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7

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

11 In the Matter of the Accusation Against:

Case No. 3273

12 **CHRISTOPHER JOSEPH BEAVERS**
1019 W. Coranado Ave.
13 Ridgecrest, CA 93555

A C C U S A T I O N

14 Pharmacy Technician Registration No. TCH 40420

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 8, 2002, the Board of Pharmacy (Board) issued Pharmacy
22 Technician Registration No. TCH 40420 to Christopher Joseph Beavers (Respondent). The
23 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
24 brought herein and will expire on September 30, 2009, unless renewed.

25 **JURISDICTION**

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

STATUTORY PROVISIONS

1
2 4. Section 118, subdivision (b), provides that the suspension, expiration, surrender or
3 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
4 action during the period within which the license may be renewed, restored, reissued or
5 reinstated.

6 5. Section 490, subdivision (a), states that “[i]n addition to any other action that a board
7 is permitted to take against a licensee, a board may suspend or revoke a license on the ground that
8 the licensee has been convicted of a crime, if the crime is substantially related to the
9 qualifications, functions, or duties of the business or profession for which the license was issued.”

10 6. Section 4300, subdivision (a), states that “[e]very license issued may be suspended or
11 revoked.”

12 7. Section 4301 states, in pertinent part:

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

16

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

22

23 "(k) The conviction of more than one misdemeanor or any felony involving the use,
24 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any
25 combination of those substances.

26 "(l) The conviction of a crime substantially related to the qualifications, functions, and
27 duties of a licensee under this chapter. . . .

28 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the

1 violation of or conspiring to violate any provision or term of this chapter or of the applicable
2 federal and state laws and regulations governing pharmacy, including regulations established by
3 the board or by any other state or federal regulatory agency. . . ."

4 **REGULATORY PROVISIONS**

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

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

12 **COST RECOVERY**

13 9. Section 125.3 states, in pertinent part, that the Board may request the administrative
14 law judge to direct a licentiate found to have committed a violation or violations of the licensing
15 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
16 case.

17 **FIRST CAUSE FOR DISCIPLINE**

18 **(Convictions of Substantially Related Crimes)**

19 10. Respondent is subject to disciplinary action under sections 490 and 4301, subdivision
20 (l), in conjunction with California Code of Regulations, title 16, section 1770, in that Respondent
21 was convicted of crimes substantially related to the qualifications, functions or duties of a
22 pharmacy technician and to a substantial degree evidence his present or potential unfitness to
23 perform the functions authorized by his license or registration in a manner consistent with the
24 public health, safety, or welfare, as follows:

25 a. On or about April 20, 2009, after pleading nolo contendere, Respondent was
26 convicted of two (2) misdemeanor counts of violating Vehicle Code sections 23152(b) [driving
27 with a BAC of 0.08% or more] and 14601.2(b) [drive with a suspended license] in the criminal
28 proceeding entitled *The People of the State of California v. Christopher Joseph Beavers* (Super.

1 Ct. Kern County, 2009, No. RM033486A). The circumstances underlying the conviction are that
2 on or about March 15, 2009, Ridgecrest Police Department officers stopped Respondent and his
3 vehicle for routine traffic violations. Respondent admitted to drinking six (6) cans of beer and
4 one "Jaeger bomb" just 15 minutes prior to driving his vehicle.

5 b. On or about August 6, 2007, after pleading guilty, Respondent was convicted of
6 two (2) misdemeanor counts of violating Vehicle Code sections 23152(a) [driving under the
7 influence of alcohol] and 23152(b) [driving with a blood alcohol of 0.08% or more with one
8 prior] in the criminal proceeding entitled *The People of the State of California v. Christopher*
9 *Joseph Beavers* (Super. Ct. Orange County, 2007, No. 07WM00761). The circumstances
10 underlying the conviction are that on or about January 25, 2007, Huntington Beach Police
11 Department officers responded to a call of a possible DUI. Respondent admitted to drinking five
12 (5) cans of beer. Respondent had tested 0.15/0.16/0.16% BAC levels.

13 c. On or about October 24, 2006, after pleading guilty, Respondent was convicted of
14 one (1) misdemeanor count of violating Penal Code section 12020(a)(1) [possession of a deadly
15 weapon] in the criminal proceeding entitled *The People of the State of California v. Christopher*
16 *Joseph Beavers* (Super. Ct. Orange County, 2006, No. 06WM10112). The circumstances
17 underlying the conviction are that on or about October 22, 2006, Fountain Valley Police
18 Department officers stopped Respondent while driving his vehicle and found him to be in
19 possession of metal brass knuckles. Respondent admitted to drinking three (3) to four (4) pints of
20 beer a few hours prior to driving.

21 d. On or about September 21, 2004, after pleading guilty, Respondent was convicted of
22 two (2) misdemeanor counts of violating Vehicle Code sections 23152(a) [driving under the
23 influence of alcohol/drugs] and 23152(b) [driving with a blood alcohol of 0.08% or more] in the
24 criminal proceeding entitled *The People of the State of California v. Christopher Joseph Beavers*
25 (Super. Ct. Orange County, 2004, No. 04WM09586). The circumstances underlying the
26 conviction are that on or about August 14, 2004, Huntington Beach Police Department officers
27 responded to a single car vehicle accident and found Respondent to have hit a raised center
28 median, driving over the median in the opposite lane of traffic, and came to rest next to the right

1 shoulder of the opposing traffic's lanes.

2 **SECOND CAUSE FOR DISCIPLINE**

3 **(Alcohol Related Convictions)**

4 11. Respondent is subject to disciplinary action under section 4301, subdivision (k), on
5 the grounds of unprofessional conduct, in that Respondent was convicted of more than one
6 misdemeanor involving the use, consumption, or self-administration of alcoholic beverages.
7 Complainant refers to and by this reference incorporates the allegations set forth above in
8 paragraph 10, subdivisions (a) – (d), inclusive, as though set forth fully.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Dangerous Use of Alcohol)**

11 12. Respondent is subject to disciplinary action under section 4301, subdivision (h), on
12 the grounds of unprofessional conduct, in that Respondent administered to himself alcoholic
13 beverages to the extent or in a manner to be dangerous or injurious to himself or others.
14 Complainant refers to and by this reference incorporates the allegations set forth above in
15 paragraph 10 subdivisions (a) – (d) as though set forth fully.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Violations of Pharmacy Law)**

18 13. Respondent is subject to disciplinary action under section 4301, subdivision (o), on
19 the grounds of unprofessional conduct, in that Respondent violated provisions or terms of the
20 Pharmacy Law. Complainant refers to and by this reference incorporates the allegations set forth
21 above in paragraph 10 subdivisions (a) – (d) as though set forth fully.

22 **DISCIPLINARY CONSIDERATIONS**

23 14. To determine the degree of discipline, Complainant alleges that Respondent was
24 convicted of crimes, as follows:

25 a. On or about May 21, 2001, after pleading guilty, Respondent was convicted of
26 one (1) misdemeanor count of violating Penal Code section 488 [petty theft] in the criminal
27 proceeding entitled *The People of the State of California v. Christopher Joseph Beavers* (Super.
28 Ct. Kern County, 2001, No. RM022404A). The circumstances underlying the conviction are that

1 on or about April 12, 2001, Respondent stole an emergency kit from another's parked vehicle.

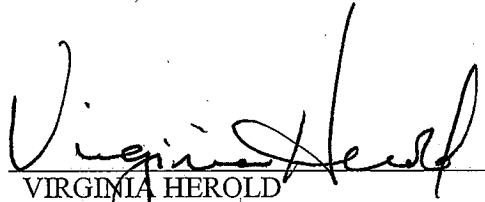
2 b. On or about May 17, 2001, after pleading nolo contendere, Respondent was convicted
3 of one (1) misdemeanor count of violating Penal Code section 417.4 [threaten with a firearm] in
4 the criminal proceeding entitled *The People of the State of California v. Christopher Joseph*
5 *Beavers* (Super. Ct. Kern County, 2001, No. RM02247A).

6 **PRAYER**

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

- 9 1. Revoking or suspending Pharmacy Technician Registration No. TCH 40420, issued
10 to Respondent;
- 11 2. Ordering Respondent to pay the Board of Pharmacy the reasonable costs of the
12 investigation and enforcement of this case, pursuant to section 125.3; and
- 13 3. Taking such other and further action as deemed necessary and proper.
- 14

15
16 DATED: 10/29/09


17 VIRGINIA HEROLD
18 Executive Officer
19 Board of Pharmacy
20 Department of Consumer Affairs
21 State of California
22 Complainant

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