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

10 In the Matter of the Accusation Against:
11 **THOMAS ANTHONY DELMORE**
12 2062 Pacific Avenue
13 Alameda, CA 94501
14 **Pharmacy Technician Registration No. TCH**
90953
15 Respondent.

Case No. 4313

ACCUSATION

16
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 May 12, 2009, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 90953 to Thomas Anthony Delmore (Respondent). The Pharmacy
23 Technician Registration was in full force and effect at all times relevant to the charges brought
24 herein and will expire on July 31, 2012, unless renewed.

25 **JURISDICTION**

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

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4. Section 4300 of the Code states:

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

5. 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:

...

"(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

...

"(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.

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

FIRST CAUSE FOR DISCIPLINE
(Dangerous Use of Drugs)

7. Respondent is subject to disciplinary action under section 4301(h) of the code in that Respondent used drugs in a manner that was dangerous or injurious to himself and/or others. On or about July 7, 2011, Respondent used methamphetamine.

SECOND CAUSE FOR DISCIPLINE
(Violation of Drug Laws)

8. Respondent is subject to disciplinary action under section 4301(j) of the code in that Respondent violated the statutes of California that regulate controlled substances and dangerous

1 drugs. The circumstances are as follows:

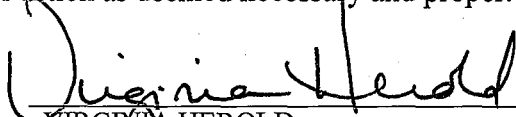
- 2 a. On or about July 7, 2011, Respondent was under the influence of methamphetamine
3 in violation of California Health and Safety Code § 11550.
4 b. On or about July 7, 2011, Respondent possessed drug paraphernalia (a
5 methamphetamine pipe) in violation of California Health and Safety Code §
6 11364.

7 PRAYER

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

- 10 1. Revoking or suspending Pharmacy Technician Registration Number TCH 90953,
11 issued to Thomas Anthony Delmore;
12 2. Ordering Thomas Anthony Delmore to pay the Board of Pharmacy the reasonable
13 costs of the investigation and enforcement of this case, pursuant to Business and Professions
14 Code section 125.3;
15 3. Taking such other and further action as deemed necessary and proper.

16 DATED: 7/19/12

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18 VIRGINIA HEROLD
19 Executive Officer
20 Board of Pharmacy
21 Department of Consumer Affairs
22 State of California
23 Complainant

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