

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

In the Matter of the Accusation Against:

CEDELL BRADFORD  
aka WESTLY BRADFORD

Pharmacy Technician Registration No. TCH  
62355

Respondent.

Case No. 5376

OAH No. 2015111060

**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 at 5:00 p.m. on June 6, 2016.

It is so ORDERED on May 6, 2016.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President

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OAH No. 2015111060

**PROPOSED DECISION**

This matter was heard before Michael C. Cohn, Administrative Law Judge, State of California, Office of Administrative Hearings, on February 16, 2016, in Oakland, California.

Complainant Virginia Herold, Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, was represented by Joshua A. Room, Supervising Deputy Attorney General.

Respondent Cedell Bradford represented himself.

The record was held open to allow respondent to submit proof of completion of his court-ordered drug diversion program. Two documents were received on March 8, 2016 – a June 29, 2015 Superior Court order and a February 23, 2016 letter from La Familia Counseling Service. These were marked and received in evidence as respondent's Exhibits C and D, respectively. The matter was thereupon deemed submitted for decision on March 8, 2016.

**SUMMARY**

In 2014, respondent was arrested for robbery, vandalism and possession of controlled substances. He was intoxicated at the time of his arrest. Respondent was placed into a drug diversion program, which he successfully completed early. Despite knowledge of his arrest, respondent's employer allowed him to continue working as a pharmacy technician during his treatment for drug use and alcoholism, and respondent performed well. Although the

incident that led to this proceeding occurred less than two years ago, the evidence respondent presented of treatment, rehabilitation and job performance demonstrated that it would not be against the public interest to allow respondent to retain his pharmacy technician license, although only upon strict probationary conditions.

## FACTUAL FINDINGS

1. On May 13, 2005, the Board of Pharmacy issued pharmacy technician license number TCH 62355 to respondent Cedell Bradford.<sup>1</sup> The license has been renewed through December 31, 2016.

2. Around 9:00 p.m. on August 2, 2014, Oakland police responded to a report of an intoxicated subject breaking windows. The officers spoke to witnesses who reported that respondent had entered a pizza restaurant, said something about a gun, punched an employee of the business, took money from the tip jar and then picked up a chair from another restaurant and threw it through the window of a neighboring store. The officers discovered respondent lying unconscious in a nearby parking lot. He regained consciousness as he was being handcuffed. The officers found on respondent's person a metal cylinder containing what appeared to be crystal methamphetamine and two plastic baggies containing what appeared to be marijuana. Respondent was arrested for robbery, vandalism and possession of controlled substances.

3. Respondent was subsequently charged with felony violations of Health and Safety Code sections 11350, subdivision (a), possession of cocaine, and 11377, subdivision (a), possession of methamphetamine. (Apparently, the substance in the metal cylinder was cocaine that had been laced with methamphetamine.)

4. On October 27, 2014, the criminal proceedings against respondent were suspended pursuant to Penal Code 1000 to permit respondent to enter and complete an 18-month drug diversion program.

5. Respondent successfully completed that program in just eight months. On June 29, 2015, the Superior Court issued an order pursuant to Penal Code section 851.90 sealing respondent's arrest and court records upon findings that respondent had "successfully completed a drug diversion program pursuant to Penal Code Sections 1000 or 1000.5 and that diverted charges [had] been dismissed."

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<sup>1</sup> The accusation alleged that respondent is also known as Westly Bradford. Respondent explained that he has never used the name Westly Bradford. However, there was a time when his brother Westly stole and used respondent's identity.

6. Respondent testified that he only vaguely remembers the events of August 2, 2014. He attributes his behavior that evening, and for sometime before that, to "self-medicating" to deal with personal issues. Respondent and his wife divorced in 2013 and they were involved in a bitter custody battle over their daughter. Respondent was also dealing with issues of anxiety and major depressive disorder. He says this was a "traumatic time" for him and beginning sometime in 2014 he attempted to escape from reality through drug and alcohol use. His primary drug of choice was alcohol, but on a few occasions he bought and used cocaine. He says he was unaware the cocaine he had in his possession on August 2, 2014, also contained methamphetamine.

7. Respondent's daughter, who was then nine years old, was with him on August 2, 2014. He had picked his daughter up from his mother's house and was going to take her back to his ex-wife's house. Respondent admits he was intoxicated when he picked up his daughter. They were driving, but ended up walking. After respondent was arrested, the responding police officers found his daughter nearby with her grandfather, who had been called to the scene. She was distraught and unable to provide the officers with a statement.

8. Respondent testified that when he was in jail after his arrest he thought about his daughter. Thinking, "She's all I have," he was concerned what would happen to his ability to see her. Respondent resolved to stop fighting the custody battle with his ex-wife. They amicably resolved their dispute. His ex-wife now has primary custody of their daughter but respondent has custody every other weekend and on other occasions as well. Respondent says that he and his ex-wife are now friends.

9. Respondent was still fighting his alcohol and drug use when he entered the drug diversion program and was admitted to the Latino Family Services Center outpatient program on November 3, 2014. The program included random drug screening and counseling sessions three times per week. Respondent testified that for the first month or so of the program he was "rebellious" and had some drug screens that were positive for marijuana. But he soon came to realize that he had a problem and that he needed to comply with the program. He also found he felt better when he stopped using drugs and alcohol. Respondent began attending the diversion program more frequently than he was required to and, as indicated in Finding 5, he successfully completed the program 10 months early. In a February 23, 2016 letter, Robert Archuleta, the manager of the outpatient program, wrote that respondent had successfully completed the program on August 13, 2015, that he had "demonstrated his commitment to being a productive member of society," and that he had been "a hard-working, reliable, respectful, courteous individual to be around."

10. Respondent has not used alcohol or illegal drugs since January 2015.

11. Respondent has been employed as a pharmacy technician at Kaiser Permanente since 2005. He spent most of his career at Kaiser Oakland, but for the past year has worked at Kaiser Richmond. Pharmacist Karen McLemore wrote a letter "in support of [respondent's] intellect, work ethic, and professionalism." She said that when she was

preparing to open an ICU satellite pharmacy at Kaiser Oakland she chose respondent to be the primary ICU technician because of her past experience with him. McLemore wrote, "The workflow he developed for the satellite was service-oriented, clear and organized. The relationship between inpatient pharmacy staff and ICU nursing staff was vastly improved after opening the satellite, and this was due to [respondent's] initial plan for organization, and his dedication to providing excellent, in-person service to nurses." McLemore concluded, "I would be thrilled to have him as my technician again, and will always keep him in my highest regard."

12. Respondent informed his employer about his arrest and he was permitted to continue working as a pharmacy technician. His supervisor at the time, Cheryl Spooner, was very supportive of him. About a year ago, respondent transferred to Kaiser Richmond, where he works in the inpatient pharmacy. His duties include performing pharmacy audits in which he examines hospital records for indications of diversion by staff. His most recent performance evaluation, completed in September 2015, shows that respondent meets or exceeds expectations in all rating areas, and that his overall rating is "Exceeds." Ming-Na Lee, the director of the inpatient pharmacy, wrote in the evaluation that respondent's "consistent, superior technical knowledge and skills are key to his excellent performance. [He] can be counted on to quickly learn and apply new skills. . . . [He] has transitioned from Oakland to Richmond inpatient pharmacy within this past year and he has contributed and brought his skills in caring for ICU to the Richmond department. He has also adapted well in learning and executing new skills such as compounding chemotherapy, managing Pyxis anesthesia carts, [and] reviewing and tracking Pyxis discrepancies. This speaks to his determination and flexibility in expanding his skills in a variety of pharmacy operations."

13. Since he completed the court-ordered drug diversion program respondent has continued treatment with a Kaiser psychologist, Dr. Huang. He sees the therapist monthly. He takes daily medication (Celexa) for his depression and clonazepam as needed for anxiety. Respondent does not currently attend AA meetings, although he did so through the drug diversion program. Respondent shares an apartment with his brother Gregory. They both have daughters about the same age and see the girls together.

14. Respondent understands the board's concerns about his prior drug and alcohol use but believes he will not return to such use and is safe to practice as a pharmacy technician.

15. The board has incurred costs of \$1,897.50 in the enforcement and prosecution of this case. This consists of 9.75 hours of attorney time at the rate of \$170 per hour and two hours of paralegal time at the rate of \$120 per hour. The time spent and amounts billed are found to be reasonable.

## LEGAL CONCLUSIONS

### *First Cause for Discipline*

1. Respondent's actions on August 2, 2014, as set forth in Factual Finding 2, included acts of moral turpitude and dishonesty. Cause for disciplinary action thereby exists for unprofessional conduct pursuant to Business and Professions Code section 4301, subdivision (f).

### *Second Cause for Discipline*

2. As set forth in Factual Findings 2, 6 and 7, respondent self-administered a controlled substance and/or used drugs and alcohol to an extent dangerous to himself and others. Cause for disciplinary action thereby exists for unprofessional conduct pursuant to Business and Professions Code section 4301, subdivision (h).

### *Third Cause for Discipline*

3. As set forth in Factual Findings 2 and 6, respondent possessed a controlled substance without a prescription. Respondent thereby violated Health and Safety Code section 11350 and/or Health and Safety Code section 11377. Cause for disciplinary action exists for unprofessional conduct pursuant to Business and Professions Code section 4301, subdivisions (j) and (o).

### *Penalty Determination*

4. The circumstances of the incident that led to this disciplinary proceeding were quite serious and included respondent's putting his young daughter in danger. In addition, the incident was very recent, occurring just 18 months ago. But during those 18 months respondent successfully completed a court-ordered drug diversion program, sought and received treatment for his underlying depression, improved his family life, and continued to perform well as a pharmacy technician. Considering those facts, it is determined that it would not be against the public interest to permit respondent to retain his pharmacy technician license upon appropriate probationary conditions, including all those relating to drug and alcohol use.

### *Cost Recovery*

5. Business and Professions Code section 125.3 provides that a board may order a licensee found to have violated the licensing law to pay a sum not to exceed the reasonable costs of investigation and enforcement of the case. Under that section, cause exists to order respondent to reimburse the board its costs of \$1,857.50.

## ORDER

Pharmacy technician license number TCH 62355 issued to respondent Cedell Bradford is revoked; however the revocation is stayed and respondent is placed on probation for five years upon the following terms and conditions:

### 1. Certification Prior to Resuming Work

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 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 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 holds an interest at the time this decision becomes effective unless otherwise specified in this order.

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

### 2. 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 72 hours of such occurrence:

- a) 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;
- b) a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment;
- c) conviction of any crime;
- d) discipline, citation, or other administrative action filed by any state or federal agency that involves respondent's pharmacy technician license or that 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.

3. 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.

4. 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 or more scheduled interviews with the board or its designee during the period of probation, shall be considered a violation of probation.~~

5. 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 probation. Failure to cooperate shall be considered a violation of probation.

6. Notice to Employers

During the period of probation, respondent shall notify all present and prospective employers of the decision in case number 5376 and the terms, conditions and restrictions imposed on respondent by the decision, as follows:

Within 30 days of the effective date of this decision, and within 15 days of respondent's 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 5376 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 5376 in advance of respondent's commencing work at each pharmacy. A record of this notification must be provided to the board upon request.

Furthermore, within 30 days of the effective date of this decision, and within 15 days of respondent's 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 has read the decision in case number 5376 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 respondent is considered an employee, independent contractor or volunteer.

7. Reimbursement of Board Costs

As a condition precedent to successful completion of probation, respondent shall pay to the board its costs of investigation and prosecution in the amount of \$1,897.50. Respondent shall pay this amount on a schedule as directed by the board or its designee. 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(s) 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 investigation and prosecution.

8. 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(s) as directed shall be considered a violation of probation.

9. 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.

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10. 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 license 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 respondent's license history with the board.

Upon acceptance of the surrender, respondent shall relinquish his pharmacy technician license to the board within 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 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.

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

Respondent shall notify the board in writing within 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 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.

12. 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 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.

13. Attend Substance Abuse Recovery Relapse Prevention and Support Groups

Within 30 days of the effective date of this decision, respondent shall begin regular attendance at a recognized and established substance abuse recovery support group in California (e.g., Alcoholics Anonymous, Narcotics 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.

14. Random Drug Screening

Respondent, at his own expense, shall participate in random testing, including but not limited to biological fluid testing (urine, blood), breathalyzer, 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 alcohol, 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 respondent. Failure to timely provide such documentation shall be considered a violation of probation. Any confirmed positive test for alcohol or 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.

During 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. Respondent shall not resume work until notified by the board.

~~Respondent shall not direct, control or perform any aspect of the practice of pharmacy. Subject to the above restrictions, respondent may continue to own or hold an interest in any licensed premises in which he 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.

15. Work Site Monitor

Within 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 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.

16. Notification of Departure

Prior to leaving the probationary geographic area designated by the board or its designee for a period greater than 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.

17. Abstain from Drugs and Alcohol Use

Respondent shall completely abstain from the possession or use of alcohol, 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 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 alcohol, 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.

18. 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 10 days of cessation of work and must further notify the board in writing within 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 36 months.

"Cessation of work" means any 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 for at least 20 hours as a pharmacy technician as defined by Business and Professions Code section 4115.

19. Violation of Probation

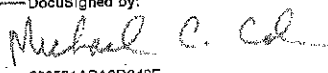
If respondent has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent, and probation shall automatically be extended, until all terms and conditions have been satisfied or the board has taken other action as deemed appropriate to treat the 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 these 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.

20. Completion of Probation

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

DATED: March 24, 2016

DocuSigned by:  
  
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MICHAEL C. COHN  
Administrative Law Judge  
Office of Administrative Hearings

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

10 In the Matter of the Accusation Against:

Case No. 5376

11 **CEDELL BRADFORD**  
12 **aka WESTLY BRADFORD**  
13 **3867 Maybelle Ave., Apt. D**  
**Oakland, CA 94619**

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

14 **Pharmacy Technician License No. TCH 62355**

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.

21 2. On or about May 13, 2005, the Board of Pharmacy issued Pharmacy Technician  
22 License Number TCH 62355 to Cedell Bradford aka Westly Bradford (Respondent). The  
23 Pharmacy Technician License was in full force and effect at all times relevant to the charges  
24 brought herein and will expire on December 31, 2016, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board of Pharmacy (Board), Department of  
27 Consumer Affairs, under the authority of the following laws. All section references are to the  
28 Business and Professions Code (Code) unless otherwise indicated.



1           4.     Section 4011 of the Code provides that the Board shall administer and enforce both  
2 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances  
3 Act [Health & Safety Code, § 11000 et seq.].

4           5.     Section 4300(a) of the Code provides that every license issued by the Board may be  
5 suspended or revoked.

6           6.     Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or  
7 suspension of a Board-issued license, the placement of a license on a retired status, or the  
8 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to  
9 commence or proceed with any investigation of, or action or disciplinary proceeding against, the  
10 licensee or to render a decision suspending or revoking the license.

#### 11                               STATUTORY AND REGULATORY PROVISIONS

12           7.     Section 4301 of the Code provides, in pertinent part, that the Board shall take action  
13 against any holder of a license who is guilty of “unprofessional conduct,” defined to include, but  
14 not be limited to, any of the following:

15           (f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or  
16 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and  
17 whether the act is a felony or misdemeanor or not.

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

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

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





1 20. On or about October 27, 2014, criminal proceedings in Case No. 598694 were  
2 suspended pursuant to Penal Code section 1000 et seq. to permit Respondent to enter drug  
3 diversion. He was required to complete an 18-month diversion program.

4  
5 FIRST CAUSE FOR DISCIPLINE

6 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

7 21. Respondent is subject to discipline under section 4301(f) of the Code, in that  
8 Respondent, as described in paragraph 18 above, committed acts involving moral turpitude,  
9 dishonesty, fraud, deceit, or corruption.

10  
11 SECOND CAUSE FOR DISCIPLINE

12 (Self-Administration of Controlled Substance/Dangerous or Injurious Use of Alcohol)

13 22. Respondent is subject to discipline under section 4301(h) of the Code, in that, as  
14 described in paragraph 18 above, Respondent self-administered one or more controlled substances  
15 and/or used alcohol in a dangerous or injurious manner.

16  
17 THIRD CAUSE FOR DISCIPLINE

18 (Possession of Controlled Substance(s))

19 23. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section  
20 4060 of the Code, and/or Health and Safety Code section(s) 11350 and/or 11377, in that  
21 Respondent, as described in paragraph 18 above, possessed, conspired to possess, and/or assisted  
22 in or abetted possession of, a controlled substance, without a prescription.

23  
24 FOURTH CAUSE FOR DISCIPLINE

25 (Unprofessional Conduct)

26 24. Respondent is subject to discipline under section 4301 of the Code in that, as  
27 described in paragraphs 18 and 21-23 above, Respondent engaged in unprofessional conduct.

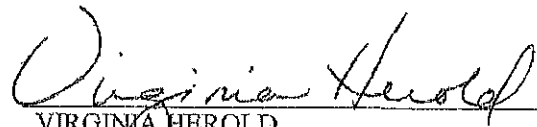
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PRAYER

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

1. Revoking or suspending Pharmacy Technician License Number TCH 62355, issued to Cedell Bradford aka Westly Bradford (Respondent);
2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as is deemed necessary and proper.

DATED: 7/21/15   
VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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