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7	Attorneys for Complainant
8	BEFORE THE
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS
10	STATE OF CALIFORNIA
11	In the Matter of the Accusation Against: Case No. 5362
12	COLIN TRENT WILBUR
13	PO Box 291 Loma Linda, CA 92354 A C C U S A T I O N
14	Pharmacy Technician Registration License No. TCH 51216
15	Respondent.
16	
17	
18	Complainant alleges:
19	<u>PARTIES</u>
20	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as
21	the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board).
22	2. On or about January 2, 2004, the Board issued Pharmacy Technician Registration
23	License No. TCH 51216 to Colin Trent Wilbur (Respondent). The Pharmacy Technician
24	Registration License was in full force and effect at all times relevant to the charges brought herein
25	and will expire on February 28, 2015, unless renewed.
26	JURISDICTION
27	3. This Accusation is brought before the Board, under the authority of the following
28	laws. All section references are to the Business and Professions Code unless otherwise indicated.

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- 4. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or revoked."
 - 5. Section 4300.1 states:

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

STATUTORY PROVISIONS

6. Section 4301 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:

. . . .

"(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. . . ."

REGULATORY PROVISION

7. California Code of Regulations, title 16, section 1770 states:

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

COST RECOVERY

8. Section 125.3 provides 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

(Conviction of a Substantially Related Crime)

- 9. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the grounds of unprofessional conduct, in that Respondent committed a crime substantially related to the qualifications, functions or duties of a pharmacy technician. The circumstances are as follows:
- a. On or about October 31, 2014, after pleading nolo contendere, Respondent was convicted of one lesser misdemeanor count of violating Penal Code section 245(a)(4) [assault likely to produce great bodily injury] in the criminal proceeding entitled *The People of the State of California v. Colin Tent Wilbur* (Super. Ct. San Bernardino County, 2014, No. FSB1402247). The Court sentenced Respondent to 178 days in jail, placed him on 36 months probation, and ordered him to stay away from his brothers, M.W. and T.W.
- b. The circumstances underlying the conviction are that on or about May 7, 2014, Respondent was homeless and living in his car outside of his two brothers' home. Although Respondent's brothers knew Respondent to be physically abusive to them in the past, they allowed him to park his car outside their home, and in their house, allowed Respondent to watch TV and shower. On this day, Respondent tried to stab one of his brothers with a pocket knife. In fear of their safety, while one of his brothers armed himself with a machete that he held close near his bed, Respondent's other brother telephoned 911. Respondent retreated to the restroom and waited for law enforcement to arrive.

SECOND CAUSE FOR DISCIPLINE

(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

10. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts involving moral

1	turpitude, dishonesty, fraud, deceit, or corruption. Complainant refers to and by this reference
2	incorporates the allegations set forth above in paragraph 9, subparagraphs a and b, inclusive, as
3	though set forth fully.
4	THIRD CAUSE FOR DISCIPLINE
5	(Unprofessional Conduct)
6	11. Respondent is subject to disciplinary action under sections 4300 and 4301, in that
7	Respondent committed acts of unprofessional conduct. Complainant refers to and by this reference
8	incorporates the allegations set forth above in paragraph 9, subparagraphs a and b, inclusive, as
9	though set forth fully.
10	<u>PRAYER</u>
11	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12	and that following the hearing, the Board issue a decision:
13	1. Revoking or suspending Pharmacy Technician Registration License No. TCH 51216,
14	issued to Colin Trent Wilbur;
15	2. Ordering Colin Trent Wilbur to pay the Board the reasonable costs of the investigation
16	and enforcement of this case, pursuant to section 125.3; and
17	3. Taking such other and further action as deemed necessary and proper.
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19	DATED: 5/11/15 Urgine Skild VIRGINIAHEROLD
20	Executive Officer Board of Pharmacy
21	Department of Consumer Affairs State of California
22	Complainant LA2015500008
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