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

12 In the Matter of the Accusation Against:

Case No. 4279

13 **STEVEN ROY THOMAS**
2306 Marilyn Avenue
Redding, CA 96002

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
15 **57921**

16 Respondent.

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 July 27, 2004, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 57921 to Steven Roy Thomas (Respondent). The Pharmacy
23 Technician Registration was in full force and effect at all times relevant to the charges brought
24 herein and will expire on December 31, 2013, unless renewed.

1 JURISDICTION

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

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

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

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

9 (1) Suspending judgment.

10 (2) Placing him or her upon probation.

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

13 (4) Revoking his or her license.

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

15 (e) The proceedings under this article shall be conducted in accordance
16 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
17 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.”

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

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

22 (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
23 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
24 state regulating controlled substances or dangerous drugs shall be conclusive
evidence of unprofessional conduct. In all other cases, the record of conviction shall
25 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
26 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
27 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
28 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.

6. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

7. Section 125.3 of the Code provides, in pertinent part, that the Board/Registrar/Director may request the administrative law judge to direct a licentiate 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.

CAUSE FOR DISCIPLINE

(Criminal Conviction)

8. Respondent is subject to disciplinary action under sections 490 and 4301 subsection (l) of the Business and Professions code in that Respondent has been convicted of the following crime that is substantially related to the qualifications, functions, and duties of a pharmacy technician:

9. On or about December 6, 2011, in the Superior Court of the County of Shasta, State of California, in the matter entitled *People of the State of California v. Steven Roy Thomas*, Case No. MCRDCRF 110002511002, Respondent was convicted following his plea of guilty to a violation of Section 245(A)(1) of the Penal Code (assault by means of force likely to produce great bodily injury) and violation of Section 12022.7 of the Penal Code (special allegation of great bodily injury).

The circumstances of the crime are that on or about March 31, 2011 Respondent was driving his truck on eastbound on highway SR-44 when he began acting aggressively towards the victim, W.H., who was driving a motorcycle on highway SR-44. The Respondent followed W.H. closely as they were driving, and swerved in front of him in such a manner that it caused W.H. to drive on the left road edge to avoid collision. W.H. then moved to the right turn lane and

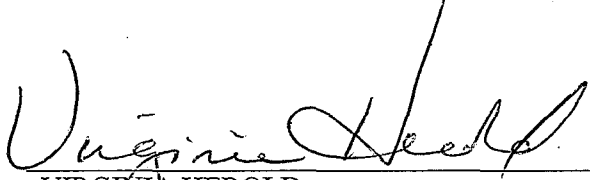
1 Respondent suddenly pulled in front of him and hit his brakes, causing W.H. to apply his brakes.
2 Subsequently his motorcycle went down and he was ejected from the motorcycle. The
3 Respondent at this point did not stop his vehicle and continued driving. W.H., despite wearing a
4 helmet and protective gear, sustained major life threatening injuries as a result of this incident.

5 **PRAYER**

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

- 8 1. Revoking or suspending Pharmacy Technician Registration Number TCH 57921,
9 issued to Steven Roy Thomas.;
- 10 2. Ordering Steven Roy Thomas to pay the Board of Pharmacy the reasonable costs of
11 the investigation and enforcement of this case, pursuant to Business and Professions Code section
12 125.3;
- 13 3. Taking such other and further action as deemed necessary and proper.

14
15
16 DATED: 5/28/12



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

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22 accusation.rtf

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