

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

In the Matter of the Statement of Issues Against:

Case No. 4830

**BRUCE ALAN MCDANIELS**  
4633 E. Shields Avenue, Apt. 112  
Fresno, CA 93726

OAH No. 2014010616

Pharmacy Technician Registration Applicant

Respondent.

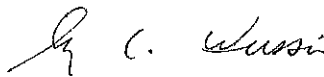
**DECISION AND ORDER**

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 May 12, 2014.

It is so ORDERED on April 11, 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 Statement of Issues  
Against:

BRUCE ALAN MCDANIELS,  
Fresno, CA 93726

Respondent.

Case No. 4830

OAH No. 2014010616

**PROPOSED DECISION**

Administrative Law Judge Danette C. Brown, Office of Administrative Hearings, State of California, heard this matter in Sacramento, California on February 13, 2014.

Phillip Arthur, Deputy Attorney General, represented complainant, Virginia K. Herold, Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.

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Bruce Alan McDaniels (respondent) was present and represented himself.

Evidence was received, the record was closed, and the matter was submitted for decision on February 13, 2013.

**FACTUAL FINDINGS**

1. Respondent signed an Application for Registration as a Pharmacy Technician on November 28, 2012. The Board denied the application on April 11, 2013, and respondent filed a timely appeal.

2. Complainant, acting solely in her official capacity as the Executive Officer of the Board, filed the Statement of Issues on December 2, 2013, seeking to deny respondent's application on the grounds that: 1) he has four criminal convictions that are substantially related to the qualifications, functions and duties of a pharmacy technician; 2) he demonstrated unprofessional conduct using dangerous drugs and alcoholic beverages in a manner dangerous or injurious to himself; and 3) he

demonstrated unprofessional conduct by being convicted of violating statutes regulating controlled substances and dangerous drugs.

### *Criminal Convictions*

3. On October 14, 2003, in the Superior Court of California, County of Fresno, Case No. M03916051-6, in the matter entitled *People of the State of California v. Bruce Alan McDaniels*, respondent was convicted, upon a plea of nolo contendere, of violating Penal Code section 484, subdivision (a), (theft), a misdemeanor. The court documents admitted in evidence did not provide the terms and conditions of respondent's probation. Respondent did not recall the terms of his probation.

4. A police report regarding respondent's October 14, 2003 conviction was not available. Respondent admitted in a February 22, 2013 explanation letter to the Board that he stole a shower radio from Rite Aid. He stole the radio to buy drugs.

5. On February 26, 2002, in the Superior Court of California, County of Fresno, Case No. M01915044-2, in the matter entitled *People of the State of California v. Bruce Alan McDaniels*, respondent was convicted, upon a plea of no contest, of violating Health and Safety Code 11364, (possession of controlled substance paraphernalia), a misdemeanor. The court documents admitted in evidence did not provide the terms and conditions of respondent's probation. Respondent did not recall the terms of his probation.

6. A police report regarding respondent's February 26, 2002 conviction was not available. Respondent admitted in a February 22, 2013 explanation letter to the Board that he relapsed, and was in possession of a crack pipe.

7. On June 29, 2001, in the Superior Court of California, County of Fresno, Case No. M01903192-3, in the matter entitled *People of the State of California v. Bruce Alan McDaniels*, respondent was convicted, upon a plea of guilty, of violating Health and Safety Code section 11364, (possession of controlled substance paraphernalia), a misdemeanor. Imposition of sentence was suspended, and respondent was placed on three years' probation, upon the following terms: serve three days in jail, and obey all laws.

8. A police report was submitted into evidence, however the narrative portion was missing. Respondent admitted in a February 22, 2013 explanation letter to the Board that he was "out on the street." Police found him in possession of a crack pipe. Respondent completed a 90-day alcohol/drug program.

9. On November 18, 1991, in the Superior Court of California, County of Fresno, Case No. M053726-6, in the matter entitled *People of the State of California v. Bruce Alan McDaniels*, respondent was convicted, upon pleas of guilty, of violating

Vehicle Code section 23152, subdivision (a), (driving under the influence of alcohol (DUI), and Health and Safety Code section 11350, subdivision (a), (possession of a controlled substance), misdemeanors. The court documents admitted in evidence did not provide the terms and conditions of respondent's probation. Respondent did not recall the terms of his probation.

10. A police report regarding respondent's November 18, 1991 conviction was not available. Respondent admitted in a February 22, 2013 explanation letter to the Board that he was in possession of a crack pipe. Respondent further stated that he went through a breakup, and that he was under the influence of alcohol and crack cocaine.

#### *Unprofessional Conduct*

11. On June 29, 1996, two Fresno police officers approached respondent and another individual who were loitering next to a business that was not open. One of the officers observed respondent holding an open 40-ounce bottle of beer. Respondent and the other individual gave consent to search for drugs and weapons. The officer found a glass crack pipe in respondent's front pocket. The officer administered a drug evaluation, and determined Respondent was under the influence of a controlled substance. Respondent admitted to the officer that he had been smoking "rock cocaine," and that he had done so for the past four years, approximately three to four times per day. Cocaine is a Schedule II controlled substance.<sup>1</sup> The evidence established that respondent engaged in unprofessional conduct by using a controlled substance in a manner as to be dangerous or injurious to himself.

12. As set forth in Findings 5, 7 and 9, respondent violated statutes of this state under the Health and Safety Code regulating controlled substances. His violation of such statutes constitutes unprofessional conduct.

#### *Factors in Aggravation, Mitigation, and Rehabilitation*

13. Respondent is 57 years old. After high school he enlisted in the Army. He was assigned in Germany to a tank division. He received an honorable discharge in March 1980. Respondent held a number of jobs after the Army. He worked in fast food jobs, at restaurants, at a food plant, at car washes and at gas stations. He went to school and obtained a certified nursing assistant (CNA) certification. He worked as a CNA. He also obtained his security "guard card" and worked as a security guard.

14. Respondent let his CNA license lapse because he "was hanging around the wrong people." He tried to renew it, but it was denied. He asserted that this CNA license was never disciplined.

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<sup>1</sup> Health and Safety Code section 11055.

15. Respondent admitted that he is a drug addict. Respondent's sobriety date is May 31, 2010. The state of his poor health is the most important factor in helping him stay sober. He has bills to pay and a family to support, so crack cocaine "cannot be in the equation." The only drugs that he takes are medications for his diabetes, high blood pressure, and his mental state.

16. Respondent also admitted that he is a recovering alcoholic. He does not attend Alcoholics Anonymous (AA) or Narcotics Anonymous (NA). He does not have a sponsor. To help maintain his sobriety with drugs and alcohol, respondent participates in a Veterans Administration (VA) support group at the VA hospital. Respondent attends the VA support group weekly. The group addresses drugs and alcohol abuse. The VA does not have a 12-step program. Respondent stated, "They have people that can take you through the steps. I've done it but it's not real. I'd rather just do it on my own without the 12 steps. I don't believe in it."

17. For the past five years, respondent has seen a mental health counselor at the VA on a regular basis. During this time, Dr. Nile, his counselor, has prescribed medications, which respondent is regularly taking for his mental state.

18. Respondent and his wife were married in 2006. She was in the hospital for six months in 2006, and almost died. Respondent has been taking care of her ever since that time. Respondent currently works as an in-home service care provider for his wife. He helps her with her medications, cooking, washing clothes and taking her to her doctor's appointments.

19. Respondent also works as a security guard for the Picadilly Inn in Fresno. He previously held a security guard license in the 1980's. He did not renew his license, and does not have one now. Respondent tried to renew his security guard license in 2005 or 2006, but it was denied when he answered "no" to the question that asked whether he had been convicted of a crime. The Picadilly Inn knows that respondent does not have a security guard license.

20. Respondent has not attempted to expunge his criminal convictions pursuant to Penal Code section 1203.4.

## LEGAL CONCLUSIONS

1. Business and Professions Code section 480 allows the Board to deny an application for a license if the applicant has been convicted of a crime. (Bus. & Prof. Code, § 480, subd. (a)(1).)

2. The Board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the

business or profession for which application is made. (Bus. & Prof. Code, § 480, subd. (a)(3)(B).)

3. For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in manner inconsistent with the public health, safety, or welfare. (Cal. Code Regs., tit. 16, § 1770.)

4. Business and Professions Code section 4300, subdivision (c), provides that the board may refuse a license to any applicant guilty of unprofessional conduct. Business and Professions Code section 4301 provides, in part, that the board shall take action against any holder of a license who is guilty of unprofessional conduct. Unprofessional conduct shall include, but is not limited to, any of the following:

[¶] ... [¶]

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself ...

[¶] ... [¶]

(j) The violation of any of the statutes of this state, of any other state, or of the United States regulating controlled substances and dangerous drugs.

[¶] ... [¶]

(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 ... 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 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.

### *Substantial Relationship*

5. As set forth in Findings 3 and 4, respondent's October 14, 2003 conviction for theft is substantially related to the qualifications, functions, and duties of pharmacy technician.

6. As set forth in Findings 5 and 6, respondent's February 26, 2002 conviction for possession of controlled substance paraphernalia is substantially related to the qualifications, functions, and duties of a pharmacy technician.

7. As set forth in Findings 7 and 8, respondent's June 29, 2001 conviction for possession of controlled substance paraphernalia is substantially related to the qualifications, functions, and duties of a pharmacy technician.

8. As set forth in Findings 9 and 10, respondent's November 18, 1991 convictions for DUI and possession of a controlled substance are substantially related to the qualifications, functions, and duties of a pharmacy technician.

9. Each of respondent's convictions demonstrates that he lacks respect for, and is unwilling or unable to comply with, laws designed for the protection of the public. Furthermore, each reflects poorly on his responsibility, integrity, trustworthiness, and good judgment, qualities which are essential to his profession, and tend to undermine public confidence in and respect for pharmacy technicians. (See *Griffith v. Superior Court* (2002) 96 Cal.App.4th 757, 770-771 [analyzing factors used to determine whether a crime is substantially related to the qualifications, functions, and duties of particular profession].)

### *Unprofessional Conduct*

10. As set forth in Finding 11, respondent's use of rock cocaine in a manner dangerous or injurious to himself, constitutes unprofessional conduct, pursuant to Business and Professions Code section 4301, subdivision (h).

11. As set forth in Finding 12, respondent's violations of the Health and Safety Code regulating controlled substances constitutes unprofessional conduct, pursuant to Business and Professions Code section 4301, subdivision (j).

12. As set forth in Findings 3 through 10, and Legal Conclusions 5 through 9, respondent's convictions are substantially related to the qualifications, functions, and duties of pharmacy technician, and thus constitute unprofessional conduct, pursuant to Business and Professions Code section 4301, subdivision (j).

*Cause for Denial*

13 Cause exists to deny respondent's application pursuant to Business and Professions Code section 480, subdivisions (a)(1) and (a)(3)(B), in that respondent has been convicted of crimes that are substantially related to the qualifications, functions, and duties of a pharmacy technician. Each of the convictions described in Findings 3 through 10 constitute separate causes for denying respondent's application pursuant to Business and Professions Code section 480, subdivision (a)(1). (Legal Conclusions 5 through 9.)

14. Cause exists to deny respondent's application pursuant to Business and Professions Code section 4301, subdivision (h), in that respondent engaged in unprofessional conduct by use of rock cocaine in a manner dangerous or injurious to himself. (Finding 11 and Legal Conclusion 10.)

15. Cause exists to deny respondent's application pursuant to Business and Professions Code section 4301, subdivision (j), in that respondent engaged in unprofessional conduct by violating the Health and Safety Code regulating controlled substances. (Finding 12 and Legal Conclusion 11.)

16. Cause exists to deny respondent's application pursuant to Business and Professions Code section 4301, subdivision (l), in that respondent engaged in unprofessional conduct by being convicted of crimes that are substantially related to the qualifications, functions, and duties of a pharmacy technician. (Findings 3 through 10, Legal Conclusions 5 through 9, and 12.)

*Rehabilitation*

17. The Board has adopted rehabilitation criteria which are to be considered when deciding whether to deny an application for a license. (Cal. Code Regs., tit. 16, § 1769.) The criteria are:

- 1) ~~The nature and severity of the act(s) or offense(s) under consideration as~~ grounds for denial.
- 2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial under Section 480 of the Business and Professions Code.



- 3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).
- 4) Whether the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against appellant.
- 5) Evidence, if any, of rehabilitation submitted by the applicant.

18. Respondent's acts were serious, in that he has repeated convictions related to his use of rock cocaine, a drug habit that he maintained for over 10 years. In 2003, respondent acted without regard for the property of another, by stealing a radio to fuel his cocaine habit. Respondent's 1991 DUI and possession of a controlled substance convictions occurred over 23 years ago, but respondent has made little efforts to address his drug and alcohol addictions, other than to attend a weekly VA support group. In fact, respondent dismissed the AA 12-step program, stating that it was not real, and that he did not believe in it. It was only when respondent began experiencing serious health problems that he decided to stop abusing cocaine and alcohol. His May 31, 2010 sobriety date is fairly recent, when compared to his years of drug and alcohol abuse. Respondent has addressed his mental health issues by seeing a mental health counselor for the past five years. Although respondent's most recent criminal conviction occurred over 10 years ago, no evidence was presented to show that respondent has complied with any terms of his probation, or any other sanctions lawfully imposed against respondent. Respondent has not attempted to expunge his convictions pursuant to Penal Code section 1203.4.

#### *Conclusion*

19. Pharmacy technicians assist pharmacists with filling prescriptions by pulling the proper medication from the shelf, counting or measuring the proper amount of medication to be dispensed, and filling the container with the medication. While a pharmacist must verify the accuracy of the pharmacy technician's work, pharmacists rely on pharmacy technicians to have a certain level of responsibility, integrity, trustworthiness and good judgment and to perform their duties competently. Also, consumers must have confidence that their prescriptions are properly filled. Given respondent's drug and alcohol history, and his lack of concerted efforts to combat his addictions, respondent has not shown that he is capable of performing the duties of a pharmacy technician. When all the facts and circumstances are weighed and balanced, it is contrary to the public interest to grant respondent a license at this time.

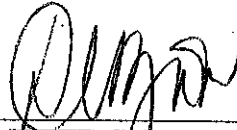
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ORDER

Respondent Bruce Alan McDaniel's application for a pharmacy technician's license is DENIED, by reason of Legal Conclusions 13 through 16.

DATED: March 14, 2014



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DANETTE C. BROWN  
Administrative Law Judge  
Office of Administrative Hearings

1 KAMALA D. HARRIS  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 PHILLIP L. ARTHUR  
Deputy Attorney General  
4 State Bar No. 238339  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 322-0032  
Facsimile: (916) 327-8643  
7 E-mail: Phillip.Arthur@doj.ca.gov  
*Attorneys for Complainant*

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

11 In the Matter of the Statement of Issues  
12 Against:

Case No. 4830

13 **BRUCE ALAN MCDANIELS**

**STATEMENT OF ISSUES**

14 **Pharmacy Technician Registration**  
15 **Applicant**

16 Respondent.

17  
18 Complainant alleges:

19 PARTIES

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

22 2. On or about December 24, 2012, the Board of Pharmacy, Department of Consumer  
23 Affairs received an application for a Pharmacy Technician Registration from Bruce Alan  
24 McDaniels (Respondent). On or about November 28, 2012, Bruce Alan McDaniels certified  
25 under penalty of perjury to the truthfulness of all statements, answers, and representations in the  
26 application. The Board denied the application on April 11, 2013.

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1 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
2 practice authorized by the license.

3 "...

4 "(j) The violation of any of the statutes of this state, of any other state, or of the United  
5 States regulating controlled substances and dangerous drugs.

6 "...

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

24 REGULATORY PROVISION

25 7. California Code of Regulations, title 16, section 1770, states:

26 "For the purpose of denial, suspension, or revocation of a personal or facility license  
27 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
28 crime or act shall be considered substantially related to the qualifications, functions or duties of a

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 FIRST CAUSE FOR DENIAL OF APPLICATION

5 (Criminal Convictions)

6 Conviction No. 1

7 8. Respondent's application is subject to denial under Section 4301(l), by and through  
8 Section 480, subdivision (a)(1), of the Code, in conjunction with California Code of Regulations,  
9 title 16, section 1770, in that on or about November 18, 1991, in a criminal proceeding entitled  
10 *The People of the State of California v. Bruce McDaniels*, in the Municipal Court of California,  
11 County of Fresno, Case Number M053726-6, Respondent was convicted by plea of guilty for  
12 violating Vehicle Code section 23152(a) (driving under the influence of alcohol) and Health and  
13 Safety Code section 1150(a) (possession of a controlled substance [marijuana]), a misdemeanor.  
14 Respondent was sentenced to three years probation, ninety days of jail, and a fine.

15 Conviction No. 2

16 9. Respondent's application is subject to denial under Section 4301(l), by and through  
17 Section 480, subdivision (a)(1) of the Code, in conjunction with California Code of Regulations,  
18 title 16, section 1770, in that on or about June 29, 2001, in a criminal proceeding entitled *The*  
19 *People of the State of California v. Bruce Alan McDaniels*, in the Municipal Court of California,  
20 County of Fresno, Case Number M01903192-3, Respondent was convicted of violating Health  
21 and Safety Code section 11364 (possession of controlled substance paraphernalia [a crack pipe]),

22 a misdemeanor. Respondent was sentenced to three years probation and three days of jail. The  
23 facts and circumstances of this conviction are as follows:

24 a. On or about February 23, 2001, when a Fresno Police Officer conducted a traffic stop  
25 on a vehicle in which Respondent was a passenger, the officer discovered that Respondent  
26 possessed a crack pipe as well as an open container of alcohol.

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**Conviction No. 3**

10. Respondent's application is subject to denial under Section 4301(l) of the Code, by and through Section 480, subdivision (a)(1) of the Code, in conjunction with California Code of Regulations, title 16, section 1770, in that on or about February 26, 2002, in a criminal proceeding entitled *The People of the State of California v. Bruce Alan McDaniels*, in the Superior Court of California, County of Fresno, Case Number M01915044-2, Respondent was convicted of violating Health and Safety Code section 11364 (possession of controlled substance paraphernalia [a crack pipe]), a misdemeanor. Respondent was sentenced to three years probation, ten days of jail, and to enroll in and complete a work program. The facts and circumstances of this conviction are as follows:

a. On or about October 6, 2001, while a Fresno Police Officer was conducting drug surveillance, the officer spoke with Respondent and discovered that Respondent possessed a crack pipe.

**Conviction No. 4**

11. Respondent's application is subject to denial under Section 4301(l) of the Code, by and through Section 480, subdivision (a)(1) of the Code, in conjunction with California Code of Regulations, title 16, section 1770, in that on or about October 14, 2003, in a criminal proceeding entitled *The People of the State of California v. Bruce Alan McDaniels*, in the Superior Court of California, County of Fresno, Case Number M03916051-6, Respondent was convicted by plea of nolo contendere for violating Penal Code section 484(a) (theft), a misdemeanor. Respondent was sentenced to three years probation, ten days of jail, and a fine. The facts and circumstances of this

conviction are as follows:

a. On or about August 13, 2003, a Fresno Police Officer arrested Respondent after Respondent stole a shower radio from a Rite Aid store.

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1 SECOND CAUSE FOR DENIAL OF APPLICATION

2 (Unprofessional Conduct—Unsafe use of Dangerous Drugs and Alcoholic Beverages)

3 12. Respondent's application is subject to denial under section 4301, subdivision (h), of  
4 the Code in that Respondent has used dangerous drugs and alcoholic beverages to the extent or in  
5 a manner as to be dangerous or injurious to himself, to a person holding a license under this  
6 chapter, or to any other person or to the public, or to the extent that the use impairs the ability of  
7 Respondent to conduct with safety to the public the practice of a pharmacy technician. The facts  
8 and circumstances are set forth in more particularity in paragraph 8 and as follows:

9 a. On or about June 29, 2006, two Fresno Police Officers approached Respondent and  
10 another individual who were loitering next to a business. While searching Respondent, one of the  
11 officers observed that Respondent appeared to be under the influence of drugs in that Respondent  
12 had constricted pupils, eyelid tremors, hippus (spasmodic, rhythmic, irregular dilating and  
13 contracting pupillary movements), excited and repetitive speech, a confused and nervous/paranoid  
14 mental state, sweating, a bad complexion, fast respiration, rigid muscle tone, burns on his  
15 fingertips, grinding teeth, scratching, dry mouth, a coating on his tongue, and body tremors.  
16 Respondent admitted to having smoked "rock cocaine" that day, that he felt the effects of the  
17 drug, and that he used cocaine three-to-four times per day. The officers cited Respondent for  
18 being under the influence.

19 b. On or about September 7, 2001, a Fresno County police officer observed Respondent  
20 passed-out on a bench, smelling of alcohol, and having slurred speech and an unsteady gait. The  
21 officer arrested Respondent and booked him into jail.

22 c. On or about October 16, 2001, a Fresno County police officer observed Respondent  
23 with red, watery, bloodshot eyes, slurred speech, an unsteady gait, and a heavy odor of alcohol.  
24 The officer arrested Respondent and booked him into jail.

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THIRD CAUSE FOR DENIAL OF APPLICATION

(Unprofessional Conduct-Act-Violation of State Statues Regulating Controlled Substances and Dangerous Drugs)

13. Respondent's application is subject to denial under Section 4301, subdivision (j), of the Code in that Respondent has been convicted of violating provisions of the Health and Safety Code regulating controlled substances and dangerous drugs as more fully set forth in paragraphs 8-11.

PRAYER

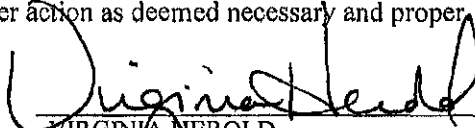
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Denying the application of Bruce Alan McDaniels for a Pharmacy Technician Registration; and

2. Taking such other and further action as deemed necessary and proper.

DATED:

12/2/13



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

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