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7	BEFORE THE
8	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS
9	STATE OF CALIFORNIA
10	In the Matter of the Accusation Against: Case No. 6217
11	WILLIAM PHILLIP WHITE
12	1728 West 51st Street
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14	Pharmacy Technician Registration No. TCH 128265
15	Respondent.
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18	Complainant alleges:
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1 9	PARTIES
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 20 21 22 23 24 25 26 27 	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 March 6, 2013, the Board of Pharmacy issued Pharmacy Technician Registration Number TCH 128265 to William Phillip White (Respondent). The Pharmacy Technician Registration expired on September 27, 2016 pursuant to Family Code section 17520. JURISDICTION 3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise

Section 4300.1 of the Code states: 4. 1 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by 2 operation of law or by order or decision of the board or a court of law, the placement of a license 3 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board 4 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary 5 proceeding against, the licensee or to render a decision suspending or revoking the license." 6 5. Section 4011 of the Code provides that "[t]he board shall administer and enforce this 7 chapter [Pharmacy Law, (Business and Professions Code, Sec 4000 et secq.)] and the Uniform 8 Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and 9 Safety Code)." 10 Section 4300, subdivision (a), of the Code states, in pertinent part, that "[e]very 6. 11 license issued may be suspended or revoked." 12 STATUTORY PROVISIONS 13 7. Section 4301 of the Code states, in pertinent part: 14 "The board shall take action against any holder of a license who is guilty of unprofessional 15 conduct or whose license has been issued by mistake. Unprofessional conduct shall include, but is 16 not limited to, any of the following: 17 18 The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or "(f) 19 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and 20whether the act is a felony or misdemeanor or not." 21 22 The conviction of a crime substantially related to the qualifications, functions, and "(l) 23duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 24 (commencing with Section 801) of Title 21 of the United States Code regulating controlled 25 substances or of a violation of the statutes of this state regulating controlled substances or 26 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the 27 record of conviction shall be conclusive evidence only of the fact that the conviction occurred. 28

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The board may inquire into the circumstances surrounding the commission of the crime, in order 1 to fix the degree of discipline or, in the case of a conviction not involving controlled substances 2 or dangerous drugs, to determine if the conviction is of an offense substantially related to the 3 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or 4 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning 5 of this provision. The board may take action when the time for appeal has elapsed, or the 6 judgment of conviction has been affirmed on appeal or when an order granting probation is made 7 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of 8 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not 9 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or 10 indictment." 11 12 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the 13 violation of or conspiring to violate any provision or term of this chapter or of the applicable 14 federal and state laws and regulations governing pharmacy, including regulations established by 15 the board or by any other state or federal regulatory agency." 16 "(p) Actions or conduct that would have warranted denial of a license..." 17 **REGULATORY PROVISIONS** 18 California Code of Regulations, title 16, section 1770, states, in pertinent part: 8. 19 "For the purpose of denial, suspension, or revocation of a personal or facility license 20 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a 21 crime or act shall be considered substantially related to the qualifications, functions or duties of a 22 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a 23 licensee or registrant to perform the functions authorized by his license or registration in a manner 24 consistent with the public health, safety, or welfare." 25 **COST RECOVERY** 26 Section 125.3 of the Code provides, in pertinent part, that the Board may request the 9. 27administrative law judge to direct a licentiate found to have committed a violation or violations of 28 3

the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
 included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

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(Conviction of a Substantially Related Crime)

10. Respondent is subject to disciplinary action under Code section 4301, subdivision (l)
and (f), in conjunction with California Code of Regulations, title 16, section 1770, in that
Respondent was convicted of a crime substantially related to qualifications, functions, or duties of
a registered pharmacy technician which to a substantial degree evidence her present or potential
unfitness to perform the functions authorized by her registration in a manner consistent with the
public health, safety, or welfare, as follows:

On or about May 17, 2017, after pleading nolo contendere, Respondent was convicted 13 a. of one felony count of violating Penal Code section 236.1(c) [Human Trafficking of a Minor for a 14 Commercial Sex Act], in the criminal proceeding entitled The People of the State of California v. 15 William Phillip White (Super. Ct. L.A. County, 2017, No. NA10591). The court sentenced 16 Respondent to serve eight years of jail suspended, serve four days in county jail, less credit for 17 four days, in addition to perform 82 days of Cal Trans. The court placed Respondent on five years 18 formal probation. The court also ordered Respondent to register as a sex offender, and stay 100 19 vards away from the victim. 20

The circumstances underlying the conviction are that on or about February 21, 2017, b. 21 while Vice police officers were operating a sting targeting prostitution, Respondent was detained. 22 Respondent admitted that he causes a minor victim to perform acts of prostitution and 23 Respondent would drive her to meet buyers. Respondent would receive payment in the amount of 24 \$20-40 each time for driving the minor victim. Respondent also admitted that he placed online 25advertisements on Craigslist for minor victim with his cellphone and would also respond to 26"Johns" on his phone, acting like minor victim. Respondent then set up a location and time with 27 the "John." 28

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1	SECOND CAUSE FOR DISCIPLINE
2	(Violate Pharmacy Law / Acts Warranting Denial of Licensure)
3	11. Respondent is subject to disciplinary action under Code section 4301, subdivisions
4	(o) and (p), in that Respondent violated federal and state law and regulations governing
5	pharmacy, and committed acts of unprofessional conduct that would have warranted a denial of a
6	license. Complainant refers to and by this reference incorporates that allegations set for above in
7	paragraph 11 inclusive, as though set forth fully.
8	DISCIPLINARY CONSIDERATIONS
9	12. To determine the degree of discipline, if any, to be imposed on the Respondent,
10	Complainant alleges:
11	a. On or about June 20, 2016, Respondent was convicted of violating Vehicle Code
12	section 12500(a)- [Driving without a license], in the criminal proceeding entitled The
13	People of the State of California v. William Phillip White (Super. Ct. L.A. County,
14	2016, No. LAX6AR10099). The court ordered Respondent to pay fines or perform
15	three days of community labor in lieu of the fines.
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	(WILLIAM PHILLIP WHITE) ACCUSATION

1	PRAYER
2	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3	and that following the hearing, the Board of Pharmacy issue a decision:
1	1. Revoking or suspending Pharmacy Technician Registration Number TCH 128265,
;	issued to William Phillip White;
5	2. Ordering William Phillip White to pay the Board of Pharmacy the reasonable costs of
7	the investigation and enforcement of this case, pursuant to Business and Professions Code section
3	125.3; and,
ə	3. Taking such other and further action as deemed necessary and proper.
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3	DATED: 9/12/17 Juginio Hell
1	VIRGINIA HEROLD Executive Officer
5	Board of Pharmacy Department of Consumer Affairs
5	State of California Complainant
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