

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
4 State Bar No. 101336
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-3037
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

12 In the Matter of the Accusation Against:
13 **DAMIAN CLEMENTE MORA**
2390 West Orange Avenue
14 El Centro, CA 92243
15 **Pharmacy Technician Registration No. TCH 67104**
16 Respondent.

Case No. 4977

A C C U S A T I O N

17
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
22 2. On January 20, 2005, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 67104 to Damian Clemente Mora (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and expired on December 31, 2013, and has not been renewed.

26 ///
27 ///
28 ///

1 **JURISDICTION**

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

5 4. Section 4300, subdivision (a), of the Code provides that every license issued by the
6 Board may be suspended or revoked.

7 5. Section 4300.1 of the Code states:

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

12 **STATUTORY PROVISIONS**

13 6. Section 4301 of the Code states:

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

17 (a) Gross immorality.

18

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

22

22 **COST RECOVERY**

23 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request
24 the administrative law judge to direct a licentiate found to have committed a violation or
25 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
26 and enforcement of the case, with failure of the licentiate to comply subjecting the license to not
27 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
28 may be included in a stipulated settlement.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct - Commission of Acts Involving Gross Immorality)**

3 8. Respondent has subjected his pharmacy technician registration to discipline under
4 Code section 4301, subdivision (a), in that he committed acts involving gross immorality when
5 he possessed images of children engaged in sexually explicit conduct. The circumstances are that
6 on June 26, 2011, Respondent opened an account with a website for pedophiles. The child
7 pornography website began an online forum for users to post "fantasy" stories about little girls.
8 On July 27, 2011, Respondent posted on the website four pornographic images of a girl, about
9 seven to nine years old. On July 31, 2011, Respondent posted on the website that he had tons of
10 modeling material and that he was interested in young nude photographs. On August 8, 2011,
11 Respondent posted another set of pornographic images of the same girl. As of November 2011,
12 Respondent had posted sexually explicit pictures and stories of sexual interaction with children
13 approximately 80 times.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct - Commission of Any Act Involving Moral Turpitude, Dishonesty,
16 Fraud, Deceit, or Corruption)**

17 9. Respondent has subjected his pharmacy technician registration to discipline under
18 Code section 4301, subdivision (f), in that he committed acts involving moral turpitude,
19 dishonesty, fraud, deceit, and corruption when he possessed images of children engaged in
20 sexually explicit conduct, as detailed in paragraph 8, above.

21 **PRAYER**

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

24 1. Revoking or suspending Pharmacy Technician Registration Number TCH 67104,
25 issued to Damian Clemente Mora;

26 ///

27 ///

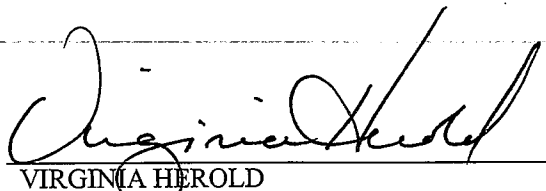
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. Ordering Damian Clemente Mora 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: 4/4/14



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

SD2013706200
70803598.doc