

1 EDMUND G. BROWN JR.
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 RANDY M. MAILMAN
Deputy Attorney General
4 State Bar No. 246134
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2442
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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. 3582

11 **COLIN KELLY ROCK**
12 **3207 W. 3rd Street, #12**
13 **Los Angeles, CA 90621**
14 **Pharmacy Technician Registration No. TCH**
51857

A C C U S A T I O N

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Virginia Herold ("Complainant") brings this Accusation solely in her official capacity
19 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

20 2. On or about October 21, 2003, the Board of Pharmacy issued Pharmacy Technician
21 Registration Number TCH 51857 to Colin Kelly Rock ("Respondent"). The Pharmacy
22 Technician Registration was in full force and effect at all times relevant to the charges brought
23 herein and will expire on June 30, 2011, unless renewed.

24 **JURISDICTION**

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

STATUTORY PROVISIONS

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

6 5. Section 4300 permits the Board to take disciplinary action to suspend or revoke a
7 license issued by the Board.

8 6. Section 4301 states:

9 "The board shall take action against any holder of a license who is guilty of unprofessional
10 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

11 Unprofessional conduct shall include, but is not limited to, any of the following:

12 ...

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

16 (l) The conviction of a crime substantially related to the qualifications, functions, and duties
17 of a licensee under this chapter. The record of conviction of a violation of Chapter 13
18 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
19 substances or of a violation of the statutes of this state regulating controlled substances or
20 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
21 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
22 The board may inquire into the circumstances surrounding the commission of the crime, in order
23 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
24 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
25 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
26 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
27 of this provision. The board may take action when the time for appeal has elapsed, or the
28 judgment of conviction has been affirmed on appeal or when an order granting probation is made

1 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
2 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
3 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
4 indictment.”

5 COST RECOVERY

6 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
7 administrative law judge to direct a licentiate found to have committed a violation or violations of
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case.

10 CONTROLLED SUBSTANCE-DANGEROUS DRUGS

11 8. “Cocaine” is designated as a Schedule I controlled substance by Health and Safety
12 Code section 11054(f)(1) and is a dangerous drug pursuant to Business and Professions Code
13 section 4022.

14 FIRST CAUSE FOR DISCIPLINE

15 (More Than One Alcohol Related Conviction)

16 9. Respondent is subject to disciplinary action under sections 4301, subdivision (k) of
17 the Code in that Respondent was convicted of more than one alcohol related offense as follows:

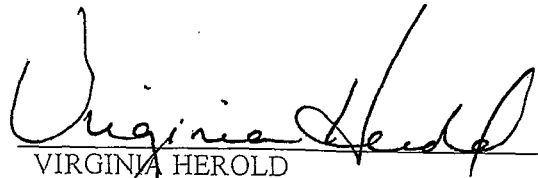
18 10. On or about March 5, 2004 in the criminal proceeding entitled *The People of the State*
19 *of California vs. Colin Kelly Rock* (Super. Ct. County of Los Angeles, 2004, No. 4MT02152)
20 Respondent was convicted of driving under the influence with a blood alcohol level of .08% or
21 above. Respondent was placed on probation for a period of thirty-six month, ordered to serve
22 thirteen days in jail, and ordered to attend a drug and alcohol education and counseling program.

23 11. On or about July 25, 2008, in the criminal proceeding entitled *The People of the State*
24 *of California vs. Colin Kelly Rock* (Super. Ct. County of Los Angeles, 2008, No. 8MP08650)
25 Respondent was convicted of driving under the influence with a blood alcohol level of .08% or
26 above. Respondent was placed on probation for a period of thirty-six month, ordered to serve
27 thirty days in jail, and ordered to pay fines.

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: 11/17/10



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

LA2010500703
60573754.doc