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

11 In the Matter of the Accusation Against:
12 **MAURICE ANDRE BROOKS**
13 2858 Saffron Way
14 Stockton, Ca 95210
15 Pharmacy Technician Registration Number
TCH 93197
16 Respondent.

Case No. 3814

ACCUSATION

18
19 Complainant alleges:

20 **PARTIES**

- 21 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 23 2. On or about September 27, 2009, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 93197 to Maurice Brooks (Respondent). The Pharmacy Technician
25 Registration was in full force and effect at all times relevant to the charges brought herein and
26 will expire on September 30, 2011, unless renewed.

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JURISDICTION

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

4. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 4300 of the Code states every license issued may be suspended or revoked or otherwise appropriately disciplined as determined by the board in its discretion.

STATUTORY PROVISIONS

6. Section 4301 of the Code states:

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:

...

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

...

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

1 COST RECOVERY

2 7. Section 125.3 of the Code states, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 FIRST CAUSE FOR DISCIPLINE

7 (Criminal Conviction)

8 8. Respondent is subject to disciplinary action under section 4301, subdivision (l) in that
9 on or about November 22, 2010, in a criminal proceeding entitled *State of Nevada vs. Brooks,*
10 *Maurice A.* in Clark Superior Court, Case Number 09-C-255621-C, Respondent was convicted
11 for violating Nevada Revised Statute (“NRS”) section 200.481; 33:018 (battery constituting
12 domestic violence with substantial bodily injury), a felony and was ordered to four years
13 probation and to complete Battery Domestic Violence counseling, abstain from alcohol, and
14 obtain and maintain full time employment. The record of the criminal proceeding is incorporated
15 as if fully set forth.

16 a. The circumstances are as follows: On or about March 23, 2009, Las Vegas
17 Metropolitan Police responded to a call from a trauma nurse at University Medical Center
18 Trauma. Officers met with a female, A.J., who stated that on March 20, 2009 at 11:00 a.m., A.J.,
19 and the Respondent, with whom she resides, got into a verbal argument. Respondent began to
20 beat her; she was hit in the face, on the left side of her body and in her ribs with a closed fist. A.J.
21 begged Respondent to stop beating her. Respondent would not allow A.J. to use the phone.
22 Finally, Respondent dropped A.J. off at a hospital two days after beating her and instructed her to
23 tell the medical staff that she was in a car accident. A.J. suffered left rib fractures, a punctured
24 lung, spinal fractures, a broken wrist and a broken ankle. Respondent fled the State of Nevada
25 and was extradited back to Nevada from California on January 4, 2010.

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SECOND CAUSE FOR DISCIPLINE

(Conduct Involving Moral Turpitude)

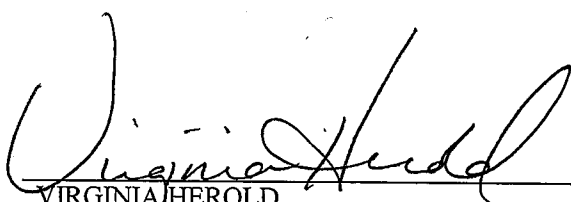
9. Respondent is subject to disciplinary action under section 4301, subdivision (f) in that Respondent was convicted battery constituting domestic violence and causing substantial injury, as more fully set forth in paragraph 8 above. Additionally, Respondent did not allow the victim to obtain medical help for two days following the battery.

PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 93197, issued to Maurice Brooks;
2. Ordering Maurice Brooks to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 5/19/11



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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