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

12 In the Matter of the Accusation Against:

Case No. 3647

13 **PAUL F. WEBB JR.**  
1710 F Street, #1  
Sacramento, California 95814

**A C C U S A T I O N**

14 **Pharmacy Technician Registration No.**  
15 **TCH 53679**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 21 2. On or about December 29, 2003, the Board of Pharmacy issued Pharmacy Technician  
22 Registration Number TCH 53679 to Paul F. Webb Jr. (Respondent). The license was in full force  
23 and effect at all times mentioned herein and will expire on January 31, 2012, unless renewed.

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 unless otherwise indicated.

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4. Section 4300 of the Code states in pertinent part:

"(a) Every license issued may be suspended or revoked.

"(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

"(1) Suspending judgment.

"(2) Placing him or her upon probation.

"(3) Suspending his or her right to practice for a period not exceeding one year.

"(4) Revoking his or her license.

"(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

....

"(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure."

5. Section 4301 of the Code states in pertinent part:

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

...

"(j) The violation of any of the statutes of this state, or any other state, or of the United States regulating controlled substances and dangerous drugs.

...

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13

1 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
2 substances or of a violation of the statutes of this state regulating controlled substances or  
3 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
4 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
5 The board may inquire into the circumstances surrounding the commission of the crime, in order  
6 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
7 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
8 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
9 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
10 of this provision. The board may take action when the time for appeal has elapsed, or the  
11 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
12 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
13 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
14 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
15 indictment.

16 ...

17 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
18 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
19 federal and state laws and regulations governing pharmacy, including regulations established by  
20 the board or by any other state or federal regulatory agency.

21 ...

22 6. Section 4060 of the Code states in pertinent part:

23 "No person shall possess any controlled substance, except that furnished to a person upon  
24 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic  
25 doctor..."

26 7. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
27 administrative law judge to direct a licentiate found to have committed a violation or violations of  
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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 **CONTROLLED SUBSTANCES**

4 8. **Marijuana** is a hallucinogenic and a Schedule I Controlled Substance pursuant to  
5 Health & Safety Code section 11054(D)(13).

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7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Criminal Conviction)**

9 9. Respondent is subject to disciplinary action for unprofessional conduct under section  
10 4301(l) in that he has been convicted of the following crime that is substantially related to the  
11 qualifications, functions, and duties of a pharmacy technician:

12 a. On October 9, 2008, in the Superior Court, Sacramento County, California in  
13 the case entitled *People of the State of California v. Paul Francis Webb*, Case No. 08F07958,  
14 Respondent was convicted by the court following his plea of Nolo Contendere to a violation of  
15 Health & Safety Code section 11357(a)(unauthorized possession of concentrated cannabis) a  
16 misdemeanor. The circumstances are as follows: On September 24, 2008, respondent was  
17 observed parked in the parking lot of Goldies adult store. During a consent search, a large  
18 (8"x10") ziplock bag full of marijuana was located in his vehicle. Respondent stated that he  
19 owed a friend some money and was going to use the marijuana to pay.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Unlawful Possession of Controlled Substance)**

22 10. Respondent is subject to disciplinary action for unprofessional conduct under section  
23 4060 in that he illegally possessed marijuana as set forth in paragraph 9(a) above.

24 **THIRD CAUSE FOR DISCIPLINE**

25 **(Violation of Laws)**

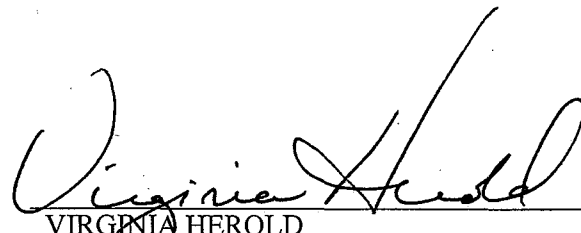
26 11. Respondent is subject to disciplinary action for unprofessional conduct under sections  
27 4301(j) and (o) by and through his violations of section 4060 and Health and Safety Code section  
28 11357(a) in that he illegally possessed marijuana as set forth in paragraph 9(a) above.

1 **PRAYER**

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

- 4 1. Revoking or suspending Pharmacy Technician Registration Number TCH 53679,  
5 issued to Paul F. Webb Jr.
- 6 2. Ordering Paul F. Webb Jr. to pay the Board of Pharmacy the reasonable costs of the  
7 investigation and enforcement of this case, pursuant to Business and Professions Code section  
8 125.3;
- 9 3. Taking such other and further action as deemed necessary and proper.

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11  
12 DATED: 6/5/10



13 VIRGINIA HEROLD  
14 Executive Officer  
15 Board of Pharmacy  
16 Department of Consumer Affairs  
17 State of California  
18 *Complainant*

17 SA2010100825  
18 accusation.rtf