

FILED

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DEPT. OF REAL ESTATE

By *John Aguil*

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10
11 BEFORE THE DEPARTMENT OF REAL ESTATE
12 STATE OF CALIFORNIA

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14 In the Matter of the Application of) No. H-41529 LA
15 JAMES YING MING GEE,) STATEMENT OF ISSUES
16 Respondent.)
17 _____)

18 The Complainant, Maria Suarez, a Supervising Special Investigator of the State
19 of California, for Statement of Issues against JAMES YING MING GEE, also known as James
20 Ying-Ming Gee ("Respondent"), is informed and alleges in her official capacity as follows:

21 1.

22 On or about May 21, 2018, Respondent made application to the Department of
23 Real Estate ("Department")¹ of the State of California for a real estate salesperson license.

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27 ¹ Between July 1, 2013 and July 1, 2018, the Department of Real Estate was known as the Bureau of Real Estate.

(DISCIPLINARY ACTION)

2.

On or about April 20, 2017, before the State of California, Department of Consumer Affairs, Board of Pharmacy ("Board"), Case Nos. 4981 and 5328, OAH No. 2015100446, pursuant to a Stipulated Settlement and Disciplinary Order, the Pharmacist License No. RPH 44796 issued to Respondent James Ying Ming Gee was revoked. The revocation was stayed and Respondent was placed on probation of five and a half year on certain terms and conditions, including, in part, suspension from the practice of pharmacy for one hundred twenty days, reporting to the Board on a quarterly basis, interviewing with the Board upon reasonable notice, not supervising interns, not serving as a pharmacist in charge, provide reimbursement of board costs in the amount of \$33,966.00, commence psychotherapy with an approved licenses mental heath practitioner on a weekly basis, complete twenty hours of remedial education, and complete an approved ethics course.

According to the Second Amended Accusation filed on June 3, 2016, Respondent, and others, were subject to disciplinary action under Code section 4301(o), for violating Code section 4081(a) and title 16, California Code of Regulations, section 1718, in that they did not maintain a current inventory of certain controlled substances, and suffered losses in their inventory of certain controlled substances.

Respondent, and others, were subject to disciplinary action under Code section 4301(o), for violating title 16, California Code of Regulations, section 1715.6, in that Respondent did not report the losses of certain controlled substances to the Board.

Respondent, and others, were subject to disciplinary action under Code section 4301(o), for violating title 16, California Code of Regulations, sections 1714(b) and (d), in that Respondent did not provide adequate security for certain controlled substances.

Respondent, and another, were subject to disciplinary action under Code section 4301(o), for violating Code section 4081(a), in that Respondent failed to maintain all the records for acquisition of certain controlled substances.

1 Respondent was subject to disciplinary action under Code section 4301(j), for
2 violating Health and Safety Code section 11153(a), in that he failed to comply with his
3 corresponding responsibility to ensure that controlled substances were dispensed for a
4 legitimate medical purpose when Respondent furnished prescriptions for controlled substances
5 even though "red flags" were present, indicating those prescriptions were not issued for a
6 legitimate medical purpose.

7 Respondent was subject to disciplinary action under Code section 4301(d), for
8 the clearly excessive furnishing of controlled substances in violation of Health and Safety Code
9 section 11153(a).

10 Respondent was subject to disciplinary action under Code section 4301(o), for
11 violating title 16, California Code of Regulations, sections 1761(a) and (b) in that he dispensed
12 prescriptions for controlled substances, which contained significant errors, omissions,
13 irregularities, uncertainties, ambiguities, or alternations.

14 Respondent was subject to disciplinary action under Code section 4301(o), for
15 violating title 16, California Code of Regulations, section 1707.3, in that he dispensed
16 prescriptions for drugs, without review of patients' medical records before each prescription
17 drug was delivered.

18 Respondent, and another, were subject to disciplinary action under Code section
19 4301(o), for violating title 16, California Code of Regulations, section 1716, in that Respondent
20 dispersed controlled substances which deviated from the requirements of the prescriptions
21 without the prior consent of the prescribers and dispensed controlled substances when the
22 prescription was prescribed by one physician, but signed by another physician.

23 Respondent, and another, were subject to disciplinary action under Code section
24 4301(j), for violating Health and Safety Code section 11164(a)(1), in that Respondent
25 dispensed controlled substances from prescriptions which lacked the signature of the prescriber
26 and that date in ink.

1 Respondent, and others, were subject to disciplinary action under Code section
2 4301(o), for violating Business and Professions Code section 4306.5(a) and (b), in that
3 Respondent failed to exercise or implement his best professional judgment or corresponding
4 responsibility when dispensing controlled substances.

5 Respondent was subject to disciplinary action under Code section 4301 for
6 unprofessional conduct.

7 3.

8 The allegations set forth in Paragraph 2 above constitute cause under Code §§
9 10177(f), 10177(g), and 10177(j) for the denial of license to Respondent.

10 4.

11 These proceedings are brought under the provisions of § 10100, Division 4 of
12 the Business and Professions Code of the State of California and §§ 11500 through 11528 of
13 the California Government Code.

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2 WHEREFORE, the Complainant prays that the above-entitled matter be set for
3 hearing and, upon proof of the charges contained herein, that the Commissioner refuse to
4 authorize the issuance of, and deny the issuance of, a real estate salesperson license to
5 Respondent James Ying Ming Gee and for such other and further relief as may be proper under
6 other applicable provisions of law.
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8 Dated at Los Angeles, California this 28th day of October, 2019.
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12 Maria Suarez
13 Supervising Special Investigator
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26 cc: JAMES YING MING GEE
27 Maria Suarez
Sacto.