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BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **CEDELL BRADFORD** **aka WESTLY BRADFORD** **3867 Maybelle Ave., Apt. D** **Oakland, CA 94619** **Pharmacy Technician License No. TCH 62355** Respondent.	Case No. 5376 **A C C U S A T I O N**

Complainant alleges:

PARTIES

1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

2. On or about May 13, 2005, the Board of Pharmacy issued Pharmacy Technician License Number TCH 62355 to Cedell Bradford aka Westly Bradford (Respondent). The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2016, unless renewed.

JURISDICTION

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

4. Section 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].

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

6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or suspension of a Board-issued license, 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 AND REGULATORY PROVISIONS

7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action against any holder of a license who is guilty of "unprofessional conduct," defined to include, but not be 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.

(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, of any other state, or of the United States regulating controlled substances and dangerous drugs.

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

8. Section 4060 of the Code provides, in pertinent part, that no person shall possess any controlled substance, except that furnished upon a valid prescription/drug order.

9. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess a controlled substance in Schedule I, subdivision(s) (b), (c), or (f)(1), Schedule II, subdivision(s) (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

10. Health and Safety Code section 11377, in pertinent part, makes it unlawful to possess certain Schedule I-II controlled substances, or any controlled substance in Schedules III-V which is not a narcotic drug, unless upon written prescription of an authorized prescriber.

11. 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 her license or registration in a manner consistent with the public health, safety, or welfare."

COST RECOVERY

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

CONTROLLED SUBSTANCES / DANGEROUS DRUGS

13. Section 4021 of the Code states:

"'Controlled substance' means any substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code."

14. Section 4022 of the Code states, in pertinent part:

"'Dangerous drug' or 'dangerous device' means any drug or device unsafe for self use, except veterinary drugs that are labeled as such, and includes the following:

"(a) Any drug that bears the legend: 'Caution: federal law prohibits dispensing without prescription,' 'Rx only,' or words of similar import.

"(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006."

15. **Marijuana** is a Schedule I controlled substance as designated by Health and Safety Code section 11054(d)(13), and a dangerous drug as designated by Business and Professions Code section 4022. It is a hallucinogenic drug.

16. **Cocaine** is a Schedule I (in base/rock/crack form) or Schedule II controlled substance as designated by Health and Safety Code sections 11054(f)(1) and 11055(b)(6) and a dangerous drug as designated by Business and Professions Code section 4022. It is a narcotic drug.

17. **Methamphetamine** is a Schedule II controlled substance as designated by Health and Safety Code section 11055(d)(2) and a dangerous drug as designated by Business and Professions Code section 4022. It is a stimulant drug.

FACTUAL BACKGROUND

18. On or about August 2, 2014, Oakland (California) Police responded to a report of an intoxicated subject breaking windows. Responding officer(s) spoke to witnesses who reported that Respondent (1) entered a pizza restaurant, said something about a gun, punched the owner or employee of the business twice, and took money from the tip jar, and (2) picked up a chair from another nearby restaurant and threw it through the window of a neighboring business. The police officer(s) then located Respondent lying in a parking lot unconscious. The officer(s) discovered Respondent's 9-year-old daughter nearby, distraught and non-communicative. In a search of his person incident to arrest, police discovered Respondent to be in possession of cash, two plastic baggies containing **marijuana**, and a black metal cylindrical object which Respondent said was used for storing **marijuana** (or hashish). Officer(s) subsequently discovered that the cylindrical object contained one or more white crystal-like substances.

19. On or about August 19, 2014, Respondent was charged by criminal Complaint in a case titled *People v. Cedell Bradford*, Case No. 598694 in Alameda County Superior Court, with violating (1) Health and Safety Code section 11350(a) (Possession of Controlled Substance – **cocaine**), a felony, and (2) Health and Safety Code section 11377(a) (Possession of Controlled Substance – **methamphetamine**), also a felony.

20. On or about October 27, 2014, criminal proceedings in Case No. 598694 were suspended pursuant to Penal Code section 1000 et seq. to permit Respondent to enter drug diversion. He was required to complete an 18-month diversion program.

FIRST CAUSE FOR DISCIPLINE

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

21. Respondent is subject to discipline under section 4301(f) of the Code, in that Respondent, as described in paragraph 18 above, committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption.

SECOND CAUSE FOR DISCIPLINE

(Self-Administration of Controlled Substance/Dangerous or Injurious Use of Alcohol)

22. Respondent is subject to discipline under section 4301(h) of the Code, in that, as described in paragraph 18 above, Respondent self-administered one or more controlled substances and/or used alcohol in a dangerous or injurious manner.

THIRD CAUSE FOR DISCIPLINE

(Possession of Controlled Substance(s))

23. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section 4060 of the Code, and/or Health and Safety Code section(s) 11350 and/or 11377, in that Respondent, as described in paragraph 18 above, possessed, conspired to possess, and/or assisted in or abetted possession of, a controlled substance, without a prescription.

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

24. Respondent is subject to discipline under section 4301 of the Code in that, as described in paragraphs 18 and 21-23 above, Respondent engaged in unprofessional conduct.

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PRAYER

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

1. Revoking or suspending Pharmacy Technician License Number TCH 62355, issued to Cedell Bradford aka Westly Bradford (Respondent);

2. Ordering Respondent to pay the Board 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 is deemed necessary and proper.

DATED: 7/21/15

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

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