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8 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

12 KEVIN JAMES DEBAUN  
2662 Montclair St.  
13 San Diego, CA 92104

14 Pharmacy Technician Registration No. TCH  
15 45180

16 Respondent.

Case No. 2891

OAH No. L-2005120127

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

17  
18 In the interest of a prompt and speedy resolution of this matter, consistent with the  
19 public interest and the responsibility of the Board of Pharmacy of the Department of Consumer  
20 Affairs the parties hereby agree to the following Stipulated Surrender of License and Order which  
21 will be submitted to the Board for approval and adoption as the final disposition of the  
22 Accusation.

23 PARTIES

24 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of  
25 Pharmacy. She brought this action solely in her official capacity and is represented in this matter  
26 by Bill Lockyer, Attorney General of the State of California, by Diane De Kervor, Deputy  
27 Attorney General.

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1 Technician Registration No. TCH 45180 for the Board's formal acceptance.

2 9. Respondent understands that by signing this stipulation he enables the  
3 Board to issue an order accepting the surrender of his Pharmacy Technician Registration without  
4 further process.

5 CONTINGENCY

6 10. This stipulation shall be subject to approval by the Board of Pharmacy.  
7 Respondent understands and agrees that counsel for Complainant and the staff of the Board of  
8 Pharmacy may communicate directly with the Board regarding this stipulation and surrender,  
9 without notice to or participation by Respondent. By signing the stipulation, Respondent  
10 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation  
11 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation  
12 as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or  
13 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,  
14 and the Board shall not be disqualified from further action by having considered this matter.

15 11. The parties understand and agree that facsimile copies of this Stipulated  
16 Surrender of License and Order, including facsimile signatures thereto, shall have the same force  
17 and effect as the originals.

18 12. In consideration of the foregoing admissions and stipulations, the parties  
19 agree that the (Board) may, without further notice or formal proceeding, issue and enter the  
20 following Order:

21 ORDER

22 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH  
23 45180, issued to Respondent Kevin James DeBaun is surrendered and accepted by the Board of  
24 Pharmacy.

25 13. The surrender of Respondent's Pharmacy Technician Registration and the  
26 acceptance of the surrendered license by the Board shall constitute the imposition of discipline  
27 against Respondent. This stipulation constitutes a record of the discipline and shall become a  
28 part of Respondent's license history with the Board.



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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: March 30, 2006.

BILL LOCKYER, Attorney General  
of the State of California



DIANE DE KERVOR  
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SD2005700656  
70054664.wpd

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

In the Matter of the Accusation Against:

KEVIN JAMES DEBAUN  
2662 Montclair St.  
San Diego, CA 92104

Pharmacy Technician Registration No. TCH  
45180

Respondent.

Case No. 2891

OAH No. L-2005120127

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

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

**Exhibit A**  
**Accusation No. 2891**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 SUSAN A. RUFF, State Bar No. 115869  
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7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2891

12 KEVIN JAMES DEBAUN

13 638 West Manor Drive  
Chula Vista, CA 91910

**A C C U S A T I O N**

14 Pharmacy Technician Registration No. TCH  
15 45180

16 Respondent.

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18 Complainant alleges:

19 PARTIES

20 1. Patricia F. Harris (Complainant) brings this Accusation solely in her official  
21 capacity as the Executive Officer of the Board of Pharmacy (Board).

22 2. On or about October 24, 2002, the Board issued Pharmacy Technician  
23 Registration Number TCH 45180 to Kevin James Debaun (Respondent). The Pharmacy  
24 Technician Registration was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on January 31, 2006, unless renewed.

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1 guilty or a conviction following a plea of nolo contendere is deemed to be a conviction  
2 within the meaning of this provision. The board may take action when the time for  
3 appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an  
4 order granting probation is made suspending the imposition of sentence . . . ."

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

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

13 7. Section 490 of the Code provides, in part:

14 "A board may suspend or revoke a license on the ground that the licensee has been  
15 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties  
16 of the business or profession for which the license was issued. A conviction within the meaning  
17 of this section means a plea or verdict of guilty or a conviction following a plea of nolo  
18 contendere."

19 DRUGS

20 8. Methamphetamine is a dangerous drug pursuant to Code section 4022 and a  
21 controlled substance pursuant to Health and Safety Code section 11055(d)(2).

22 FIRST CAUSE FOR DISCIPLINE

23 (Conviction of a Crime Substantially Related to Practice)

24 9. Respondent is subject to disciplinary action under Code sections 490 and 4301(1)  
25 in that he was convicted of crimes substantially related to the qualifications functions and duties  
26 of a pharmacy technician. The circumstances are as follows:

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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 issue a decision:

1. Revoking or suspending Pharmacy Technician Registration Number TCH 45180, issued to respondent.
2. Ordering respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 8/23/05

P. F. Harris  
PATRICIA F. HARRIS  
Executive Officer  
Board of Pharmacy  
State of California  
Complainant

SD2005700656