

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

22 **21. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

23 Within thirty (30) days of the effective date of this decision, respondent shall begin regular
24 attendance at a recognized and established substance abuse recovery support group in California
25 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the
26 Board. Respondent must attend the number of group meetings per week or month directed by the
27 Board, which shall typically be at least one per week. Respondent shall continue regular
28 attendance and submit signed and dated documentation confirming attendance with each quarterly

1 report for the duration of probation. Failure to attend or submit documentation thereof shall be
2 considered a violation of probation.

3 Where respondent is enrolled in the PRP, participation as required in a recovery group
4 meeting approved by the PRP shall be sufficient for satisfaction of this requirement. Any
5 deviation from participation requirements for the PRP-approved group shall be considered a
6 violation of probation.

7 **22. No Ownership or Management of Licensed Premises**

8 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,
9 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
10 partnership, or corporation currently or hereinafter licensed by the Board. Respondent shall sell
11 or transfer any legal or beneficial interest in any entity licensed by the Board within ninety (90)
12 days following the effective date of this decision and shall immediately thereafter provide written
13 proof thereof to the Board. Failure to timely divest any legal or beneficial interest(s) or provide
14 documentation thereof shall be considered a violation of probation.

15 **ACCEPTANCE**

16 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
17 discussed it with my attorney, Lucy S. McAllister, Esq. I understand the stipulation and the effect
18 it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary
19 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
20 of the Board of Pharmacy.

21
22 DATED: _____

_____ ROBERT PAUL GAPUZ
Respondent

24 \\\
25 \\\
26 \\\
27 \\\
28 \\\

1 report for the duration of probation. Failure to attend or submit documentation thereof shall be
2 considered a violation of probation.

3 Where respondent is enrolled in the PRP, participation as required in a recovery group
4 meeting approved by the PRP shall be sufficient for satisfaction of this requirement. Any
5 deviation from participation requirements for the PRP-approved group shall be considered a
6 violation of probation.

7 **22. No Ownership or Management of Licensed Premises**

8 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,
9 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
10 partnership, or corporation currently or hereinafter licensed by the Board. Respondent shall sell
11 or transfer any legal or beneficial interest in any entity licensed by the Board within ninety (90)
12 days following the effective date of this decision and shall immediately thereafter provide written
13 proof thereof to the Board. Failure to timely divest any legal or beneficial interest(s) or provide
14 documentation thereof shall be considered a violation of probation.

15 **ACCEPTANCE**

16 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
17 discussed it with my attorney, Lucy S. McAllister, Esq. I understand the stipulation and the effect
18 it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary
19 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
20 of the Board of Pharmacy.

21
22 DATED: 3/3/2025 _____

DocuSigned by:
R. Paul Gapuz
FFB5ACEE95CF48F...

ROBERT PAUL GAPUZ
Respondent

23
24 \\\
25 \\\
26 \\\
27 \\\
28 \\\

1 I have read and fully discussed with Respondent Robert Paul Gapuz the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
3 I approve its form and content.

4
5 DATED: _____ LUCY S. MCALLISTER, ESQ.
6 *Attorney for Respondent*

7 \\\

8 \\\

9 \\\

10 **ENDORSEMENT**

11 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
12 submitted for consideration by the Board of Pharmacy.

13
14 DATED: _____

Respectfully submitted,

15 ROB BONTA
16 Attorney General of California
17 KAREN R. DENVIR
Supervising Deputy Attorney General

18
19 STEPHANIE ALAMO-LATIF
20 Deputy Attorney General
Attorneys for Complainant

21
22
23 SA2024302145
38789812.docx

1 I have read and fully discussed with Respondent Robert Paul Gapuz the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
3 I approve its form and content.

4
5 DATED: 3/3/205 _____

DocuSigned by:
WCM McALLISTER

6 LUCY S. McALLISTER, ESQ.
Attorney for Respondent

7 \\\

8 \\\

9 \\\

10 **ENDORSEMENT**

11 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
12 submitted for consideration by the Board of Pharmacy.

13
14 DATED: _____

Respectfully submitted,

15 ROB BONTA
16 Attorney General of California
17 KAREN R. DENVIR
Supervising Deputy Attorney General

18
19 STEPHANIE ALAMO-LATIF
20 Deputy Attorney General
Attorneys for Complainant

21
22
23 SA2024302145
38789812.docx

1 I have read and fully discussed with Respondent Robert Paul Gapuz the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
3 I approve its form and content.

4
5 DATED: _____ LUCY S. MCALLISTER, ESQ.
6 *Attorney for Respondent*

7 \\\

8 \\\

9 \\\

10 **ENDORSEMENT**

11 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
12 submitted for consideration by the Board of Pharmacy.

13
14 DATED: 3/4/2025

Respectfully submitted,

15 ROB BONTA
16 Attorney General of California
17 KAREN R. DENVIR
Supervising Deputy Attorney General

18 **Stephanie** Digitally signed by
Alamo-Latif Stephanie Alamo-Latif
Date: 2025.03.04
07:59:14 -08'00'
19 STEPHANIE ALAMO-LATIF
20 Deputy Attorney General
Attorneys for Complainant

21
22
23 SA2024302145
38789812.docx

Exhibit A

Accusation No. 7827

1 ROB BONTA
Attorney General of California
2 KAREN R. DENVER
Supervising Deputy Attorney General
3 STEPHANIE ALAMO-LATIF
Deputy Attorney General
4 State Bar No. 283580
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-6112
Facsimile: (916) 327-8643
7 E-mail: Stephanie.AlamoLatif@doj.ca.gov
Attorneys for Complainant
8

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

13 In the Matter of the Accusation Against:

Case No. 7827

14 **ROBERT PAUL GAPUZ**
15 **PO Box 693562**
Stockton, CA 95269

ACCUSATION

16 **Pharmacist License No. RPH 72512**

17 Respondent.

18
19
20 **PARTIES**

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

23 2. On or about April 2, 2015, the Board issued Pharmacist License Number RPH 72512
24 to Robert Paul Gapuz (Respondent). The Pharmacist license was in full force and effect at all
25 times relevant to the charges brought herein and will expire on January 31, 2025, unless renewed.

26 \\\

27 \\\

28 \\\

JURISDICTION

1
2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise
4 indicated.

5 4. Code section 4300 states, in pertinent part, that every license issued may be
6 suspended or revoked.

7 5. Code section 4300.1 states:

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

13 6. Code section 4307 states:

14 (a) Any person who has been denied a license or whose license has been
15 revoked or is under suspension, or who has failed to renew his or her license while it
16 was under suspension, or who has been a manager, administrator, owner, member,
17 officer, director, associate, partner, or any other person with management or control
18 of any partnership, corporation, trust, firm, or association whose application for a
19 license has been denied or revoked, is under suspension or has been placed on
20 probation, and while acting as the manager, administrator, owner, member, officer,
21 director, associate, partner, or any other person with management or control had
22 knowledge of or knowingly participated in any conduct for which the license was
23 denied, revoked, suspended, or placed on probation, shall be prohibited from serving
24 as a manager, administrator, owner, member, officer, director, associate, partner, or in
25 any other position with management or control of a licensee as follows:

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

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

 (b) “Manager, administrator, owner, member, officer, director, associate,
partner, or any other person with management or control of a license” as used in this
section and Section 4308, may refer to a pharmacist or to any other person who serves
in such capacity in or for a licensee.

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

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

6 STATUTORY PROVISIONS

7 7. Code section 490 provides, in pertinent part, that a board may suspend or revoke a
8 license on the ground that the licensee has been convicted of a crime substantially related to the
9 qualifications, functions, or duties of the business or profession for which the license was issued.

10 8. Code section 4301 states, in pertinent part:

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

14 ...

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

20 ...

21 (l) The conviction of a crime substantially related to the qualifications,
22 functions, and duties of a licensee under this chapter. The record of conviction of a
23 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
24 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
26 evidence of unprofessional conduct. In all other cases, the record of conviction shall
27 be conclusive evidence only of the fact that the conviction occurred. The board may
28 inquire into the circumstances surrounding the commission of the crime, in order to
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
substantially related to the qualifications, functions, and duties of a licensee under this
chapter. A plea or verdict of guilty or a conviction following a plea of nolo
contendere is deemed to be a conviction within the meaning of this provision. The
board may take action when the time for appeal has elapsed, or the judgment of
conviction has been affirmed on appeal or when an order granting probation is made
suspending the imposition of sentence, irrespective of a subsequent order under
Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
dismissing the accusation, information, or indictment.

...

\\

\\

1 **REGULATORY PROVISIONS**

2 9. California Code of Regulations, title 16 (Cal. Code Regs.), section 1770, provides, in
3 pertinent part:

4 (a) For the purpose of denial, suspension, or revocation of a personal or facility
5 license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the
6 Business and Professions Code, a crime, professional misconduct, or act shall be
7 considered substantially related to the qualifications, functions or duties of the
8 practice, profession, or occupation that may be performed under the license type
9 sought or held if to a substantial degree it evidences present or potential unfitness of
10 an applicant or licensee to perform the functions authorized by the license in a
11 manner consistent with the public health, safety, or welfare.

12 ...

13 (c) For purposes of subdivision (a), substantially related crimes, professional
14 misconduct, or acts shall include, but are not limited to, those which:

15 ...

16 (5) Involve a conviction for driving under the influence of drugs or alcohol.

17 **COST RECOVERY**

18 10. Code section 125.3 states, in pertinent part, that the Board may request the
19 administrative law judge to direct a licensee found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case.

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Conviction of Crime)**

24 11. Respondent is subject to disciplinary action for unprofessional conduct under Code
25 sections 490, and 4301, subdivision (l), in that Respondent was convicted of a crime substantially
26 related to the qualifications, functions, or duties of a licensee, as defined by Cal. Code Regs., title
27 16, section 1770, subdivisions (a) and (c)(5) as follows:

28 a. On or about December 4, 2023, in the criminal proceeding entitled *The People of the
State of California vs. Robert Paul Gapuz* (Alameda County Super. Ct., Case Number 23-CR-
002864), Respondent was convicted by the court on his plea of nolo contendere to violating
Vehicle Code section 23103/23103.5 (wet and reckless), a misdemeanor. Respondent stipulated
that his blood alcohol concentration (BAC) was .15/.12. Respondent was placed on conditional

1 licensee for five years if Pharmacist License Number RPH 72512, is placed on probation or until
2 said license is reinstated if revoked.

3 **PRAYER**

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

- 6 1. Revoking or suspending Pharmacist License Number RPH 72512, issued to Robert
7 Paul Gapuz;
- 8 2. Prohibiting Robert Paul Gapuz from serving as a manager, administrator, owner,
9 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License
10 Number RPH 72512 is placed on probation or until the license is reinstated, if it is revoked;
- 11 3. Ordering Robert Paul Gapuz to pay the Board of Pharmacy the reasonable costs of the
12 investigation and enforcement of this case, pursuant to Business and Professions Code section
13 125.3; and, if placed on probation, the costs of probation monitoring; and,
- 14 4. Taking such other and further action as deemed necessary and proper.

15
16
17 DATED: 7/28/2024

18 **Sodergren,**
19 **Anne@DCA**
20 _____
21 ANNE SODERGREN
22 Executive Officer
23 Board of Pharmacy
24 Department of Consumer Affairs
25 State of California
26 *Complainant*

Digitally signed by
Sodergren, Anne@DCA
Date: 2024.07.28 13:32:00
-07'00'

27 SA2024302145
28 Robert Gapuz.docx