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

11 In the Matter of the Accusation Against:

Case No. 4320

12 **ANTHONY T. ROMERO**
1054 W. 12th Street
San Pedro, CA 90731

A C C U S A T I O N

13 Pharmacy Technician Registration
No. TCH 68632

14 Respondent.

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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 April 18, 2006, the Board of Pharmacy (Board) issued Pharmacy
21 Technician Registration No. TCH 68632 to Anthony T. Romero (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 September 30, 2013, unless renewed.

24 **JURISDICTION**

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

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STATUTORY PROVISIONS

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

5 5. Section 490 states, in pertinent part:

6 "(a) In addition to any other action that a board is permitted to take against a licensee, a
7 board may suspend or revoke a license on the ground that the licensee has been convicted of a
8 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
9 or profession for which the license was issued.

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

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

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

22 7. Section 4301 states, in pertinent part:

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

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1 licensee or registrant to perform the functions authorized by his license or registration in a manner
2 consistent with the public health, safety, or welfare."

3 **COST RECOVERY**

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

8 10. **CONTROLLED SUBSTANCE**

9 "Marijuana," is a schedule I controlled substance as defined in Health and Safety Code
10 section 11054, subdivision (d)(13) and is categorized a dangerous drug pursuant to section 4022.

11 **FIRST CAUSE FOR DISCIPLINE**

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

13 11. Respondent is subject to disciplinary action under section 4301, subdivision (l) and
14 490, in conjunction with California Code of Regulations, title 16, section 1770, in that
15 Respondent was convicted of a crime substantially related to the qualifications, functions, and
16 duties of a pharmacy technician. On or about January 20, 2011, after pleading nolo contendere,
17 Respondent was convicted of one felony count of violating Penal Code section 12021,
18 subdivision (a)(1) [felon in possession of a firearm] in the criminal proceeding entitled *The*
19 *People of the State of California v. Anthony Tod Romero* (Super. Ct. Los Angeles County, 2011,
20 No. NA087752). The Court sentenced Respondent to serve 16 months in State Prison and denied
21 probation. The circumstances surrounding the conviction are that on or about January 10, 2011,
22 Respondent was contacted by the Los Angeles Police Department. When asked if he was in
23 possession of any firearms, Respondent replied, "Yes." The officer conducted a search of his
24 person and found a Rossi, six-shot revolver that was unloaded.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

3 12. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
4 that Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or
5 corruption with the intent to substantially benefit himself, or substantially injure another, as
6 follows:

7 a. Gang Association: On or about December 15, 2011, Respondent was contacted, by
8 the Los Angeles Police Department, during a gang enforcement investigation. He was observed
9 to be standing outside of 678 W. 16th Street, #2, a known Rancho San Pedro gang hangout.
10 Respondent is a documented Rancho San Pedro gang member on parole for a weapons charge.
11 Officers conducted a probation stop and subsequently arrested Respondent for violating Penal
12 Code section 3056 [Violation of parole: gang association].

13 b. Felon in Possession of a Firearm: On or about January 10, 2011, Respondent was
14 arrested for violating Penal Code section 12021, subdivision (a)(1) [felon in possession of a
15 firearm]. Complainant refers to, and by this reference incorporates, the allegations set forth above
16 in paragraph 11, as though set forth fully.

17 **DISCIPLINARY CONSIDERATION**

18 13. In order to determine the degree of discipline, if any to be imposed on Respondent,
19 Complainant alleges, as follows:

20 a. On or about March 3, 2010, the Board issued a Letter of Admonishment.

21 b. On or about September 13, 2009, Respondent failed to disclose his 2009 conviction
22 case against him on his renewal application.

23 c. On or about May 15, 2009, after pleading nolo contendere, Respondent was convicted
24 of one felony count of violating Penal Code section 12031, subdivision (a)(1) [carrying a loaded
25 firearm] in the criminal proceeding entitled *The People of the State of California v. Anthony Tod*
26 *Romero* (Super. Ct. Los Angeles County, 2009, No. NA081710). The Court sentenced
27 Respondent to serve 2 days in Los Angeles County Jail and placed him on 3 years probation, with
28 terms and conditions. The circumstances surrounding the conviction are that on or about

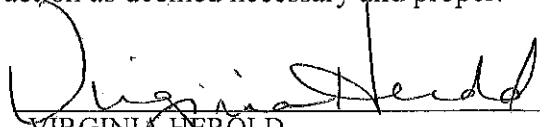
1 April 9, 2009, during an investigation by the Los Angeles Police Department, Respondent was
2 contacted. The officers detected a strong smell of Marijuana as they approached Respondent.
3 When asked what he was doing, Respondent stated, "just finished smoking some weed sir."
4 When asked if there was any Marijuana on his person or the vehicle, Respondent told the officer
5 there was a "roach" in the ashtray. During a search of the vehicle, the officer recovered the burnt
6 Marijuana cigarette from the ashtray and a small black semi-automatic handgun from the rear of
7 the vehicle, which belonged to Respondent. Respondent was subsequently arrested for violating
8 Penal Code section 12031, subdivision (a)(1) [carrying a loaded firearm].

9 **PRAYER**

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

- 12 1. Revoking or suspending Pharmacy Technician Registration No. TCH 68632, issued
13 to Respondent;
- 14 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
15 enforcement of this case, pursuant to section 125.3;
- 16 3. Taking such other and further action as deemed necessary and proper.

17 DATED: 11/19/12

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19 VIRGINIA HEROLD
20 Executive Officer
21 Board of Pharmacy
22 Department of Consumer Affairs
23 State of California
24 Complainant

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