

1 KAMALA D. HARRIS
Attorney General of California
2 AMANDO ZAMBRANO
Supervising Deputy Attorney General
3 MARC D. GREENBAUM
Supervising Deputy Attorney General
4 State Bar No. 138213
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2579
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8 **BEFORE THE**
BOARD OF PHARMACY
9 **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.
15 TCH 51216

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

- 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.

1 **COST RECOVERY**

2 8. Section 125.3 provides that the Board may request the administrative law judge to
3 direct a licentiate found to have committed a violation or violations of the licensing act to pay a
4 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Conviction of a Substantially Related Crime)**

7 9. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision
8 (l), in conjunction with California Code of Regulations, title 16, section 1770, on the grounds of
9 unprofessional conduct, in that Respondent committed a crime substantially related to the
10 qualifications, functions or duties of a pharmacy technician. The circumstances are as follows:

11 a. On or about October 31, 2014, after pleading nolo contendere, Respondent was
12 convicted of one lesser misdemeanor count of violating Penal Code section 245(a)(4) [assault
13 likely to produce great bodily injury] in the criminal proceeding entitled *The People of the State of*
14 *California v. Colin Tent Wilbur* (Super. Ct. San Bernardino County, 2014, No. FSB1402247).
15 The Court sentenced Respondent to 178 days in jail, placed him on 36 months probation, and
16 ordered him to stay away from his brothers, M.W. and T.W.

17 b. The circumstances underlying the conviction are that on or about May 7, 2014,
18 Respondent was homeless and living in his car outside of his two brothers' home. Although
19 Respondent's brothers knew Respondent to be physically abusive to them in the past, they allowed
20 him to park his car outside their home, and in their house, allowed Respondent to watch TV and
21 shower. On this day, Respondent tried to stab one of his brothers with a pocket knife. In fear of
22 their safety, while one of his brothers armed himself with a machete that he held close near his bed,
23 Respondent's other brother telephoned 911. Respondent retreated to the restroom and waited for
24 law enforcement to arrive.

25 **SECOND CAUSE FOR DISCIPLINE**

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

27 10. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision
28 (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.

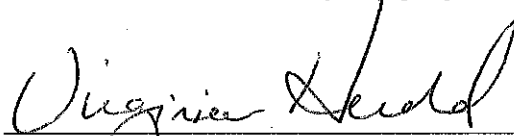
10 **PRAAYER**

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.

18
19 DATED: _____

5/11/15



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

20
21
22 LA2015500008
23 4/17/2014dmm
24 51754508.doc