



**California State Board of Pharmacy**  
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 BOARD OF PHARMACY

2014 APR 24 PM 3:40  
 BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY  
 DEPARTMENT OF CONSUMER AFFAIRS  
 GOVERNOR EDMUND G. BROWN JR.

**APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN LICENSE**

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

Name: <u>DOMINIK ROBINSON</u>	Case No. <u>4631</u>
Address of Record: <u>292 DOUGLAS ST #E</u> <u>PETALUMA, CA 94952</u>	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. 4631, I hereby request to surrender my pharmacy technician license, License No. TCH 64982. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, I will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of my license history with the Board.

Upon the acceptance of the surrender, I shall relinquish my pharmacy technician license to the Board within ten (10) days of notification by the Board that the surrender is accepted. I understand that I may not reapply for any license, permit, or registration from the board for three (3) years from the effective date of the surrender. I further understand that I shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board.

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.

D. Robinson  
 Applicant's Signature

21 APR 14  
 Date

[Signature]  
 Executive Officer's Approval

5/1/14  
 Date

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16, California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 574-7900, 1625 N. Market Blvd., Suite N-219, Sacramento, CA 95834. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

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

In the Matter of the Accusation Against:

Case No. 4631

**DOMINIK A. ROBINSON**  
a.k.a Dominik Alexis Robinson  
292 Douglas Street, #E  
Petaluma, CA 94952

OAH No. 2013090849

Pharmacy Technician Registration  
No. TCH 64982

Respondent.

**DECISION AND ORDER**

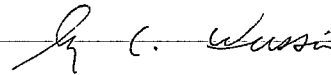
The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on April 28, 2014.

It is so ORDERED on March 28, 2014.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



\_\_\_\_\_  
STAN C. WEISSER  
Board President

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

In the Matter of the Accusation Against:

DOMINIK A. ROBINSON  
a.k.a. Dominik Alexis Robinson

Pharmacy Technician Registration No.  
TCH 64982,

Respondent.

Case No. 4631

OAH No. 2013090849

**PROPOSED DECISION**

Administrative Law Judge Perry O. Johnson, Office of Administrative Hearings, State of California (OAH), heard this matter on January 23, 2014, in Oakland, California.

Deputy Attorney General Gregory Tuss represented complainant Virginia Herold, Executive Officer, the Board of Pharmacy, Department of Consumer Affairs.

Bradford Weston III, Attorney at Law, P.O. Box 1232, Vallejo, California 94590, represented respondent Dominik Robinson, who was present for the hearing.

On January 23, 2014, the record was closed and the matter was deemed submitted.

**FACTUAL FINDINGS**

1. On July 22, 2013, complainant Virginia Herold (complainant), in her official capacity as the Executive Officer of the Board of Pharmacy (the board), Department of Consumer Affairs, made and issued the Accusation against respondent Dominik A. Robinson, also known as Dominik Alexis Robinson (respondent).

*License Information*

2. On September 19, 2005, the board issued Pharmacy Technician Registration number TCH 64982 to respondent. The registration issued to respondent was in full force

and effect at all times relevant to the matters raised in the Accusation. The registration will expire on November 30, 2014, unless renewed, surrendered or revoked before that date.

*Respondent's Record of Arrest for Possession of Controlled Substance*

A. POLICE OFFICER SCOTT CAMPBELL

3. Police Sergeant Scott Campbell (Officer Campbell) offered credible and persuasive testimonial evidence at the hearing of this matter.

Officer Campbell is a police officer with the South San Francisco Police Department.

4. On June 15, 2012, at approximately 11:41 p.m., Officer Campbell was engaged in a routine patrol, by way of a marked police vehicle, on the eastside of the City of South San Francisco in San Mateo County (the city). Because he was aware of the known criminal "hotspot" area near a motel on East Grand Avenue in the city, Officer Campbell became suspicious of two males sitting in a parked vehicle, which he had driven past earlier on his patrol. Officer Campbell stopped his police patrol car in order to ascertain the cause or problem, which led the police officer to characterize the men as loitering in the stationary vehicle.

A computer-assisted search of the license plate on the parked vehicle indicated its registered owner to be respondent. Officer Campbell observed respondent was the driver of the vehicle. The police officer detected the car's passenger's name as "Robert B." Officer Campbell learned through a computer-aided record check that Robert B. had a criminal record, he was on probation for a drug offense conviction, and he was subject to the search of his person and the vicinity around his person.

Although respondent had no known criminal record, the police officer asked that he submit to a search of his person. Respondent gave consent to the search of his clothing.

During the course of the "pat down" of respondent and his passenger, another police officer named Officer Chris Devan, along with his canine partner, arrived at the scene. Officer Campbell heard respondent give permission to Officer Devan to use the police dog to conduct a search of the interior of his car. Officer Campbell observed Officer Devan then effect a hand search of the interior of respondent's car. After the search of the vehicle's interior, Officer Devan pulled a red pouch from beneath the front driver's seat, where respondent had been seated. And from the rear seat, Officer Devan handed Officer Campbell a "Puma" bag.

The red pouch contained a blue-colored pipe that indicated a usable amount of crystal-like material, which Officer Campbell suspected to be methamphetamine. And from the Puma bag, the police officer found a clear glass pipe with a burnt, crystal-like substance that also was believed to contain a residue of methamphetamine. (Laboratory tests later established that each pipe had traces of methamphetamine.)

5. During the police detention of respondent at the scene, and after the Miranda rights warning was administered to him, respondent made admissions to Officer Campbell that: (a) the athletic bag, which contained a pipe with residue of an illegal drug, as found on the back seat of the car belonged to respondent; (b) respondent occasionally used methamphetamine; and, (c) the pipe taken from the bag beneath the car's front seat had been used by respondent to smoke methamphetamine with the car's passenger a few hours before the police stop.

6. At the hearing of this matter, Officer Campbell expressed that he had a vivid recollection that respondent made admissions that reflected respondent's then state of mind for having knowledge that he had earlier "smoked" a drug and he had occasionally used methamphetamine. The officers reasonably inferred from his words and conduct that respondent had knowingly possessed an illegal drug on the day of his arrest in June 2012.

B. POLICE OFFICER CHRIS DEVAN

7. Police Officer Chris Devan offered credible testimony at the hearing.

8. Officer Devan is a police officer with the South San Francisco Police Department.

9. On June 15, 2012, at approximately midnight, Officer Devan responded to the call of Officer Campbell for assistance at a stop of a vehicle that contained two men. Upon arriving at the scene with his canine partner, Officer Devan obtained the consent from the vehicle's owner, respondent, to allow Officer Devan and the police dog to conduct a search of the vehicle.

10. During the dog's search of the car, the canine indicated the locations of drugs in the vehicle. (Officer Devin's dog was trained to provide an alert for detection of the odor of marijuana, heroin, cocaine, "ecstasy," and methamphetamine.) Before he began his hand search of the car's interior, Officer Devin asked respondent whether he was aware of drugs in the vehicle, and respondent answered, "probably marijuana."

11. After the police dog had indicated areas within the vehicle where illegal drugs were probably located, Officer Devan conducted a hand search of the interior of the car. From the center console, the police officer found:

- o A green plastic container that contained a small amount of marijuana;
- o Several empty zip top baggies with marijuana residue;
- o A small baggie containing a very small amount of a white crystalline substance in a bag. The very small amount to the crystalline substance did not seem usable.

From other places in the vehicle, the police officer found:

- A red cloth bag, which was located under the driver's seat, that carried a blue-glass smoking pipe with a usable amount of a substance appearing to be methamphetamine. Also the bag contained a plastic baggie holding a small amount of suspected methamphetamine residue.
- A "Puma" bag on the vehicle's back seat, directly behind the driver's seat, containing a clear-glass smoking pipe with only burnt residue.

(The pipes were later tested by law enforcement personnel and were found to have traces of methamphetamine.)

12. Respondent was arrested for possession of drug paraphernalia, that is the pipes used for smoking methamphetamine.

#### *Consequence of Arrest*

13. On July 20, 2012, the Office of the District Attorney for San Mateo filed a criminal complaint against respondent in the Superior Court of San Mateo County in Case No. NM412154B. The criminal complaint alleged respondent's violation of Health and Safety Code section 11364 (unlawful possession of an opium pipe or other device used for smoking controlled substances, that is drug paraphernalia.)

On October 24, 2012, upon respondent having entered a plea of nolo contendere to the crime proscribed by Health and Safety Code section 11364.1,<sup>1</sup> a misdemeanor, the superior court granted respondent a "deferred entry of judgment" so that he could "complete [a] drug program." As a consequence of his plea agreement,<sup>2</sup> the court ordered respondent to be "diverted from prosecution for 18 months"; hence, the criminal proceedings against him were suspended. Respondent was required to pay a Diversion Restitution Fee and other fees in a total amount of \$300. The superior court imposed other terms and conditions of the deferred entry of judgment including orders that respondent: report to a probation officer "within a week"; abstain from the use or possession of narcotics or illegal drugs; submit to

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<sup>1</sup> Health and Safety Code section 11364 and section 11364.1 reflect essentially identical statutory provisions. Section 11364, however, is specifically cited in later section in the Health and Safety Code with regard to the imposition of monetary penalties. And commentators point out that the section 11364 may result in a felony conviction, while section 11364.1 pertains to a misdemeanor offense.

<sup>2</sup> On the plea bargain agreement form titled "Waiver of Rights on Plea of Guilty or Nolo Contendere (No Contest)," respondent acknowledged, by his signature on the document, that he could face a penalty for his conviction under Health and Safety Code section 11364.1 of "six months in county jail [and/or a] \$1,000 fine."

drug use testing whenever directed by the probation officer; and, not possess any instrument used to administer narcotics or drugs.

On December 31, 2012, the superior court "ordered, adjudged, and decreed" that the County of San Mateo was awarded a judgment against respondent in an amount of \$579. The judgment award, which arose from Penal Code sections 987.8 and 987.81, pertained to the county's recovery of the value of the services of the public defender who aided respondent in superior court proceedings between mid-June and October 24, 2012.

*Matters in Mitigation and Respondent's Background*

14. Respondent is 33 years old and he appears to be a mature man.
15. During 1998, respondent graduated from Casa Grande High School, which is located in Petaluma, California.
16. In November 1998, respondent entered active military duty with the United States Navy. His highest military occupational specialty was as a Hospital Corpsman, Third Class. But, on January 7, 2003, respondent was reduced in rank to the lowest enlisted person's grade, and he was released from active duty by way of an "other than honorable" discharge. His discharge from the Navy was the due to use of illegal drugs by respondent as a member of the armed service.
17. Respondent was homeless for a period of approximately four months following his discharge from the Navy. He lived on the streets of San Diego until he accepted his grandmother's request that he return to his family home.
18. In approximately April or May 2003, respondent returned to Northern California to live at his grandmother's home in Vallejo.
19. Respondent attended the High Tech Institute in Sacramento where he took courses over 11 months to qualify to take the examination for licensure as a pharmacy technician. He graduated from the "pharmacy tech" school in approximately November 2004.
20. After graduating from the "pharmacy tech" training school, respondent moved in early 2005 into his mother's home in Petaluma.
21. From June 1, 2006, the Sonoma State Developmental Center has employed respondent. He was first hired as a Health Records Technician at the developmental center, which serves adults having developmental disabilities. He held that position for more than six years. In August 1, 2012, respondent entered the classification of pharmacy technician. Thus, respondent has a total of seven years employment history at the named California developmental center.

22. During 2012, at Santa Rosa Junior College, respondent took two classes in the German language. As of the date of the hearing in this matter (January 23, 2014), respondent was enrolled at the community college in a "Psychology 1-A" class. He asserts that his current course of college study marks the beginning of his fulfillment of the prerequisites that will enable him to enter a college of pharmacy.

*Matters in Rehabilitation*

23. As part of superior court imposed terms and conditions of the deferred entry of judgment, respondent has completed six three-hour classes for the court-mandated drug "rehabilitative program." The last class he attended occurred in approximately September 2013. Also under the terms and conditions of the October 2012 superior court order, respondent completed 12 hours of community service with a nonprofit entity called "Food for Thought." (Respondent, however, did not offer documentary proof that he has completed the superior court drug counseling course and required community service work.)

24. During October 2012, disclosure was made, that respondent had entered the no contest plea to the criminal charge of possession of drug paraphernalia, to respondent's employer, Sonoma State Development Center.

Despite the plea to the criminal offense, respondent's employer has maintained his employment as a pharmacy technician. Management at the development center, however, has required respondent to undergo random drug testing as a condition of his employment. Respondent characterizes the random drug testing to be infrequent so that over the two months immediately before the date of the hearing, he had experienced two drug tests.

25. Currently, respondent is employed as a pharmacy technician at the Sonoma State Developmental Center. He works 40 hours per week at the Sonoma State Development Center. Respondent has worked as a pharmacy technician in the developmental center's pharmacy for approximately 18 months.

26. Since the June 2012 arrest, respondent has changed his associations and friendships with individuals, such as Robert B., who were bad influences in his life. (Respondent has not seen Robert B. since the date of their respective arrests on June 15, 2012.) Respondent has a new group of associates and friends, who are not engaged in illegal drug use.

27. Respondent continues to reside with his mother at her home in Petaluma. Respondent contributes substantial financial support to his mother's household. His mother and other immediate family bestows respondent with personal stability.



28. Respondent has the respect of responsible persons in the pharmacy profession. At the hearing of this matter, he offered two letters<sup>3</sup> from licensees of the board. The respective messages indicate that the letter writers have worked with respondent over periods of time exceeding more than 16 months. The letters proclaim respondent to be “extremely competent” and as a “conscientious” pharmacy technician. He is viewed as being reliable and eager to learn new aspects of the pharmacy profession. Both letters depict respondent as being a pleasant individual, who is a pleasure to work with.

*Matters that Suggest Respondent Is Not Fully Rehabilitated.*

29. During the hearing of this matter, respondent refused to accept responsibility for his conduct that led to his arrest for the unlawful possession of drug paraphernalia.

30. Respondent made certain claims at the hearing of this matter that suggest that he is not a wholly truthful and candid person on topics that are troublesome to him. At the hearing of this matter, respondent unpersuasively portrayed the facts and circumstances that underpin his arrest as being grounded in misunderstandings on June 15, 2012, by the investigating and arresting police officers who heard his “admissions.” And, he unconvincingly alludes to the superior court not having an adequate basis for accepting his nolo contendere (no contest) plea in October 2012. Accordingly, respondent attempted to engage in an impermissible collateral attack on the factual bases for his existing criminal court record, which includes a nolo contendere plea that enabled the superior court to order a “deferred entry of judgment.”

Respondent was not believable when he proclaimed that he did not comprehend the questions and statements of Police Officers Campbell and Devan when respondent gave responses to law enforcement officers that caused them to record, and remember, that he made admissions of having smoked methamphetamine on the day of his arrest in June 2012. Further, respondent was not believable when he asserted that he was under such stress when he was confronted by police officers that he mistakenly make admissions to drug use on the day of the arrest. Respondent was wholly unbelievable at the hearing of this matter when he, in essence, stated that “he did not do it,” regarding the criminal offense that led to his plea that prompted the superior court’s deferred entry of judgment.

First, the hearing of this matter included the credible and persuasive testimony of the two police officers, who directly investigated respondent’s criminal conduct as supplemented by his admissions of drug use on the day of his arrest. Second, the court record shows respondent to have voluntarily entered a plea to having violated Health and Safety Code section 11364.1.

31. Respondent was inconsistent and nonresponsive on the topic of the date that he had last used any illegal drug. Initially, he testified that he last used marijuana during

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<sup>3</sup> A letter, dated January 14, 2014, by Thomas W. Roberts, R.Ph., and a letter, dated October 18, 2013, by Dan Phillips, R.Ph.

2006. Then, on cross-examination, respondent asserted that he had not used marijuana since the date of “this incident,” namely his arrest on June 2012. And, he stated that he became “clean and sober” with regard to methamphetamine “shortly before” his hire date (June 1, 2006) at Sonoma State Developmental Center, despite his admissions to the police officers on June 15, 2012.

32. The October 2012 superior court “deferred entry of judgment” order will not expire until 18 months after the date the superior court issued its order that may enable respondent to avoid a criminal conviction record. Hence, respondent remains subject to the terms and conditions imposed upon him by the superior court during the criminal court proceeding on October 24, 2012. Those terms and conditions require him to report to a probation officer, to undergo drug testing and to participate in a “rehabilitative program” as directed by the probation officer. In essence, respondent will remain on “probation” with the criminal court system until, at least, April 2014.

#### *Other Matters*

33. Respondent called no witness to the hearing of this matter. No person appeared on respondent’s behalf to offer evidence pertaining to respondent’s reputation in his community for honesty and integrity. No person came to the hearing of this matter to describe respondent’s attitude towards his past criminal actions that led to the criminal court proceeding mentioned above.

34. Respondent presented no competent evidence that he has been involved or participated in significant or conscientious community, church or privately-sponsored programs designed for social benefit or to ameliorate social problems. He claims that he has devoted time since 2011 or 2012 to the “Human Right Campaign” for the “LGBT<sup>4</sup> community”; but, respondent presented no documentary evidence in support of his assertion of having active involvement in that organization.

#### *Ultimate Findings*

35. Respondent engaged in unprofessional conduct by his self-administration of a controlled substance, namely methamphetamine and/or marijuana, on June 15, 2012. On that date, law enforcement officers arrested respondent for possession of two pipes, which contained methamphetamine residue as well as a baggie, which held a small amount of marijuana. And respondent made admissions to police officers that he had “smoked” a few hours before the time of his arrest on June 15, 2012.

36. Respondent engaged in unprofessional conduct by possessing a controlled substance (namely, two pipes having methamphetamine residue and a baggie holding marijuana) on June 15, 2012. And, law enforcement officers, who arrested respondent for possession of two pipes, which contained methamphetamine residue, found a small amount

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<sup>4</sup> Lesbian, Gay, Bisexual and Transgender

of marijuana in the console of respondent's car. They also located a baggie showing a white powder that appeared to be traces of methamphetamine.

37. The weight of the evidence establishes that respondent is not fully rehabilitated from his past conduct in violating the law regarding his possession of drug paraphernalia.

38. An insufficient amount of time has passed for the board to determine that respondent has attained sufficient rehabilitation so as enable him to continue to hold an unrestricted license as a pharmacy technician.

*Cost Recovery*

39. Complainant incurred costs of investigation and prosecution of the accusation against respondent as follows:

Attorney General's Costs		
By Deputy Attorney General		
Regarding Prosecution 2012/2013		
15.50 hours at \$170 per hour		\$2,635.00
Regarding Prosecution 2014		
2.50 hours at \$170 per hour		\$425.00
C. Paralegals' Costs		
2.0 hours at \$120 per hour		<u>\$240.00</u>
TOTAL COSTS INCURRED:		\$3,300.00

40. Respondent did not advance a meritorious defense in the exercise of his right to a hearing in this matter. And, respondent cannot be seen, under the facts set out above, to have committed slight or inconsequential misconduct in the context of the Accusation. And, Respondent did not raise a "colorable challenge" to complainant's Accusation.

The declaration by the deputy attorney general, regarding the extent of the prosecution and the scope of the investigation, appears to be commensurate with respondent's misconduct.

A basis does not exist to warrant a reduction of the assessment against respondent for the costs of prosecution incurred by complainant. The imposition upon respondent of the full costs of prosecution will not unfairly penalize respondent, especially when the payments may be made over time under a schedule of payment, which is acceptable to the board. All factors considered, the reasonable cost to be borne by respondent is \$3,300.

41. The reasonable cost, as owed by respondent to the board, is \$3,300.

## LEGAL CONCLUSIONS

### *The Burden and Standard of Proof*

1. The Accusation alleged that respondent engaged in misconduct that warrants license discipline. Where an agency representative has filed charges against the holder of a license, as was done in this case, the party filing the charges has the burden of proof. (*Hughes v. Board of Architectural Examiners* (1998) 17 Cal.4th 763, 789.)

A pharmacy technician registration is a professional license that is granted only upon a showing of the licensee's sufficient training and discernible knowledge. The standard of proof in an administrative disciplinary action seeking the suspension or revocation of a professional license is "clear and convincing evidence." (*Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 856.) Evidence of a charge is clear and convincing so long as there is a "high probability" that the charge is true. (*People v. Mabini* (2001) 92 Cal.App.4th 654, 662.)

### *Applicable Statutes and Regulations*

#### UNPROFESSIONAL CONDUCT: SELF-ADMINISTRATION OF CONTROLLED SUBSTANCE

2. Business and Professions Code 4301, subdivision (h), provides that the board shall take action against any holder of a license who is guilty of unprofessional conduct that includes, "the administering to oneself, of any controlled substance . . . ."

Cause exists for discipline against respondent's registration pursuant to Business and Professions Code section 4301, subdivision (h), by reason of the matters set forth in Factual Findings 5, 6, and 35.

#### UNPROFESSIONAL CONDUCT: POSSESSION OF A CONTROLLED SUBSTANCE

3. Business and Professions Code 4060 sets forth, in pertinent part, that "[n]o person shall possess any controlled substance . . . ."

Cause exists for discipline against respondent's registration pursuant to Business and Professions Code section 4301, subdivision (h), in conjunction with Code section 4060, by reason of the matters set forth in Factual Findings 4 through 6, 11 through 13, and 36.

### *Determinations*

4. In October 2012, respondent entered a plea of nolo contendere to the crime of possession of illegal drug paraphernalia. Due to his lack of a past conviction record, respondent's plea enabled the superior court to order a deferred entry of judgment, which allowed respondent to enter a drug treatment and rehabilitation program. Upon the completion of the program, respondent will be eligible for expungement of the criminal

conviction record. But, the matter of his past admissions to law enforcement officers and to his plea of no contest before the superior court remain facts, which respondent cannot now deny occurred. Moreover, the investigating and arresting police officers' testimony at the hearing reflecting what respondent told them was considered as direct evidence under *Lake v. Reed* (1997) 16 Cal.4th 448, 561-562.

A plea of nolo contendere admits all matters essential to the conviction. (*People v. Arwood* (1985) 165 Cal.App.3d 167.) In an administrative proceeding, a respondent cannot challenge the validity of a prior conviction. (*Thomas v. Dept. of Motor Vehicles* (1970) 3 Cal.3d 335; *Matanky v. Board of Medical Examiners* (1979) 79 Cal.App.3d 293.)

In this matter, respondent engaged in an impermissible attack upon the facts upon which he engaged a no contest plea in the superior court. Respondent's strategy at the hearing of this matter shows a lack on his part for the acceptance of responsibility for his past misconduct.

5. California Code of Regulations, title 16, section 1769, subdivision (b), provides in part:

When considering the suspension or revocation of . . . a personal license on the ground that . . . the registrant has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his present eligibility for a license will consider the following criteria:

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) Evidence, if any, of rehabilitation submitted by the licensee.

Despite respondent's serious misconduct with regard to his self-administration of a dangerous drug or controlled substance, methamphetamine, he has not sustained an actual record of a criminal conviction as to a drug possession crime. His status with the criminal justice system turns upon an existing "deferred entry of judgment" order, dated October 24, 2012. Although the possibility exists that respondent may "fall off the wagon" and breach his obligation to the superior court so that he may suffer a conviction, by the way of evidence offered at the hearing of this matter it is unlikely that he will sustain a conviction involving the possession of drug paraphernalia. Respondent has a very scant criminal record, which involves only the June 2012 arrest and the October 2012 court order for deferred entry of judgment. (Complainant did not offer evidence that respondent's military discharge was the result of a criminal conviction for drug possession.) Within the very near

future, that is, during approximately April 2014, respondent will complete the period of the criminal court's order, and he will be able to apply to have the criminal court close the criminal file against him. Most important, respondent has a record of significant rehabilitation since the date of his arrest in June 2012.

Under the Disciplinary Guidelines of the California State Board of Pharmacy, 14 factors are set out for consideration in determining the penalty that may result from an administrative adjudication proceeding. Those factors have been weighed in this matter. In particular, matters that pertain to respondent's background as well as matters in mitigation and matters in rehabilitation as described in Factual Findings 14 through 28 were considered in making the following order. And, the matters as set out in Factual Findings 29 through 32, 37 and 38, which indicate that respondent has not been fully rehabilitated and that such matters detract from his good qualities, have been considered in making the following order.

#### *Costs of Investigation and Prosecution*

6. Business and Professions Code section 125.3 prescribes that a "licentiate found to have committed a violation or violations of the licensing act" may be directed "to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case."

The California Supreme Court's reasoning on the obligation of a licensing agency to fairly and conscientiously impose costs in administrative adjudication in *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, 45-46, is persuasive and should be considered in this matter. Scrutiny of certain factors, which pertain to the board's exercise of discretion to analyze or examine factors that might mitigate or reduce costs of investigation and prosecution upon a licensee found to have engaged in unprofessional conduct, are set in Factual Finding 40. And, measured against the concrete presentation by complainant, respondent offered meager evidence in his defense. Respondent's professed matters in mitigation are insubstantial when compared to the board's burden in prosecuting this matter and safeguarding the public from unprofessional licensees in the way of absolving all the costs incurred by complainant. Due to respondent's strategy to deny his past criminal conduct, complainant was compelled to thoroughly investigate respondent's activities and to instruct its legal counsel to prepare a comprehensive prosecution of the disciplinary action, which entailed calling two uniformed police officers to testify at the hearing of this matter. And, respondent's employed status, coupled with his living arrangement at his mother's house and his lack of dependent children or other significant financial commitments, do not warrant a reduction of the overall costs borne by complainant.

With all factors considered, the costs of prosecution as set forth in Factual Findings 39 and 41, are reasonable in a total amount of \$3,300.

## ORDER

Pharmacy technician registration number TCH 64982, as issued to respondent Dominik A. Robinson, also known as Dominik Alexis Robinson, is revoked; however, the revocation is stayed and respondent's registration is placed on probation for five years upon the following terms and conditions:

### 1. Suspension

As part of probation, respondent is suspended from working as a pharmacy technician for fifteen (15) business days beginning on the effective date of this decision.

During the suspension, respondent shall not enter any pharmacy area or any portion of or any other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and devices or controlled substances are maintained. Respondent shall not do any act involving drug selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent manage, administer, or assist any licensee of the board. Respondent shall not have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances, during the period of suspension.

### 2. Certification Prior to Resuming Work

In addition to the above prescribed period of actual suspension, respondent shall be automatically suspended from working as a pharmacy technician until he is certified as defined by Business and Professions Code section 4202, subdivision (a)(4), and he provides satisfactory proof of certification to the board. Respondent shall not resume working as a pharmacy technician until notified by the board. Failure to achieve certification within one (1) year shall be considered a violation of probation. Respondent shall not resume working as a pharmacy technician until notified by the board.

During suspension, respondent shall not enter any pharmacy area or any portion of any other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and devices or controlled substances are maintained. Respondent shall not do any act involving drug selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent manage, administer, or assist any licensee of the board. Respondent shall not have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances. Respondent shall not resume work until notified by the board.

Subject to the above restrictions, respondent may continue to own or hold an interest in any licensed premises by the board in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.

Failure to comply with this suspension shall be considered a violation of probation.

3. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the board, in writing, within seventy-two (72) hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws;
- a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment;
- a conviction of any crime; or,
- discipline, citation, or other administrative action filed by any state or federal agency which involves respondent's Pharmacy Technician Registration or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

Failure to timely report any such occurrence shall be considered a violation of probation.

4. Report to the Board

Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as



directed, probation shall be automatically extended until such time as the final report is made and accepted by the board.

5. Interview with the Board

Upon receipt of reasonable prior notice, respondent shall appear in person for interviews with the board or its designee, at such intervals and locations as are determined by the board or its designee. Failure to appear for any scheduled interview without prior notification to board staff, or failure to appear at two (2) or more scheduled interviews with the board or its designee during the period of probation, shall be considered a violation of probation.

6. Cooperate with Board Staff

Respondent shall cooperate with the board's inspection program and with the board's monitoring and investigation of respondent's compliance with the terms and conditions of his or her probation. Failure to cooperate shall be considered a violation of probation.

7. Notice to Employers

During the period of probation, respondent shall notify all present and prospective employers of the decision in case number 4631 and the terms, conditions and restrictions imposed on respondent by the decision, as follows:

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment, respondent shall cause his direct supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's tenure of employment) and owner to report to the board in writing acknowledging that the listed individual(s) has/have read the decision in case number 4631 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s) submit timely acknowledgement(s) to the board.

If respondent works for or is employed by or through a pharmacy employment service, respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy of the terms and conditions of the decision in case number 4631 in advance of the respondent commencing work at each pharmacy. A record of this notification must be provided to the board upon request.

Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment by or through a pharmacy employment service, respondent shall cause his direct supervisor with the pharmacy employment service to report to the board in writing acknowledging that he or she has read the decision in case number 4631 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

Failure to timely notify present or prospective employer(s) or to cause that/those employer(s) to submit timely acknowledgements to the board shall be considered a violation of probation.

“Employment” within the meaning of this provision shall include any full-time, part-time, temporary or relief service or pharmacy management service as a pharmacy technician or in any position for which a pharmacy technician license is a requirement or criterion for employment, whether the respondent is considered an employee, independent contractor or volunteer.

#### 8. Reimbursement of Board Costs

As a condition precedent to successful completion of probation, respondent shall pay to the board its costs of prosecution in the amount of \$3,300, before the third year anniversary of commencement date for the probation of the pharmacy technician's registration. There shall be no deviation from this schedule absent prior written approval by the board or its designee. Failure to pay costs by the deadline as directed shall be considered a violation of probation.

The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to reimburse the board its costs of prosecution.

#### 9. Probation Monitoring Costs

Respondent shall pay any costs associated with probation monitoring as determined by the board each and every year of probation. Such costs shall be payable to the board on a schedule as directed by the board or its designee.

Failure to pay such costs by the deadline as directed shall be considered a violation of probation.

10. Status of License

Respondent shall, at all times while on probation, maintain an active, current pharmacy technician license with the board, including any period during which suspension or probation is tolled. Failure to maintain an active, current license shall be considered a violation of probation.

If respondent's pharmacy technician license expires or is cancelled by operation of law or otherwise at any time during the period of probation, including any extensions thereof due to tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

11. License Surrender While on Probation/Suspension

Following the effective date of this decision, should respondent cease work due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent may tender his pharmacy technician registration to the board for surrender. The board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of the respondent's license history with the board.

Upon acceptance of the surrender, respondent shall relinquish his pharmacy technician registration to the board within ten (10) days of notification by the board that the surrender is accepted. Respondent may not reapply for any license, permit, or registration from the board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board.

12. Notification of a Change in Name, Residence Address, Mailing Address or Employment

Respondent shall notify the board in writing within ten (10) days of any change of employment. Said notification shall include the reasons for leaving, the address of the new employer, the name of the supervisor and owner, and the work schedule if known. Respondent shall further notify the board in writing within ten (10) days of a change in name, residence address and mailing address, or phone number.

Failure to timely notify the board of any change in employer(s), name(s), address(es), or phone number(s) shall be considered a violation of probation.

13. Tolling of Probation

Except during periods of suspension, respondent shall, at all times while on probation, be employed as a pharmacy technician in California for a minimum of 20 hours per calendar month. Any month during which this minimum is not met shall toll the period of probation, i.e., the period of probation shall be extended by one month for each month during which this minimum is not met. During any such period of tolling of probation, respondent must nonetheless comply with all terms and conditions of probation.

Should respondent, regardless of residency, for any reason (including vacation) cease working as a pharmacy technician for a minimum of 20 hours per calendar month in California, respondent must notify the board in writing within ten (10) days of cessation of work and must further notify the board in writing within ten (10) days of the resumption of the work. Any failure to provide such notification(s) shall be considered a violation of probation.

It is a violation of probation for respondent's probation to remain tolled pursuant to the provisions of this condition for a total period, counting consecutive and non-consecutive months, exceeding thirty-six (36) months.

“Cessation of work” means calendar month during which respondent is not working for at least 20 hours as a pharmacy technician, as defined in Business and Professions Code section 4115. “Resumption of work” means any calendar month during which respondent is working as a pharmacy technician for at least 20 hours as a pharmacy technician as defined by Business and Professions Code section 4115.

14. Violation of Probation

If respondent has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent, and probation shall automatically be extended, until all terms and conditions have been satisfied or the board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty that was stayed.

If respondent violates probation in any respect, the board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. Notice and opportunity to be heard are not required for those provisions stating that a violation thereof may lead to automatic termination of the stay and/or revocation of the license. If a petition to revoke probation or an accusation is filed against respondent during probation, the board shall have continuing jurisdiction, and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided.

15. Completion of Probation

Upon written notice by the board indicating successful completion of probation, respondent's pharmacy technician registration will be fully restored.

16. No Ownership of Licensed Premises

Respondent shall not own, have any legal or beneficial interest in, or serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90) days following the effective date of this decision and shall immediately thereafter provide written proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide documentation thereof shall be considered a violation of probation.

17. Attend Substance Abuse Recovery Relapse Prevention and Support Groups

Within thirty (30) days of the effective date of this decision, respondent shall begin regular attendance at a recognized and established substance abuse recovery support group or behavior modification program in California, (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) which has been approved by the board or its designee. Respondent must attend at least one group meeting per week unless otherwise directed by the board or its designee. Respondent shall continue regular attendance and submit signed and dated documentation confirming attendance with each quarterly report for the duration of probation. Failure to attend or submit documentation thereof shall be considered a violation of probation.

18. Random Drug Screening

Respondent, at his own expense, shall participate in random testing, including but not limited to biological fluid testing (urine, blood), hair follicle testing, or other drug screening program as directed by the board or its designee. Respondent may be required to participate in testing for the entire probation period and the frequency of testing will be determined by the board or its designee. At all times respondent shall fully cooperate with the board or its designee, and shall, when directed, submit to such tests and samples for the detection of narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its designee may direct. Failure to timely submit to testing as directed shall be considered a violation of probation. Upon request of the board or its designee, respondent shall provide documentation from a licensed practitioner that the prescription for a detected drug was legitimately issued and is a necessary part of the treatment of the respondent. Failure to timely provide such documentation shall be considered a violation of probation. Any confirmed positive test for any drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment shall be considered a violation of probation and shall result in the automatic suspension of work by respondent. Respondent may not resume work as a pharmacy technician until notified by the board in writing.

19. Work Site Monitor

Within ten (10) days of the effective date of this decision, respondent shall identify a work site monitor, for prior approval by the board, who shall be responsible for supervising respondent during working hours. Respondent shall be responsible for ensuring that the work site monitor reports in writing to the board quarterly. Should the designated work site monitor determine at any time during the probationary period that respondent has not maintained sobriety, he shall notify the board immediately, either orally or in writing as directed. Should respondent change employment, a new work site monitor must be designated, for prior approval by the board, within ten (10) days of commencing new employment. Failure to identify an acceptable initial or replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be considered a violation of probation.

20. Notification of Departure

Prior to leaving the probationary geographic area designated by the board or its designee for a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in writing of the dates of departure and return. Failure to comply with this provision shall be considered a violation of probation.

21. Abstain from Drug Use

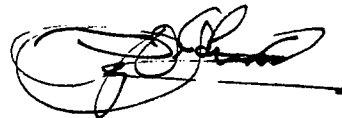
Respondent shall completely abstain from the possession or use of controlled substances, dangerous drugs and their associated paraphernalia except when the drugs are lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon request of the board or its designee, respondent shall provide documentation from the licensed practitioner that the prescription for the drug was legitimately issued and is a necessary part of the treatment of the respondent. Failure to timely provide such documentation shall be considered a violation of probation. Respondent shall ensure that he is not in the same physical location as individuals who are using illicit substances even if respondent is not personally ingesting the drugs. Any possession or use of controlled substances, or their associated paraphernalia not supported by the documentation timely provided, and/or any physical proximity to persons using illicit substances, shall be considered a violation of probation.

22. Tolling of Suspension

During the period of suspension, respondent shall not leave California for any period exceeding ten (10) days, regardless of purpose (including vacation). Any such absence in excess of ten (10) days during suspension shall be considered a violation of probation. Moreover, any absence from California during the period of suspension exceeding ten (10) days shall toll the suspension, i.e., the suspension shall be extended by one day for each day over ten (10) days respondent is absent from California. During any such period of tolling of suspension, respondent must nonetheless comply with all terms and conditions of probation.

Respondent must notify the board in writing within ten (10) days of departure, and must further notify the board in writing within ten (10) days of return. The failure to provide such notification(s) shall constitute a violation of probation. Upon such departure and return, respondent shall not return to work until notified by the board that the period of suspension has been satisfactorily completed.

DATED: February 24, 2014



PERRY O. JOHNSON  
Administrative Law Judge  
Office of Administrative Hearings

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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:  
12 **DOMINIK A. ROBINSON**  
a.k.a. Dominik Alexis Robinson  
13 **292 Douglas Street, #E**  
**Petaluma, California 94952**  
14 **Pharmacy Technician Registration**  
15 **Number TCH 64982**  
16 Respondent.

Case Number 4631  
**A C C U S A T I O N**

18 Complainant Virginia Herold alleges:

19 **PARTIES**

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

22 2. On or about September 19, 2005, the Board issued Pharmacy Technician Registration  
23 Number TCH 64982 to respondent Dominik A. Robinson, a.k.a. Dominik Alexis Robinson. This  
24 pharmacy technician registration was in full force and effect at all times relevant to the charges  
25 brought in this accusation and will expire on November 30, 2014, unless renewed.

26 **JURISDICTION**

27 3. This accusation is brought before the Board under the authority of the following laws.  
28 All section references are to the Business and Professions Code unless otherwise indicated.



1 4. Section 4300 states, in pertinent part:

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

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

6 "(1) Suspending judgment.

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

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

9 "(4) Revoking his or her license.

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

12 5. Section 4300.1 states:

13 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by  
14 operation of law or by order or decision of the board or a court of law, the placement of a license  
15 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board  
16 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary  
17 proceeding against, the licensee or to render a decision suspending or revoking the license."

18 **STATUTORY AUTHORITY**

19 6. Section 4022 states, in pertinent part:

20 "'Dangerous drug' or 'dangerous device' means any drug or device unsafe for self-use in  
21 humans or animals . . . ."

22 7. Section 4021 states:

23 "Controlled substance" means any substance listed in Chapter 2 (commencing with Section  
24 11053) of Division 10 of the Health and Safety Code."

25 8. Section 4060 states, in pertinent part:

26 "No person shall possess any controlled substance . . . ."

27 ///

28

1 9. Section 4301 states, in pertinent part:

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

5 ...

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

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 **COST RECOVERY**

17 10. Section 125.3 states, in pertinent part:

18 "(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary  
19 proceeding before any board within the department or before the Osteopathic Medical Board,  
20 upon request of the entity bringing the proceedings, the administrative law judge may direct a  
21 licentiate found to have committed a violation or violations of the licensing act to pay a sum not  
22 to exceed the reasonable costs of the investigation and enforcement of the case.

23 **DRUGS**

24 11. "Marijuana" is a Schedule I controlled substance under Health and Safety Code  
25 section 11054, subdivision (d)(13).

26 12. "Methamphetamine" is a Schedule II controlled substance under to Health and Safety  
27 Code section 11055, subdivision (d)(2), and is a dangerous drug within the meaning of Business  
28 and Professions Code section 4022.

1 FACTUAL BACKGROUND

2 13. On or about June 15, 2012, at about 11:41 p.m., a police officer saw respondent and a  
3 passenger sitting in respondent's car parked at the Comfort Inn & Suites on East Grand Avenue in  
4 South San Francisco. Respondent and his passenger told the officer that they were not checked  
5 into the motel but were trying to figure out where to stay for the night. Respondent allowed the  
6 police to search his car. A pipe with methamphetamine and an empty baggie with  
7 methamphetamine residue were found in a pouch under respondent's seat. Another pipe with  
8 methamphetamine residue was found in a bag in the back seat. Marijuana and a baggie with  
9 methamphetamine residue were found in the car's center console. Respondent admitted that the  
10 pipe found in the back seat was his, and that several hours before he and the passenger had  
11 smoked methamphetamine before out of the pipe found underneath his seat. Respondent was  
12 arrested and charged with a misdemeanor violation of Health and Safety Code section 11364.1  
13 (possession of an instrument for smoking controlled substances).

14 14. On or about October 24, 2012, in *People of the State of California v. Dominik Alexis*  
15 *Robinson*, San Mateo County Superior Court Case Number NM412154; respondent pled no  
16 contest to a misdemeanor violation of Health and Safety Code section 11364.1. He was granted  
17 deferred entry of judgment, and criminal proceedings were suspended for 18 months. He was  
18 required to comply with various terms and conditions, including attending a drug rehabilitative  
19 program.

20 CAUSES FOR DISCIPLINE

21 **FIRST CAUSE FOR DISCIPLINE**

**Bus. & Prof. Code, § 4301, subd. (h)**

22 **Unprofessional Conduct: Self-administration of Controlled Substance**

23 15. The allegations of paragraphs 13-14 are realleged and incorporated by reference as if  
24 fully set forth.

25 16. Respondent has subjected his pharmacy technician registration to disciplinary action  
26 under section 4301, subdivision (h), for engaging in unprofessional conduct by self-administering  
27 a controlled substance. As set forth in paragraphs 13-14 above, on or about June 15, 2012,

28 ///

1 respondent admitted to possessing a pipe that contained methamphetamine residue and to  
2 smoking methamphetamine that day.

3 **SECOND CAUSE FOR DISCIPLINE**  
4 **Bus. & Prof. Code, §§ 4060, 4301, subd. (o)**  
5 **Unprofessional Conduct: Possession of a Controlled Substance**

6 17. The allegations of paragraphs 13-14 are realleged and incorporated by reference as if  
7 fully set forth.

8 18. Respondent has subjected his pharmacy technician registration to disciplinary action  
9 under sections 4060 and 4301, subdivision (h), for engaging in unprofessional conduct by  
10 possessing a controlled substance. As set forth in paragraphs 13-14 above, on or about June 15,  
11 2012, respondent admitted to possessing a pipe that contained methamphetamine residue and to  
12 smoking methamphetamine that same day.

13 **PRAYER**

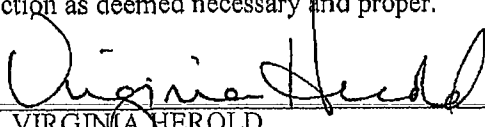
14 WHEREFORE, complainant requests that a hearing be held on the matters alleged in this  
15 accusation, and that following the hearing, the Board of Pharmacy issue a decision:

16 1. Revoking or suspending Pharmacy Technician Registration Number TCH 64982,  
17 issued to Dominik A. Robinson, a.k.a. Dominik Alexis Robinson;

18 2. Ordering Dominik A. Robinson, a.k.a. Dominik Alexis Robinson, to pay the Board of  
19 Pharmacy the reasonable costs of the investigation and enforcement of this case pursuant to  
20 Business and Professions Code section 125.3; and

21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: 7/22/13

  
23 VIRGINIA HEROLD  
24 Executive Officer  
25 Board of Pharmacy  
26 Department of Consumer Affairs  
27 State of California  
28 *Complainant*

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