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

11 In the Matter of the Accusation Against:

Case No. 3366

12 **TOMMARI RESHAD BRYANT**  
43022 Carpenter Drive  
13 Lancaster, CA 93535

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

14 Pharmacy Technician License  
15 No. TCH 72272

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 October 3, 2006, the Board of Pharmacy (Board) issued Pharmacy  
23 Technician License No. TCH 72272 to Tommari Reshad Bryant (Respondent). The Pharmacy  
24 Technician License was in full force and effect at all times relevant to the charges brought herein  
25 and will expire on August 31, 2010, unless renewed.

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1 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
2 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not  
3 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,  
4 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified  
5 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
6 labeled with the name and address of the supplier or producer.”

7 7. Section 4300 provides, in pertinent part, that every license issued by the Board is  
8 subject to discipline, including suspension or revocation.

9 8. Section 4301 states:

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

13 . . . .

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

19 "(i) Except as otherwise authorized by law, knowingly selling, furnishing, giving away, or  
20 administering or offering to sell, furnish, give away, or administer any controlled substance to an  
21 addict.

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

24 . . . .

25 "(l) The conviction of a crime substantially related to the qualifications, functions, and  
26 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
27 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
28 substances or of a violation of the statutes of this state regulating controlled substances or

1 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
2 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
3 The board may inquire into the circumstances surrounding the commission of the crime, in order  
4 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
5 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
6 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
7 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
8 of this provision. The board may take action when the time for appeal has elapsed, or the  
9 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
10 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
11 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
12 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
13 indictment.”

14 **REGULATORY PROVISIONS**

15 9. California Code of Regulations, title 16, section 1770, states:

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

22 **DANGEROUS DRUGS/CONTROLLED SUBSTANCES**

23 10. "Marijuana," is a hallucinogenic Schedule I controlled substance as defined in Health  
24 and Safety Code section 11054(d)(13) and a dangerous drug according to Business and  
25 Professions Code section 4022.

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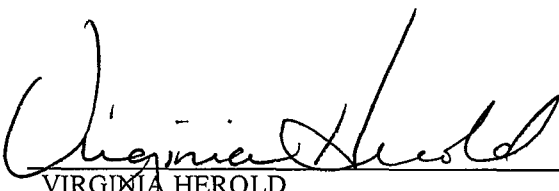


1 sale after Lancaster Sheriff deputies found a digital gram scale containing marijuana residue and  
2 seventeen individual bags of high grade marijuana.

3 **PRAYER**

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

- 6 1. Revoking or suspending Pharmacy Technician License No. TCH 72272, issued to  
7 Respondent;
- 8 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and  
9 enforcement of this case, pursuant to Business and Professions Code section 125.3; and
- 10 3. Taking such other and further action as deemed necessary and proper.

11  
12  
13 DATED: 2/24/10   
14 VIRGINIA HEROLD  
15 Executive Officer  
16 Board of Pharmacy  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant

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