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

In the Matter of the Accusation Against:

BRYCE CAMERAN FREEMAN
16340 Commerce Ave. #8
Tujunga, CA 91042
Pharmacy Technician Registration No. TCH
112824

Respondent.

Case No. 4781

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about March 27, 2014, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4781 against Bryce Cameran Freeman (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)
2. On or about June 1, 2011, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 112824 to Respondent. The Pharmacy Technician Registration expired on June 30, 2013, and has not been renewed.

1 3. On or about April 14, 2014, Respondent was served by Certified and First Class Mail
2 copies of the Accusation No. 4781, Statement to Respondent, Notice of Defense, Request for
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
5 is required to be reported and maintained with the Board. Respondent's address of record was
6 and is:

7 16340 Commerce Ave. #8
8 Tujunga, CA 91042.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
11 124.

12 5. On or about April 28, 2014, the aforementioned first class mailing documents were
13 returned by the U.S. Postal Service marked "No such number".

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

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

20 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
21 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
22 4781.

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

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

28 9. Pursuant to its authority under Government Code section 11520, the Board finds
Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on

1 file at the Board's offices regarding the allegations contained in Accusation No. 4781, finds that
2 the charges and allegations in Accusation No. 4781, are separately and severally, found to be true
3 and correct by clear and convincing evidence.

4 10. Taking official notice of its own internal records, pursuant to Business and
5 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
6 and Enforcement is \$2380. as of June 8, 2014.

7 DETERMINATION OF ISSUES

8 1. Based on the foregoing findings of fact, Respondent Bryce Cameran Freeman has
9 subjected his Pharmacy Technician Registration No. TCH 112824 to discipline.

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

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

14 a. FIRST CAUSE FOR DISCIPLINE

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

16 4. Respondent is subject to disciplinary action under sections 4301, subdivision (I) and
17 490, in conjunction with California Code of Regulations, title 16, section 1770, in that,
18 Respondent was convicted of a crime substantially related to the qualifications, functions or
19 duties of a pharmacy technician as follows:

20 a. On or about March 29, 2013, after pleading nolo contendere, Respondent was
21 convicted of one misdemeanor count of violating Vehicle Code section 20001, subdivision (a)
22 [hit and run with injury] and one misdemeanor count of Vehicle code section 23110, subdivision
23 (a) [throw substance at vehicle] in the criminal proceeding entitled *The People of the State of*
24 *California v. Bryce Cameron Freeman* (Super. Ct. Los Angeles County, 2013, No. 3PY00979.)
25 The Court placed Respondent on 36 months probation, with terms and conditions.

26 b. The circumstances surrounding the conviction are that on or about February 5, 2013,
27 Respondent threw a beer bottle at R.F.'s vehicle, while driving on the freeway, causing damage.
28 R.F. proceeded to follow him on the freeway until he exited. While exiting the freeway

1 Respondent rear-ended a second vehicle on the off ramp. When he stopped to exchange
2 information, R.F. also stopped to write down Respondent's license plate number. Respondent got
3 back in his vehicle and as he was leaving the scene, hit R.F. on his leg and foot with his vehicle.
4 Respondent was contacted by the Los Angeles Police Department a few blocks from the scene
5 and admitted to the officer that the incident began as "road rage." Respondent was subsequently
6 arrested for violating Vehicle Code section 20001, subdivision (a) [hit and run with injury] and
7 one misdemeanor count of Vehicle code section 23110, subdivision (a) [throw substance at
8 vehicle].

9 b. **SECOND CAUSE FOR DISCIPLINE**

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

11 5. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
12 that on or about February 5, 2013, Respondent committed acts involving moral turpitude,
13 dishonesty, fraud, or deceit with the intent to substantially benefit himself, or substantially injure
14 another. Complainant refers to, and by reference incorporates, the allegations set forth above in
15 paragraph 10, subparagraph (b), as though set forth fully.

16 c. **THIRD CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct/ Violation of Licensing Chapter)**

18 6. Respondent is subject to disciplinary action under section 4301, (o), in that
19 Respondent committed acts of unprofessional conduct and/ or violated provisions of the licensing
20 chapter. Complainant refers to, and by this reference incorporates, the allegations set forth above
21 in paragraphs 10, subparagraphs (a) and (b), inclusive, as though set forth fully.

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ORDER

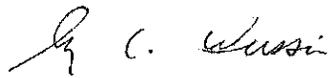
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 112824, heretofore issued to Respondent Bryce Cameran Freeman, is revoked.

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

This Decision shall become effective on August 15, 2014.

It is so ORDERED July 16, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By 
STAN C. WEISSER
Board President

51534930.DOC
DOJ Matter ID:LA2013509996

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
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

7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 4781

13 **BRYCE CAMERAN FREEMAN**
16340 Commerce Ave. #8
Tujunga, CA 91042

A C C U S A T I O N

14 Pharmacy Technician Registration
15 No. TCH 112824

16 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 June 1, 2011, the Board of Pharmacy (Board) issued Pharmacy
23 Technician Registration No. TCH 112824 to Bryce Cameran Freeman (Respondent). The
24 Pharmacy Technician Registration expired on June 30, 2013, and has not been 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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"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

....

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

....

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

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1 **REGULATORY PROVISIONS**

2 8. California Code of Regulations, title 16, section 1770, states:

3 "For the purpose of denial, suspension, or revocation of a personal or facility license
4 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
5 crime or act shall be considered substantially related to the qualifications, functions or duties of a
6 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
7 licensee or registrant to perform the functions authorized by his license or registration in a manner
8 consistent with the public health, safety, or welfare."

9 **COST RECOVERY**

10 9. Section 125.3 provides, in pertinent part, that the Board may request the
11 administrative law judge to direct a licentiate found to have committed a violation or violations of
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
13 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
14 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
15 included in a stipulated settlement.

16 **FIRST CAUSE FOR DISCIPLINE**

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

18 10. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and
19 490, in conjunction with California Code of Regulations, title 16, section 1770, in that,
20 Respondent was convicted of a crime substantially related to the qualifications, functions or
21 duties of a pharmacy technician as follows:

22 a. On or about March 29, 2013, after pleading nolo contendere, Respondent was
23 convicted of one misdemeanor count of violating Vehicle Code section 20001, subdivision (a) [hit
24 and run with injury] and one misdemeanor count of Vehicle code section 23110, subdivision (a)
25 [throw substance at vehicle] in the criminal proceeding entitled *The People of the State of*
26 *California v. Bryce Cameron Freeman* (Super. Ct. Los Angeles County, 2013, No. 3PY00979.)
27 The Court placed Respondent on 36 months probation, with terms and conditions.

28 ///

1 a. On or about May 31, 2012, after pleading guilty, Respondent was convicted of one
2 misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving while
3 having 0.08% or more, by weight, of alcohol in his blood] in the criminal proceeding entitled *The*
4 *People of the State of California v. Bryce Cameron Freeman* (Super. Ct. Ventura County, 2012,
5 No. 2012007166.) The Court sentenced Respondent to serve 1 day in Ventura County Jail and
6 placed him on 3 years formal probation, with terms and conditions.

7 b. The circumstances surrounding the conviction are that on or about February 24, 2012,
8 the California Highway Patrol Department initiated a traffic enforcement stop after observing
9 Respondent drive at a high rate of speed. While speaking to Respondent, the officer detected a
10 strong odor of an alcoholic beverage emitting from within the vehicle. He was observed to have
11 red, watery eyes and his speech was thick. When asked if he had consumed any alcoholic
12 beverages, Respondent stated "Yes sir, I had two drinks." While at the scene, Respondent
13 submitted to a Preliminary Alcohol Screening Test that resulted in a breath-alcohol content level
14 of 0.10% on the first reading ad 0.11% on the second.

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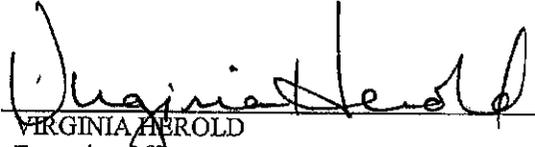
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PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration No. TCH 112824, issued to Bryce Cameran Freeman;
2. Ordering Bryce Cameran Freeman to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 3/27/14



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

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