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

11 In the Matter of the Accusation Against:

Case No. 4701

12 **PAUL WESLEY MOORE**
13 **1765 S. Bronson Ave.**
14 **Los Angeles, CA 90019**
15 **Pharmacy Technician Registration No. TCH**
16 **71231**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

17 Respondent.

18 **FINDINGS OF FACT**

19 1. On or about June 16, 2014, Complainant Virginia K. Herold, in her official capacity
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed
21 Accusation No. 4701 against Paul Wesley Moore (Respondent) before the Board of Pharmacy.
22 (Accusation attached as Exhibit A.)

23 2. On or about August 11, 2006, the Board of Pharmacy (Board) issued Pharmacy
24 Technician Registration No. TCH 71231 to Respondent. The Pharmacy Technician Registration
25 was in full force and effect at all times relevant to the charges brought in Accusation No. 4701
26 and will expire on August 31, 2016, unless renewed.

27 3. On or about July 17, 2014, Respondent was served by Certified and First Class Mail
28 copies of the Accusation No. 4701, Statement to Respondent, Notice of Defense, Request for

1 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
2 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
3 is required to be reported and maintained with the Board. Respondent's address of record was
4 and is: 1765 S. Bronson Ave.; Los Angeles, CA 90019.

5 4. Service of the Accusation was effective as a matter of law under the provisions of
6 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
7 124.

8 5. On or about February 9, 2015, Respondent signed and returned a Notice of Defense,
9 requesting a hearing in this matter. A Notice of Hearing was served by mail at Respondent's
10 address of record and it informed him that an administrative hearing in this matter was scheduled
11 for August 25, 2015. Respondent failed to appear at that hearing.

12 6. Government Code section 11506 states, in pertinent part:

13 (c) The respondent shall be entitled to a hearing on the merits if the respondent
14 files a notice of defense, and the notice shall be deemed a specific denial of all parts
15 of the accusation not expressly admitted. Failure to file a notice of defense shall
16 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
17 may nevertheless grant a hearing.

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

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

23 8. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
26 taking official notice of all the investigatory reports, exhibits and statements contained therein on
27 file at the Board's offices regarding the allegations contained in Accusation No. 4701, finds that
28 the charges and allegations in Accusation No. 4701, are separately and severally, found to be true
and correct by clear and convincing evidence.

1 9. Taking official notice of its own internal records, pursuant to Business and
2 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
3 and Enforcement is \$5,162.50 as of August 24, 2015.

4 DETERMINATION OF ISSUES

5 1. Based on the foregoing findings of fact, Respondent Paul Wesley Moore has
6 subjected his Pharmacy Technician Registration No. TCH 71231 to discipline.

7 2. The agency has jurisdiction to adjudicate this case by default.

8 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
9 Registration based upon the following violations alleged in the Accusation which are supported
10 by the evidence contained in the Default Decision Evidence Packet in this case.:

11 FIRST CAUSE FOR DISCIPLINE

12 **(Conviction of a Substantially Related Crime)**

13 1. Respondent is subject to disciplinary action under sections 490, 4300, and 4301,
14 subdivision (l), on conjunction with California Code of Regulations, title 16, section 1770, in that
15 on or about March 12, 2013, Respondent was convicted of a crime substantially related to the
16 qualifications, functions or duties of a licensee or registrant which to a substantial degree
17 evidences his present or potential unfitness to perform the functions authorized by his license or
18 registration in a manner consistent with the public health, safety, or welfare. The circumstances
19 of the conviction are as follows:

20 a. On or about March 12, 2013, after pleading nolo contendere, Respondent was
21 convicted of one felony count of violating Penal Code section 245(a)(1) [assault with a deadly
22 weapon in association with Penal Code section 186.22(b)(1), criminal profiteering of a street
23 gang] in the criminal proceeding entitled *The People of the State of California v. Paul Wesley*
24 *Moore* (Super. Ct. Los Angeles County, 2012, No. BA382454). The Court sentenced Respondent
25 to seven (7) years prison, and ordered him to register as a street gang member.

26 b. The circumstances underlying the conviction are that on or about January 27, 2011,
27 Respondent, also known as "Villen," with another male and two females left a night club and
28 followed two other males (victims). Respondent engaged in an escalated verbal to physical

1 altercation with the two male victims wherein he stabbed both victims, and left the scene holding
2 a bloody knife. One victim received emergency medical treatment for 15 stab wounds (1 to the
3 head, 7 to his back left side, 3 to his left arm, 2 to his right hip, 1 to his buttocks and 1 to his back
4 right side), the other victim received emergency medical treatment for a single stab wound to his
5 left side of his stomach.

6 c. After investigation for the above incident, on or about March 24, 2011, an arrest and
7 search warrant was executed on Respondent and his residence; Respondent was arrested. On or
8 about December 16, 2011, Respondent was arrested for the same incident on an arrest warrant.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Acts of Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)**

11 2. Respondent is subject to disciplinary action under sections 4300, 4301,
12 subdivision (f), on the grounds of unprofessional conduct, in that on or about January 27, 2011,
13 Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption.
14 Complainant refers to and by this reference incorporates the allegations set forth above in
15 paragraph 10, subparagraphs a, b and c, inclusive, as though set forth fully.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct)**

18 3. Respondent is subject to disciplinary action under section 4301, in that Respondent
19 committed acts of unprofessional conduct. Complainant refers to and by this reference
20 incorporates the allegations set forth above in paragraphs 10 and 11, inclusive, as though set forth
21 fully.

22 **DISCIPLINE CONSIDERATIONS**

23 4. To determine the degree of discipline, Complainant alleges that:

24 a. On or about September 27, 2010, the Board issued Respondent administrative
25 Citation No. CI 2007 36987 alleging violations of section 4301, subdivisions (h) [dangerous use
26 of alcohol], (f) [acts of moral turpitude, dishonesty, fraud, deceit or corruption],
27 and (l) [conviction of a substantially related crime] with \$800.00 in fines. That Citation is now
28 final and is incorporated by reference as if fully set forth.

b. On or about March 13, 2008, after pleading nolo contendere, Respondent was convicted of one interlineated misdemeanor count of violating Vehicle Code section 12500(a) [unlicensed driver] in the criminal proceeding entitled *The People of the State of California v. Paul Wesley Moore* (Super. Ct. Los Angeles County, 2008, No. 8MP02774). The Court sentenced Respondent to 10 days jail, and placed him on 36 months probation. The circumstances underlying the conviction occurred on or about July 12, 2007.

c. On or about May 14, 2007, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of violating Vehicle code section 23152(b) [drive with an equal to or greater than 0.08% BAC] in the criminal proceeding entitled *The People of the State of California v. Paul Wesley Moore* (Super. Ct. Los Angeles County, 2007, No. 7EA031020). The Court sentenced respondent to 13 days jail, placed him on 36 months probation, and ordered him to complete a Three-Month First-Offender Alcohol Program. The circumstances underlying the conviction occurred on or about February 2, 2007.

ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 71231, heretofore issued to Respondent Paul Wesley Moore, 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.

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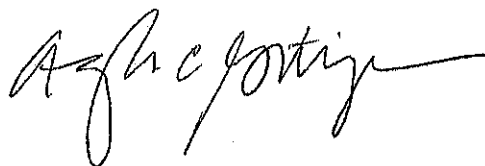
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This Decision shall become effective on October 26, 2015.

It is so ORDERED September 24, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

MOORE DEFAULT.DOCX
DOJ Matter ID:LA2013510089

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

(PAUL WESLEY MOORE)

1 KAMALA D. HARRIS
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2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 SHAWN P. COOK
Deputy Attorney General
4 State Bar No. 117851
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-9954
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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Case No. 4701

12 **PAUL WESLEY MOORE**
1765 S. Bronson Ave.
13 Los Angeles, CA 90019

ACCUSATION

14 Pharmacy Technician Registration No. TCH 71231

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about August 11, 2006, the Board issued Pharmacy Technician Registration
22 No. TCH 71231 to Paul Wesley Moore (Respondent). The Pharmacy Technician Registration
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 August 31, 2014, unless renewed.

25 **JURISDICTION**

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

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1 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
2 licensee or registrant to perform the functions authorized by his license or registration in a manner
3 consistent with the public health, safety, or welfare."

4 **COST RECOVERY**

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

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Conviction of a Substantially Related Crime)**

11 10. Respondent is subject to disciplinary action under sections 490, 4300, and 4301,
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1 head, 7 to his back left side, 3 to his left arm, 2 to his right hip, 1 to his buttocks and 1 to his back
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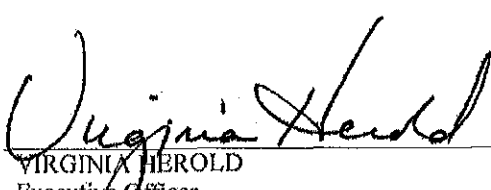
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8 *v. Paul Wesley Moore* (Super. Ct. Los Angeles County, 2007, No. 7EA031020). The Court
9 sentenced respondent to 13 days jail, placed him on 36 months probation, and ordered him to
10 complete a Three-Month First-Offender Alcohol Program. The circumstances underlying the
11 conviction occurred on or about February 2, 2007.

12 **PRAYER**

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board of Pharmacy issue a decision:

- 15 1. Revoking or suspending Pharmacy Technician Registration No. TCH 71231, issued to
16 Paul Wesley Moore;
17 2. Ordering Paul Wesley Moore to pay the Board the reasonable costs of the
18 investigation and enforcement of this case, pursuant to section 125.3; and
19 3. Taking such other and further action as deemed necessary and proper.

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22 DATED: 6/16/14


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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