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

10
11 In the Matter of the Accusation Against:

Case No. 5442

12 **DOMINIC ANTHONY DE LA CRUZ**
13 **339 Frankfort Street**
Daly City, CA 94014

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
15 **134481**

16 Respondent.

17 Complainant alleges:

18 PARTIES

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

21 2. On or about October 14, 2013, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 134481 to Dominic Anthony De La Cruz ("Respondent"). The
23 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
24 brought in this Accusation and will expire on March 31, 2017, unless renewed.

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1 COST RECOVERY

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

6 FIRST CAUSE FOR DISCIPLINE

7 (Unprofessional Conduct)

8 (Bus. & Prof. Code, §§ 4301, subd. (o), 4060)

9 12. Respondent has subjected his Pharmacy Technician Registration to disciplinary action
10 in that he violated a provision or term of the Code or of the applicable federal and state laws and
11 regulations governing pharmacy when he unlawfully possessed MDMA or "Ecstasy," a controlled
12 substance. (Bus. & Prof. Code, §§ 4301, subd. (o), 4060.) The circumstances are as follows:

13 13. On or about September 20, 2014, a Mountain View Police Department ("MVPD")
14 officer ("Officer 1") was patrolling the parking lot at Shoreline Amphitheater prior to a concert.
15 While Officer 1 was riding around the parking lot on his fully marked police motorcycle, he
16 observed Respondent and his friend sitting in Respondent's vehicle. Respondent was in the
17 driver's seat and his friend was in the passenger seat. Upon making eye contact with Respondent,
18 Office 1 noticed that Respondent appeared nervous. Officer 1 saw that Respondent was holding a
19 small, teal-colored package on his lap. Officer 1 stopped, dismounted from his motorcycle, and
20 approached the driver's side of Respondent's vehicle. Respondent rolled down the window and
21 Officer 1 asked whether Respondent and his friend were heading into the venue. Another MVPD
22 officer ("Officer 2") approached the vehicle and asked Respondent and his friend where their
23 cigarettes were. Respondent reached into the center console of the vehicle and removed a
24 cigarette package. Officer 1 observed that the cigarette package was teal green, and noticed that
25 the package was open. Officer 1 could also see a clear plastic coin baggie from the opening of the
26 cigarette container, which he recognized as the type of packaging used for narcotics. Officer 1
27 moved the package up and observed numerous white tablets inside.

28 14. Officer 1 asked Respondent to exit the vehicle and asked him what was in the
package. Respondent admitted that the package contained Ecstasy and that the Ecstasy belonged

1 to him. Officer 1 arrested Respondent without incident for violation of Health and Safety Code
2 section 11377, subdivision (a). Officer 1 conducted a further search of Respondent's vehicle and
3 discovered a similar small plastic coin baggie in the center console. Inside the baggie were two
4 green tablets. Based on Officer 1's training and experience, he concluded that the two green
5 tablets appeared similar to Ecstasy.

6 SECOND CAUSE FOR DISCIPLINE

7 (Unprofessional Conduct)

8 (Bus. & Prof. Code, § 4301, subd. (j))

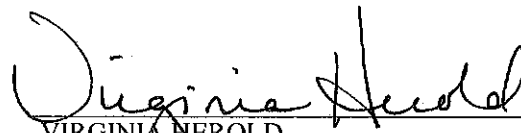
9 15. Respondent has subjected his Pharmacy Technician Registration to disciplinary action
10 in that he violated the statutes of this state regulating controlled substances, specifically Health
11 and Safety Code section 11377, subdivision (a). (Bus. & Prof. Code, § 4301, subd. (j).) The
12 circumstances of Respondent's contact are set forth above in paragraphs 13 and 14.

13 PRAYER

14 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
15 Accusation, and that following the hearing, the Board of Pharmacy issue a decision:

- 16 1. Revoking or suspending Pharmacy Technician Registration Number TCH 134481,
17 issued to Dominic Anthony De La Cruz;
18 2. Ordering Dominic Anthony De La Cruz to pay the Board of Pharmacy the reasonable
19 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code
20 section 125.3; and
21 3. Taking such other and further action as deemed necessary and proper.

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23 DATED: 8/10/15



24 VIRGINIA NEROLD
25 Executive Officer
26 Board of Pharmacy
27 Department of Consumer Affairs
28 State of California
Complainant

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