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

10 In the Matter of the Accusation Against:
11 **DARON C. ASSANAH, AKA DARON**
12 **CHRISTOPHER ASSANAH**
13 **3352 Silvertip Road**
Chino Hills, CA 91709
14 **Pharmacy Technician Reg. No. TCH 81093**
15 Respondent.

Case No. 3880

A C C U S A T I O N

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 March 13, 2008, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 81093 to Daron C. Assanah, aka Daron Christopher Assanah
23 (Respondent). The Pharmacy Technician Registration was in full force and effect at all times
24 relevant to the charges brought herein and will expire on December 31, 2011, 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 unless otherwise indicated.

1 4. Section 4300 of the Code states:

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

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

6 "(1) Suspending judgment.

7 "(2) Placing him or her upon probation.

8 "(3) Suspending his or her right to practice for a period not exceeding one year.

9 "(4) Revoking his or her license.

10 "(5) Taking any other action in relation to disciplining him or her as the board in its
11 discretion may deem proper.

12

13 5. Section 4301 of the Code states:

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

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

17 ...

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

21 ...

22 "(l) The conviction of a crime substantially related to the qualifications, functions, and
23 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
24 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
25 substances or of a violation of the statutes of this state regulating controlled substances or
26 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
27 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
28 The board may inquire into the circumstances surrounding the commission of the crime, in order

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

11 6. California Code of Regulations, title 16, section 1770, states:

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

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

22 8. Section 118, subdivision (b), of the Code provides that the
23 suspension/expiration/surrender/cancellation of a license shall not deprive the
24 Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period
25 within which the license may be renewed, restored, reissued or reinstated.

26 9. Section 490 of the Code states:

27 "(a) In addition to any other action that a board is permitted to take against a licensee, a
28 board may suspend or revoke a license on the ground that the licensee has been convicted of a

1 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
2 or profession for which the license was issued.

3 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
4 discipline a licensee for conviction of a crime that is independent of the authority granted under
5 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
6 of the business or profession for which the licensee's license was issued.

7 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
8 conviction following a plea of nolo contendere. Any action that a board is permitted to take
9 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
10 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
11 made suspending the imposition of sentence, irrespective of a subsequent order under the
12 provisions of Section 1203.4 of the Penal Code.

13
14 **CAUSE FOR DISCIPLINE**

15 **(Conviction of a Substantially Related Crime)**

16 10. Respondent is subject to disciplinary action under section 4301, subdivisions (l) and
17 section 490, in conjunction with California Code of regulations, Title 16, section 1770, in that
18 Respondent was convicted of a crime substantially related to the qualifications, functions or
19 duties of a pharmacy technician. The circumstances are as follows:

20 11. On or about August 5, 2010, in the case entitled *People of the State of California v.*
21 *Daron Christopher Assanah*, case no. KA091101, Los Angeles Superior Court, Respondent pled
22 no contest to one count of Robbery, a violation of Penal Code section 211. The circumstances
23 underlying the crime are that on or about June 27, 2010, Victim Lee was sleeping in his car in a
24 parking lot. Respondent and two other suspects forcibly pulled the victim out of his vehicle,
25 pointed a handgun and demanded his personal belongings, which included a cell phone, wallet,
26 credit cards and car keys. The victim complied and the three defendants drove away. A person
27 standing in the parking lot where the robbery took place witnessed the crime and was able to
28 write down the license plate number of the vehicle. Los Angeles County Sherriff's Deputies

1 subsequently conducted a traffic stop of the vehicle and recovered the items forcibly taken from
2 the victim. Respondent was arrested along with the other two suspects.

3 **DISCIPLINARY CONSIDERATIONS**

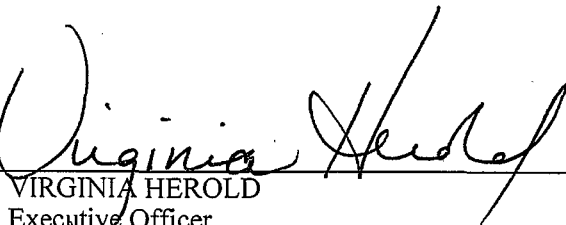
4 Respondent was subjected to prior discipline by the Board of Pharmacy when he was
5 convicted on March 10, 2010 of Vehicle Code section 23152 (b) [Driving Under the Influence of
6 Alcohol] in Orange County, California, case number 10NM02001. Based on this conviction, the
7 Board issued a 4301 letter on April 30, 2010.

8 **PRAYER**

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

- 11 1. Revoking or suspending Pharmacy Technician Registration Number TCH 81093,
12 issued to Daron C. Assanah, aka Daron Christopher Assanah
- 13 2. Ordering Daron C. Assanah to pay the Board of Pharmacy the reasonable costs of the
14 investigation and enforcement of this case, pursuant to Business and Professions Code section
15 125.3;
- 16 3. Taking such other and further action as deemed necessary and proper.

17
18
19 DATED: 6/7/11



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

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