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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:
12 **REMY RAY MADISON**
1887 E. Denwall Dr.
13 Carson, CA 90746
14 Pharmacy Technician Registration
No. TCH 97740
15
16 Respondent.

Case No. 4757
A C C U S A T I O N

17
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia K. Herold (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Officer of the California State Board of Pharmacy (Board).
22 2. On or about February 26, 2010, the Board issued Pharmacy Technician Registration
23 No. TCH 97740 to Remy Ray Madison (Respondent). The Pharmacy Technician Registration
24 expired on July 31, 2013, and has not been renewed.

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1 **JURISDICTION**

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

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5 **STATUTORY PROVISIONS**

6 4. Section 4300 provides in pertinent part, that every license issued by the Boards is
7 subject to discipline, including suspension or revocation.

8 5. Section 4300.1 states:

9 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by
10 operation of law or by order or decision of the board or a court of law, the placement of a license
11 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
12 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
13 proceeding against, the licensee or to render a decision suspending or revoking the license."

14 6. Section 4301 states, in pertinent part:

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

18 ...

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

21 ...

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

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1 **REGULATORY PROVISIONS**

2 7. California Code of Regulations, title 16, section 1770 states, in pertinent part:

3 “For the purpose of denial, suspension, or revocation of a personal or facility license
4 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
5 crime or act shall be considered substantially related to the qualifications, functions or duties of a
6 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
7 licensee or registrant to perform the functions authorized by his license or registration in a manner
8 consistent with the public health, safety, or welfare.”

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10 **COST RECOVERY**

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

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15 **CONTROLLED SUBSTANCE**

16 “Methamphetamine,” is a Schedule II controlled substance as defined by Health and Safety
17 Code section 11055, subdivision (d)(2) and is categorized as a dangerous drug pursuant to section
18 4022.

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20 **FIRST CAUSE FOR DISCIPLINE**

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

22 9. Respondent is subject to disciplinary action under section 4301, subdivision (j), on
23 the grounds of unprofessional conduct, in that Respondent was found to be in unlawful possession
24 of a controlled substance, as follows:

25 a. On or about January 6, 2013, when confronted by a Los Angeles County Sheriff’s
26 Deputy, Respondent admitted that he had a “pipe” in his pocket. A consensual search of
27 Respondent’s pocket revealed a glass narcotic pipe and a plastic baggie containing
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1 methamphetamine. A second glass pipe was recovered from Respondent's left front pants pocket.
2 Respondent admitted to police that he possessed the methamphetamine for personal use.

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4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct/Violation of Licensing Chapter)**

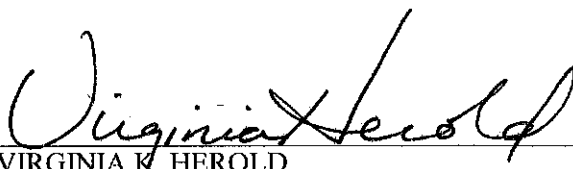
6 10. Respondent is subject to disciplinary action under section 4301, (o) in conjunction
7 with California Code of Regulations, title 16, section 1770 in that Respondent committed acts of
8 unprofessional conduct and/or violated provisions of the licensing chapter. Complainant refers to,
9 and by this reference incorporates, the allegations set forth above in paragraph 10, subparagraph
10 (a), as though set forth fully herein.

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12 **PRAAYER**

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

- 15 1. Revoking or suspending Pharmacy Technician Registration Number TCH 97740,
16 issued to Remy Ray Madison;
- 17 2. Ordering Remy Ray Madison to pay the Board the reasonable costs of the
18 investigation and enforcement of this case, pursuant to section 125.3; and
- 19 3. Taking such other and further action as deemed necessary and proper.

20
21 DATED: 5/9/14


22 VIRGINIA K. HEROLD
23 Executive Officer
24 California State Board of Pharmacy
25 State of California
26 Complainant

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