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11 **BEFORE THE**  
12 **BOARD OF PHARMACY**  
13 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. 2624

15 TIMOTHY A. RENDE  
1745 Bervy Street  
16 San Diego, California 92110

**ACCUSATION**

17 Pharmacist License No. 44736

18 Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

22 1. Patricia F. Harris (Complainant) brings this Accusation solely in her  
23 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer  
24 Affairs.

25 2. On or about August 20, 1991, the Board of Pharmacy issued Pharmacist  
26 License Number 44736 to TIMOTHY A. RENDE (Respondent). The Pharmacist License was in  
27 full force and effect at all times relevant to the charges brought herein and will expire on  
28 February 28, 2005, unless renewed.

**JURISDICTION**

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

5           4.       Section 4300 of the Code states:

6           "(a) Every license issued may be suspended or revoked.

7           "(b) The board shall discipline the holder of any license issued by the board,  
8 whose default has been entered or whose case has been heard by the board and found guilty, by  
9 any of the following methods:

10           "(1) Suspending judgment.

11           "(2) Placing him or her upon probation.

12           "(3) Suspending his or her right to practice for a period not exceeding one year.

13           "(4) Revoking his or her license.

14           "(5) Taking any other action in relation to disciplining him or her as the board in  
15 its discretion may deem proper."

16           5.       Section 4301 of the Code states:

17           "The board shall take action against any holder of a license who is guilty of  
18 unprofessional conduct or whose license has been procured by fraud or misrepresentation or  
19 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the  
20 following:

21           "...

22           "(h) The administering to oneself, of any controlled substance, or the use of any  
23 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or  
24 injurious to oneself, to a person holding a license under this chapter, or to any other person or to  
25 the public, or to the extent that the use impairs the ability of the person to conduct with safety to  
26 the public the practice authorized by the license.

27           "...

28       ///

1                   (j) The violation of any of the statutes of this state or of the United States  
2 regulating controlled substances and dangerous drugs.

3                   (k) The conviction of more than one misdemeanor or any felony involving the  
4 use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any  
5 combination of those substances.

6                   (l) The conviction of a crime substantially related to the qualifications, functions,  
7 and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
8 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
9 substances or of a violation of the statutes of this state regulating controlled substances or  
10 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
11 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
12 The board may inquire into the circumstances surrounding the commission of the crime, in order  
13 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
14 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
15 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty  
16 or a conviction following a plea of nolo contendere is deemed to be a conviction within the  
17 meaning of this provision. The board may take action when the time for appeal has elapsed, or  
18 the judgment of conviction has been affirmed on appeal or when an order granting probation is  
19 made suspending the imposition of sentence, irrespective of a subsequent order under Section  
20 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a  
21 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information,  
22 or indictment.

23                   6.       Section 4140 states that no person shall possess or have under his or her  
24 control any hypodermic needle or syringe except when acquired in accordance with this article.

25                   7.       Section 118, subdivision (b), of the Code provides that the expiration of a  
26 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the  
27 period within which the license may be renewed, restored, reissued or reinstated.

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

5                   **"DRUGS"**

6           "Cocaine" is a Schedule II controlled substance as designed by Health and Safety  
7 Code section 11055(b)(6).

8           "Heroin" is a Schedule I controlled substance as designated by Health and Safety  
9 Code section 11054(c)(11).

10                                   **FIRST CAUSE FOR DISCIPLINE**

11   **(Conviction of a Crime)**

12           9.       Respondent is subject to disciplinary action under section 480(a)(1) and  
13 (3), and 4301(k) and (l), in that on or about December 6, 2001, Respondent was convicted on his  
14 plea of guilty of violating Health and Safety Code section 11377(a)-Possession of a Controlled  
15 Substance-Cocaine, a misdemeanor, and Business and Professions Code section  
16 4140-Unauthorized Possession of a Hypodermic Needle or Syringe, a misdemeanor, in the case  
17 entitled *People of the State of California v. Timothy A. Rende*, County of San Diego, Case No.  
18 SCD162574. The circumstances are as follows:

19           10.     On or about October 1, 2001, San Diego Police Officers responded to a  
20 call from Dispatch regarding a suicidal subject call. When Officers arrived at the residence,  
21 Respondent had in his possession a loaded Smith and Wesson .38 Revolver and stated that "he  
22 had just shot up some "coke." Respondent was taken to Sharpe Memorial Hospital for a suicidal  
23 watch. After a search of his residence, San Diego Police Officers found a plastic baggie with  
24 1.18 grams of Cocaine, a spoon with power residue, a syringe containing blood, three handguns,  
25 one assault rifle, two daggers, two knives and one switchblade knife. Later, after having  
26 performed a toxicology drug screen of Respondent at Sharpe Memorial Hospital, which tested  
27 positive for Heroin and Cocaine, an arrest warrant was issued for Respondent on October 3,  
28 2001, for violations of Health and Safety Code section 11350-Possession of a Controlled



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:

A. Revoking or suspending Pharmacist License Number 44736, issued to TIMOTHY A. RENDE;

B. Ordering TIMOTHY A. RENDE to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

C. Taking such other and further action as deemed necessary and proper.

DATED: 8/28/03

*P. J. Harris*

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PATRICIA F. HARRIS  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant