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

11 In the Matter of the Accusation Against:
12
13 **ANDREW CHRISTOPHER GLASER**
a.k.a. ANDREW GLASER
14 **7190 Golden Rule Ave.**
Winton, CA 95388
15 **Pharmacy Technician Registration No. TCH**
67216
16
17 Respondent.

Case No. 3620

A C C U S A T I O N

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19 Complainant alleges:

20 **PARTIES**

- 21 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
23 2. On or about April 20, 2006, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 67216 (License) to Andrew Christopher Glaser a.k.a. Andrew Glaser
25 (Respondent). The License was in full force and effect at all times relevant to the charges
26 brought herein and will expire on May 31, 2010, unless renewed.

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JURISDICTION

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

4. Section 4300 of the Code states, in pertinent part:

(a) Every license issued may be suspended or revoked.

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

- (1) Suspending judgment.
- (2) Placing him or her upon probation.
- (3) Suspending his or her right to practice for a period not exceeding one year.
- (4) Revoking his or her license.
- (5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

....

(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

5. Section 4301 of the Code states, in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. 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 of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

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

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(1) 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. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. 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 or her 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.

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COST RECOVERY

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

DRUGS

7. Marijuana is a Schedule I controlled substance as designated by Health and Safety Code section 11054(d)(13), and is a dangerous drug within the meaning of Code section 4022, in that under federal law it requires a prescription.

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FIRST CAUSE FOR DISCIPLINE

(Convictions of Crimes)

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3 8. Respondent is subject to disciplinary action under Code section 4301, subd. (l) in that
4 Respondent was convicted of crimes substantially related to his License and his practice as a
5 pharmacy technician. The circumstances are as follows:

6 9. On or about February 11, 2008, in the Superior Court of California, County of
7 Merced, in the case entitled, *People of the State of California v. Andrew Christopher Glaser*
8 (Super. Ct. Merced County, 2007, Case No. AM217489), Respondent was convicted on his plea
9 of no contest of violating Vehicle Code section 12500, subd. (a), (driving without a license), an
10 infraction. The circumstances of the crime are that on or about April 11, 2007, Respondent was
11 pulled over while driving a motor vehicle by Officer Novetzke of the Atwater Police Department
12 for an inoperable headlamp. Respondent was arrested and released for violating Vehicle Code
13 section 14601.1, subd. (a), (driving with a suspended license), a misdemeanor and Vehicle Code
14 section 24400 (inoperable headlamp), an infraction.

15 10. On or about August 24, 2009, in the Superior Court of California, County of Merced,
16 in the case entitled, *People of the State of California v. Andrew Christopher Glaser* (Super. Ct.
17 Merced County, 2009, Case No. CRM001703), Respondent was convicted on his plea of no
18 contest of violating Vehicle Code section 23152, subd. (b) (driving with a blood alcohol content
19 in excess of 0.08%), a misdemeanor. The circumstances of the crime are that on or about January
20 30, 2009, Respondent was stopped in his vehicle by Officer Villegas of the California Highway
21 Patrol. Officer Villegas observed Respondent driving with an inoperable headlamp and a missing
22 front license plate. The Officer initiated an enforcement stop and detected a strong odor of
23 alcohol about Respondent's vehicle. As Respondent exited his vehicle, Officer Villegas observed
24 Respondent stumble and nearly fall over a raised curb. Officer Villegas also observed
25 Respondent to have red, watery eyes; slurred speech; and a strong odor of alcohol upon his breath
26 and about his person. Officer Villegas asked Respondent to perform field sobriety tests and
27 Respondent refused. Respondent was paced under arrest for violating Vehicle Code section
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1 23152, subd (a) (driving under the influence of alcohol). Respondent submitted to a breath test
2 and his breath test results were 0.20% and 0.18% blood alcohol content.

3 11. On or about April 27, 2009, in the Superior Court of California, County of Merced, in
4 the case entitled, *People of the State of California v. Andrew Glaser* (Super. Ct. Merced County,
5 2009, Case No. MM229691), Respondent was convicted on his plea of no contest of violating
6 Vehicle Code section 23222, subd. (b), (possession of less than 1 oz. of marijuana), an infraction.
7 The circumstances of the crime are that on or about January 30, 2009, Respondent was a
8 passenger in a vehicle that was stopped by Officer Anderson of the California Highway Patrol.
9 Officer Anderson observed the vehicle fail to stop at a stop sign. The Officer initiated an
10 enforcement stop and detected an odor of marijuana emanate from the vehicle. Officer Anderson
11 recognized Respondent because the officer's partner, Officer Villegas, had arrested Respondent
12 earlier in the day as detailed above in paragraph 9. Officer Anderson asked if Respondent or the
13 driver had marijuana and Respondent indicated that he had some. Respondent reached between
14 his seat and the center console and produced a clear plastic bag containing a green leafy
15 substance. Respondent admitted that the marijuana was his. Respondent was cited for violating
16 Vehicle Code section 23222, subd. (b), (possession of less than 1 oz. of marijuana), an infraction,
17 and then released.

18 SECOND CAUSE FOR DISCIPLINE

19 (Dangerous Use of Alcohol)

20 12. Respondent is subject to disciplinary action under Code section 4301, subd. (h) in that
21 Respondent committed an act involving an alcoholic beverage to the extent or in a manner as to
22 be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any
23 other person or to the public by violating Vehicle Code section 23152, subd. (b) (driving with a
24 blood alcohol content in excess of 0.08%). The circumstances are detailed above in paragraph
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THIRD CAUSE FOR DISCIPLINE

(Violation of Dangerous Drug / Controlled Substance Laws)

13. Respondent is subject to disciplinary action under Code section 4301, subd. (j) in that Respondent violated the statutes of this state regulating controlled substances namely Vehicle Code section 23222, subd. (b), by possessing less than an ounce of marijuana, a controlled substance. The circumstances are detailed above in paragraph 11.

PRAYER

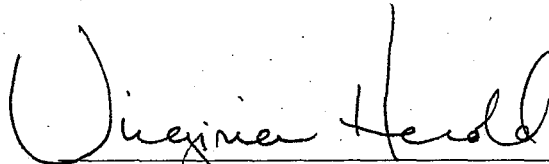
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacy Technician Registration Number TCH 67216, issued to Andrew Christopher Glaser.

2. Ordering Andrew Christopher Glaser to pay the Board of Pharmacy 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 deemed necessary and proper.

DATED: 4/11/10



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

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