

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

In the Matter of the Accusation Against:

Case No. 3891

**TROY A. THOMAS**  
1908 G Street, #1  
Sacramento, CA 95814

Designated Representative License Number EXC  
17778

Respondent.

**DECISION AND ORDER**

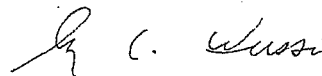
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on January 11, 2012.

It is so ORDERED December 12, 2011.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



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STANLEY C. WEISSER  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 ANAHITA S. CRAWFORD  
Deputy Attorney General  
4 State Bar No. 209545  
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Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 3891

12 **TROY A. THOMAS**  
13 **1908 G Street, #1**  
14 **Sacramento, CA 95814**

OAH No. 2011060131

15 **STIPULATED SURRENDER OF**  
16 **LICENSE AND ORDER**

17 **Designated Representative License Number**  
18 **EXC 17778**

19 Respondent.

20 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
21 proceeding that the following matters are true:

22 **PARTIES**

23 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.  
24 She brought this action solely in her official capacity and is represented in this matter by Kamala  
25 D. Harris, Attorney General of the State of California, by Anahita S. Crawford, Deputy Attorney  
26 General.

27 2. Troy A. Thomas (Respondent) is represented in this proceeding by attorney Martha  
28 Russell, whose address is 1330 Enclave Parkway, Houston, TX 77077.

3. On or about January 11, 2005, the Board of Pharmacy issued Designated  
Representative License No. EXC 17778 to Troy A. Thomas. The Designated Representative

1 License was in full force and effect at all times relevant to the charges brought in Accusation No.  
2 3891, and will expire on January 31, 2012, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 3891 was filed before the Board of Pharmacy (Board), Department of  
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other  
6 statutorily required documents were properly served on Respondent on April 28, 2011.  
7 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation  
8 No. 3891 is attached as Exhibit A and incorporated by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, fully discussed with counsel, and understands the  
11 charges and allegations in Accusation No. 3891. Respondent also has carefully read, fully  
12 discussed with counsel, and understands the effects of this Stipulated Surrender of License and  
13 Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the right to a  
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at  
16 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
17 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
18 the attendance of witnesses and the production of documents; the right to reconsideration and  
19 court review of an adverse decision; and all other rights accorded by the California  
20 Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
22 every right set forth above.

23 **CULPABILITY**

24 8. Respondent admits the truth of each and every charge and allegation in Accusation  
25 No. 3891, agrees that cause exists for discipline and hereby surrenders his Designated  
26 Representative License No. EXC 17778 for the Board's formal acceptance.  
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1           14.     Respondent surrenders designated representative license number EXC 17778 as of  
2 the effective date of this decision. Respondent shall relinquish his or her designated  
3 representative license to the board within ten (10) days of the effective date of this decision.

4           15.     The surrender of respondent's license and the acceptance of the surrendered license by  
5 the board shall constitute the imposition of discipline against respondent. This decision  
6 constitutes a record of discipline and shall become a part of respondent's license history with the  
7 board.

8           16.     Respondent understands and agrees that if he or she ever files an application for  
9 licensure or a petition for reinstatement in the State of California, the board shall treat it as a new  
10 application for licensure.

11          17.     Respondent may not apply for any license, permit or registration from the board for  
12 three (3) years from the effective date of this decision. Respondent stipulates that should he or  
13 she apply for any license from the board on or after the effective date of this decision, all  
14 allegations set forth in the accusation shall be deemed to be true, correct and admitted by  
15 respondent when the board determines whether to grant or deny the application. Respondent shall  
16 satisfy all requirements applicable to that license as of the date the application is submitted to the  
17 board prior to issuance of a new license. Respondent is required to report this surrender as  
18 disciplinary action.

19          18.     Respondent stipulates that should he or she apply for any license from the board on or  
20 after the effective date of this decision, investigation and prosecution costs in the amount of  
21 \$2,294.50 shall be paid to the board prior to issuance of the new license.

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**Exhibit A**

**Accusation No. 3891**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 ANAHITA S. CRAWFORD  
Deputy Attorney General  
4 State Bar No. 209545  
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12 In the Matter of the Accusation Against:

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13 **TROY A. THOMAS**  
14 **1908 G Street, #1**  
**Sacramento, CA 95814**

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

15 **Designated Representative License Number**  
16 **EXC 17778**

Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about January 11, 2005, the Board of Pharmacy issued Designated  
23 Representative License Number EXC 17778 to Troy A. Thomas (Respondent). The Designated  
24 Representative License was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on January 1, 2012, unless renewed.

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

16 ...  
17  
18 (o) Violating or attempting to violate, directly or indirectly, or assisting in or  
19 abetting the violation of or conspiring to violate any provision or term of this chapter  
20 or of the applicable federal and state laws and regulations governing pharmacy,  
21 including regulations established by the board or by any other state or federal  
22 regulatory agency.

### 23 COST RECOVERY

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

### 28 FIRST CAUSE FOR DISCIPLINE

#### (Criminal Conviction)

9 Respondent is subject to disciplinary action under section 4301, subdivision (1) in that  
10 on or about July 21, 2010, in the criminal proceeding entitled *People v. Thomas, Troy A.*, in  
11 Sacramento County Superior Court, Case Number 10T02693, Respondent was convicted on his  
12 plea of no contest to violating Vehicle Code section 23152 (b) (driving with a blood alcohol level  
13 above .08), a misdemeanor. Respondent's blood alcohol level was .32/.31. Respondent admitted  
14 to a prior conviction of Vehicle Code violation 23152(b) (driving under the influence,  
15 misdemeanor) on March 28, 2005, and to having a blood alcohol level in excess of .15, in  
16 violation of Vehicle Code section 23578. The circumstances are that: on or about Friday  
17 April 23, 2010, at 9:30 p.m., officers responded to a vehicle collision in Sacramento where one

1 driver was reportedly exhibiting several signs of intoxication. Upon arrival, Respondent was  
2 asked to perform field sobriety tests, which he performed poorly. Respondent was arrested for  
3 being under the influence of alcohol and operating a motor vehicle.

4 10. Respondent is subject to disciplinary action under section 4301, subdivision (l) in that  
5 on or about March 28, 2005, in the criminal proceeding entitled *People v. Thomas, Troy A.*, in  
6 Sacramento County Superior Court, Case Number 05T01364, Respondent was convicted on his  
7 plea of guilty to violating Vehicle Code section 23152 (b) (driving with a blood alcohol level  
8 above .08), a misdemeanor. Respondent also admitted to having a blood alcohol level in excess  
9 of .20%, in violation of Vehicle Code section 23578. Respondent's blood alcohol level was .28.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Conviction of More Than One Alcohol-Related Misdemeanor)**

12 11. Respondent is subject to disciplinary action under section 4301 (k) in that Respondent  
13 has been convicted of more than one misdemeanor involving an alcohol related offense, as more  
14 fully set forth in paragraphs 9 and 10, above.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Use of Alcohol in Dangerous Manner)**

17 12. Respondent is subject to disciplinary action under section 4301 (h) in that on  
18 April 23, 2010, Respondent used alcohol in a dangerous manner when he had a blood alcohol  
19 level of .32/.31 and chose to drive a vehicle, as more fully set forth in paragraph 9, above.  
20 Additionally, on March 6, 2005, Respondent used alcohol in a dangerous manner when he had a  
21 blood alcohol level of .28 and chose to drive a vehicle, as more fully set forth in paragraph 10,  
22 above.

23 **FOURTH CAUSE FOR DISCIPLINE**

24 **(Violation of Pharmacy Law)**

25 13. Respondent is subject to disciplinary action under section 4301 (o) for violation of  
26 pharmacy law as more fully set forth in paragraphs 9 to 12, above.

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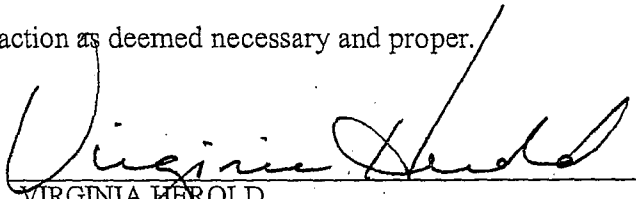
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PRAYER

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:

1. Revoking or suspending Designated Representative License Number EXC 17778, issued to Troy A. Thomas;
2. Ordering to Troy A. Thomas 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; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 4/18/11



VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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