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7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 3890

11 **GARY VICTOR MANTESE**
12 **300 Juniper Ridge # 266**
13 **Coalinga, CA 93210**

A C C U S A T I O N

14 **Pharmacist License No. RPH 47841**

15 Respondent.

16 Complainant alleges:

17 PARTIES

18 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
19 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

20 2. On or about May 5, 1995, the Board of Pharmacy issued Pharmacist License Number
21 RPH 47841 to Gary Victor Mantese (Respondent). The License was in full force and effect at all
22 times relevant to the charges brought herein and will expire on August 31, 2012, unless renewed.

23
24 JURISDICTION

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

1 FIRST CAUSE FOR DISCIPLINE

2 (License Discipline by Another State)

3 9. Respondent is subject to disciplinary action under section 4301(n) of the Code, in that
4 Respondent's license to practice pharmacy was subjected to discipline by another state, namely,
5 Missouri. Respondent's disciplinary history in that state is as follows:

6 a. The stipulated facts underlying a disciplinary order against a license to practice
7 pharmacy (# 29599) issued to Respondent by the Missouri Board of Pharmacy included that:

8 on or about June 26, 2003, Respondent was arrested by St. Louis Police in a
9 known **crack cocaine** house while in possession of drug paraphernalia (a **crack** pipe);

10 on or about October 17, 2003, a urine sample provided by Respondent tested
11 positive for **cocaine** metabolites;

12 on or about August 27, 2002, Respondent was convicted of driving under the
13 influence of alcohol in California.

14 b. On or about April 1, 2005, and effective on or about May 17, 2005, Respondent
15 signed and agreed to a stipulated settlement agreement with the Missouri Board of Pharmacy that
16 imposed discipline on his license to practice pharmacy. The terms of the discipline included the
17 suspension of Respondent's license to practice pharmacy for three (3) years, followed by a term
18 of probation of five (5) years, both on specified terms and conditions including drug testing.

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20 SECOND CAUSE FOR DISCIPLINE

21 (License Discipline by Another State)

22 10. Respondent is subject to disciplinary action under section 4301(n) of the Code, in that
23 Respondent's license to practice pharmacy was subjected to discipline by another state, namely,
24 Louisiana. Respondent's disciplinary history in that state is as follows:

25 a. On or about February 17, 2005, the Louisiana Board of Pharmacy accepted the
26 voluntary surrender of Respondent's license to practice pharmacy (# 11065) submitted December
27 13, 2004, and thereby ordered indefinite suspension of the license effective December 13, 2004.

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1 FOURTH CAUSE FOR DISCIPLINE

2 (License Discipline by Another State)

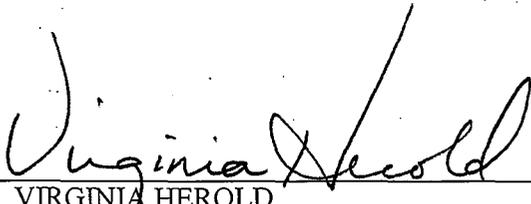
3 12. Respondent is subject to disciplinary action under section 4301(n) of the Code, in that
4 Respondent's license to practice pharmacy was subjected to discipline by another state, namely,
5 Illinois. Respondent's disciplinary history in that state includes that on or about May 25, 2006, a
6 Consent Order approved by the Illinois Department of Financial and Professional Regulation,
7 Division of Professional Regulation, with regard to Respondent's license to practice pharmacy in
8 that state (# 51031441), suspended that license indefinitely, until such time as Respondent might
9 petition for restoration. To petition for restoration, Respondent would have to show, *inter alia*,
10 that his Texas and Louisiana licenses are no longer in suspended status.

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12
13 PRAYER

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

- 16 1. Revoking or suspending Pharmacist License Number RPH 47841, issued to Gary
17 Victor Mantese (Respondent);
- 18 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
19 enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 20 3. Taking such other and further action as is deemed necessary and proper.

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22
23 DATED: 4/5/11

24 
25 VIRGINIA HEROLD
26 Executive Officer
27 Board of Pharmacy
28 Department of Consumer Affairs
State of California
Complainant

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