BILL LOCKYER, Attorney General
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Attorneys for Complainant

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

In the Matter of the Accusation Against: CHRISTIAN BEVAN WILLIAMS 9 Poinsettia Gardens Drive Ventura, CA 93004 and c/o Sierra Conservation Center Inmate Reg. No. V50004 PO Box 497 5100 O-Byrnes Ferry Road Jamestown, CA 95327 Pharmacy Technician Registration No. TCH 44940 Respondent.	Case No. 2871 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about November 10, 2005, Complainant Patricia F. Harris, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 2871 against Christian Bevan Williams (Respondent) before the Board of Pharmacy.

2. On or about October 22, 2002, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 44940 to Respondent. On or about July 25, 2005, pursuant to Business and Professions Code section 4311, subdivision (a), the Board issued a

Notice of Automatic Suspension of License. Pharmacy Technician Registration No. TCH 44940 will expired on April 30, 2006, unless renewed.

3. On or about November 30, 2005, MariaElena Hernandez, an employee of the Department of Justice served by Certified and First Class Mail a copy of the Accusation No. 2871, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 9 Poinsettia Gardens Drive, Ventura, CA 93004. The Accusation and related documents were also served on Respondent, c/o Sierra Conservation Center, Inmate Reg. No. V 50004, P. O. Box 497, 5100 O-Byrnes Ferry Road, Jamestown, CA 95327. A copy of the Accusation is attached hereto as Exhibit A, and is incorporated herein by reference.

4. On or about December 5, 2005, the aforementioned documents were received by Respondent at the following address: Sierra Conservation Center, Inmate Reg. No. V 50004, P. O. Box 497, 5100 O-Byrnes Ferry Road, Jamestown, CA 95327. A copy of the Domestic Return Receipt is attached hereto as Exhibit B and incorporated herein by reference.

5. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

6. Business and Professions Code section 118 states, in pertinent part:

"(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the license on any such ground."

7. Government Code section 11506 states, in pertinent part:

"(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of

respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

8. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 2871.

9. California Government Code section 11520 states, in pertinent part:

"(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

10. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it contained in Exhibits A and B, finds that the allegations in Accusation No. 2871 are true.

11. The total costs for investigation and enforcement are $2,182.50 as of March 8, 2006.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Christian Bevan Williams has subjected his Pharmacy Technician Registration No. TCH 44940 to discipline.

2. A copy of the Accusation is attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician Registration based upon the following violations alleged in the Accusation:

a. Business and Professions Code sections 4301, subdivision (l) and 490, conviction(s) of substantially related crimes – assault with a firearm; driving under the influence; and possession of marijuana.

b. Business and Professions Code sections 4301, subdivision (j) and 4060, possession of a controlled substance, Marijuana.

c. Business and Professions Code sections 4301, subdivision (f), acts involving moral turpitude, dishonesty, fraud, deceit or corruption.

DECISION AND ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 44940, heretofore issued to Respondent Christian Bevan Williams, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on May 31, 2006.

It is so ORDERED May 1, 2006

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

STANLEY W. GOLDENBERG
Board President

Attachments: Exhibit A: Accusation No. 2871
Exhibit B: Postal return document

60135522.wpd

Exhibit A

Accusation No. 2871

BILL LOCKYER, Attorney General
of the State of California
JAMI L. CANTORE, State Bar No. 165410
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
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Attorneys for Complainant

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

In the Matter of the Accusation Against: CHRISTIAN BEVAN WILLIAMS 9 Poinsettia Gardens Drive Ventura, CA 93004 - and - c/o Sierra Conservation Center Inmate Reg. No. V50004 PO Box 497 5100 O-Byrnes Ferry Road Jamestown, CA 95327 Pharmacy Technician Registration No. TCH 44940 Respondent.	Case No. 2871 **ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about October 22, 2002, the Board issued Pharmacy Technician Registration No. TCH 44940 to Christian Bevan Williams (Respondent). On or about July 25, 2005, pursuant to Business and Professions Code section 4311, subdivision (a), the Board issued

a Notice of Automatic Suspension of License. The Pharmacy Technician Registration will expire on April 30, 2006, unless renewed.

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 unless otherwise indicated.

4. Section 4300 permits the Board to take disciplinary action to suspend or revoke a license or permit.

E. Section 118, subdivision (b), provides that the suspension/ expiration/surrender/cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

F. Section 490 states:

"A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

7. Section 4301 states, in pertinent part:

"The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not 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.

. . . .

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

. . . .

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. . . . The record of conviction . . . shall be conclusive evidence only of the fact that the conviction occurred. . . .

. . . .

"(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.

"(p) Actions or conduct that would have warranted denial of a license. . . ."

8. Section 4060 states, in pertinent part, that "[n]o person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1."

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

10. Section 475 states, in pertinent part:

"(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

. . . .

"(2) Conviction of a crime.

"(3) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.

"(4) Commission of any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license. . . ."

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

CONTROLLED SUBSTANCES / DANGEROUS DRUGS

12. Marijuana is a hallucinogenic Schedule I controlled substance as defined in Health and Safety Code section 11054(d)(13) and a dangerous drug according to Business and Professions Code section 4022.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Conviction of Substantially Related Crime - Assault with a Firearm)

13. Respondent is subject to disciplinary action under section 4300, 490, and 4301, subdivision (l), on the grounds of unprofessional conduct in conjunction with California Code of Regulations, title 16, section 1770, in that on or about July 1, 2004, Respondent was convicted of a crime substantially related to the qualifications, functions, or duties of a pharmacy technician, as follows:

a. On or about July 1, 2004, in a criminal proceeding entitled *The People of the State of California v. Christian Bevan Williams* in Ventura County Superior Court, Case No. 2004014916FA, Respondent was convicted on a plea of guilty for violating Penal Code section 245(a)(2) (assault with a firearm), a felony, and the special allegation of Penal Code

section 12022.5(a)(1) (use of a firearm), a felony. On or about August 30, 2004, Respondent was sentenced to serve five (5) years in the Department of Corrections.

b. The circumstances underlying the conviction are that on or about April 10, 2004, Respondent was arrested after making violent and/or death threats, brandishing a Glock .40 caliber pistol, and, during a physical altercation, shooting victim Michael M. in the left shoulder with the pistol.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Conviction of Substantially Related Crime - DUI)

14. Respondent is subject to disciplinary action under section 4300, 490, and 4301, subdivision (l), on the grounds of unprofessional conduct in conjunction with California Code of Regulations, title 16, section 1770, in that on or about February 5, 2003, Respondent was convicted of a crime substantially related to the qualifications, functions, or duties of a pharmacy technician, as follows:

a. On or about February 5, 2003, in a criminal proceeding entitled *The People of the State of California v. Christian Bevan Williams* in Ventura County Superior Court, Case No. 2003001701MA, Respondent was convicted on a plea of guilty for violating Vehicle Code section 23152(b) (driving while having a 0.08% or higher blood alcohol content), a misdemeanor.

b. The circumstances underlying the conviction are that on or about January 5, 2003, Respondent was arrested for driving under the influence of an alcoholic beverage. Respondent's blood alcohol content tested at 0.13%.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Conviction of Substantially Related Crime - Possession of Marijuana)

15. Respondent is subject to disciplinary action under section 4300, 490, and 4301, subdivision (l), on the grounds of unprofessional conduct in conjunction with California Code of Regulations, title 16, section 1770, in that on or about February 2, 2000, Respondent was convicted of a crime substantially related to the qualifications, functions, or duties of a pharmacy technician, as follows:

a. On or about February 2, 2000, in a criminal proceeding entitled *The People of the State of California v. Christian Bevan Williams* in Ventura County Superior Court, Case No. 00M009643MA, Respondent was convicted on a plea of guilty for violating Vehicle code section 23222(b) (possession of marijuana in vehicle), a misdemeanor.

b. The circumstances underlying the conviction are that on or about January 5, 2000, Respondent was in possession of the controlled substance and dangerous drug marijuana while driving a vehicle.

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Possessions of Controlled Substance / Dangerous Drug - Marijuana)

16. Respondent is subject to disciplinary action under section 4300 and 4301, subdivision (j), on the grounds of unprofessional conduct for violating section 4060, in that on or about January 5, 2000, Respondent was in possession of marijuana, a controlled substance and dangerous drug, without a valid prescription.

FIFTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Dishonest Acts)

17. Respondent is subject to disciplinary action under section 4300 and 4301, subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit or corruption as set forth above in paragraphs 13 through 16, and incorporated herein by reference.

SIXTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Acts Warranting Denial of Licensure)

18. Respondent is subject to disciplinary action under section 4300 and 4301, subdivision (p), on the grounds of unprofessional conduct, in conjunction with section 475 subdivisions (a)(2), (a)(3) and (a)(4), in that Respondent committed acts which would warrant denial of licensure as set forth above in paragraphs 13 through 17, and incorporated herein by reference.

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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:

A. Revoking or suspending Pharmacy Technician Registration No. TCH 44940, issued to Christian Bevan Williams.

B. Ordering Christian Bevan Williams 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: 11/10/05

P. F. Harris

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

Complainant

DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL
(Separate Mailings)

Case Name: **In the Matter of the Accusation Against: Christian Bevan Williams**
Case No: **2871**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On November 30, 2005, I served the attached **Accusation, Statement to Respondent, Request for Discovery, Notice of Defense, and Government Code sections** by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, and another true copy of the **Accusation, Statement to Respondent, Request for Discovery, Notice of Defense, and Government Code sections** was enclosed in a second sealed envelope as first class mail with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at Los Angeles addressed as follows

Christian Bevan Williams
9 Poinsettia Gardens Drive
Ventura, CA 93004

Certified Mail Receipt No.
7001 0360 0003 2701 4893

Susan Cappello, Enforcement Analyst
Board of Pharmacy
400 R Street, Suite 4070
Sacramento, CA 95814-6200

Christian Bevan Williams

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here

Sent To Christian Williams
Street, Apt. No.; or PO Box No.
City, State, ZIP+4 Jamestown, CA

PS Form 3800, January 2001 See Reverse for Instructions

7001 0360 0003 2701 4886

7001 0360 0003 2701 4893

vs of the State of California the foregoing is true
ted on November 30, 2005, at Los Angeles,

Signature

Exhibit B

Postal Return Document

Williams
Acc. Packet

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Christian Bevan Williams
c/o Sierra Conservation Center
Inmate Reg. No. V50004
PO Box 497
5100 O-Byrnes Ferry Road
Jamestown, CA 95327

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)* M. Foust

B. Date of Delivery 12-5

C. Signature
X M. Foust
☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Copy from service label)* 7001 0360 0003 2701 4886

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952