

MARTIN REISER

v.

BOARD OF PHARMACY

Submitted on Briefs October 26, 2000  
Decided November 1, 2000

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY,  
ALEXANDER, and CALKINS, JJ.

#### MEMORANDUM OF DECISION

Martin Reiser appeals from the decision of the Administrative Court (*Beaudoin, J.*) affirming the decision of the Board of Pharmacy finding that Reiser violated various statutory provisions and Board rules in the course of his practice as a licensed pharmacist. Contrary to Reiser's contentions, the Board did not exceed the bounds of its discretion by declining to disqualify two of its Board members from serving, *see* 5 M.R.S.A. § 9063(1) (1989), allowing its counsel to serve as prosecutor in his case, *see Wesson v. Town of Bremen*, 667 A.2d 596, 599 n. 6 (Me. 1995), and limiting Reiser's discovery, *see* 5 M.R.S.A. § 9060(1) (1989). The term "unprofessional conduct" is not unconstitutionally vague in the context of 32 M.R.S.A. § 13742(2)(F) (Supp. 1999), *see Me. Milk Producers, Inc. v. Comm'r of Agric., Food and Rural Res.*, 483 A.2d 1213, 1220 (Me. 1984) (quoting *Shapiro Bros. Shoe Co., Inc. v. Lewiston-Auburn Shoeworkers Protective*

*Ass'n*, 320 A.2d 247, 253-54 (Me. 1974)), and the record contains substantial evidence to support the Board's decision, *see Palesky v. Town of Topsham*, 614 A.2d 1307, 1309 (Me. 1992).

The entry is:

Judgment affirmed.

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