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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 3368

12 **Derrick Wayne White**
13 **446 W. 106th**
Los Angeles, CA 90003

ACCUSATION

14 **Pharmacy Technician License No.**
15 **TCH 56617**

16 Respondent.

17 Complainant alleges:

18 PARTIES

- 19 1. Virginia K. Herold (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
21 2. On or about February 24, 2005, the Board of Pharmacy (Board) issued Pharmacy
22 Technician License Number TCH 56617 to Derrick Wayne White (Respondent). The Pharmacy
23 Technician License was in full force and effect at all times relevant to the charges brought herein
24 and will expire on July 31, 2010, unless renewed.

25 JURISDICTION

- 26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct/Violation of Statutes Regulating Controlled Substances)

5 11. Respondent is subject to disciplinary action section 4301, subdivision (j), in
6 conjunction with Health and Safety Code sections 11357, 11359 and 11360, for violating statutes
7 regulating controlled substances. The circumstances are as follows:

8 a. On or about August 30, 2007, a Los Angeles Police Department detective and officer
9 from the Southeast Division, Narcotics Enforcement Detail, responded to a residence based on a
10 citizen complaint that narcotics were being sold there. That residence is Respondent's address of
11 record with the Board, listed on the caption page of this Accusation. From outside the residence,
12 the detective observed the following: A woman approached the residence and knocked on the
13 door. Respondent opened the door. The woman handed Respondent money. Respondent handed
14 the woman an object, which she received in her right hand.

15 b. The detective and officer followed the woman as she walked away from the
16 residence, and approached her. The officer observed in the woman's right hand a clear plastic
17 baggie which appeared to contain marijuana. The officer recovered the baggie from the woman,
18 and she was placed under arrest for possession of marijuana.

19 c. After Respondent exited the residence, he was placed under arrest for sale of
20 marijuana in violation of Health and Safety Code section 11360, subdivision (a). The police
21 searched a vehicle registered to Respondent and the residence. From Respondent's vehicle, the
22 police recovered one plastic baggie containing a green, leafy substance resembling marijuana.
23 From inside the residence, the police recovered four plastic baggies containing a green, leafy
24 substance resembling marijuana. Respondent wrote and signed a statement admitting that the
25 four bags of "weed" in the residence belonged to him. The police formed the opinion that
26 Respondent possessed the marijuana for sale in violation of Health and Safety Code section
27 11359.

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1 d. On or about March 21, 2008, Respondent was charged with one misdemeanor count
2 of possession of more than 28.5 grams of marijuana in violation of Health and Safety Code
3 section 11357, subdivision (c), in the criminal proceeding entitled *The People of the State of*
4 *California v. Derrick Wayne White* (Super. Ct., L.A. County, 2008, No. 8CA05792). Pursuant to
5 a motion by the People, Respondent paid a court fine of \$250, and the court dismissed the case
6 pursuant to Penal Code section 1385.

7 PRAYER

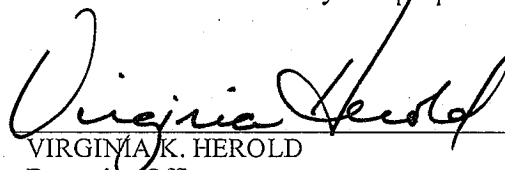
8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board issue a decision:

10 1. Revoking or suspending Pharmacy Technician License Number TCH 56617, issued
11 to Derrick Wayne White.

12 2. Ordering Derrick Wayne White to pay the Board the reasonable costs of the
13 investigation and enforcement of this case, pursuant to Business and Professions Code section
14 125.3; and

15 3. Taking such other and further action as deemed necessary and proper.

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17 DATED: 10/5/09


18 VIRGINIA K. HEROLD
19 Executive Officer
20 Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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