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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. 4619

11 **PIERRE JOSEPH JAMES**  
12 **1427 First Street**  
13 **Duarte, CA 91010**

**A C C U S A T I O N**

14 **Pharmacy Technician Registration No.**  
15 **TCH 98576**

Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Virginia K. Herold (Complainant) brings this Accusation solely in her official  
20 capacity as the Executive Officer of the California State Board of Pharmacy.

21 2. On or about April 20, 2010, the Board issued Pharmacy Technician Registration  
22 Number TCH 98576 to Pierre Joseph James (Respondent). The Pharmacy Technician  
23 Registration was in full force and effect at all times relevant to the charges brought herein and  
24 will expire on July 31, 2013, unless renewed.

25 **JURISDICTION**

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

28

1           4.     Section 4300 provides in pertinent part, that every license issued by the Board is  
2 subject to discipline, including suspension or revocation.

3           5.     Section 4300.1 states:

4           "The expiration, cancellation, forfeiture, or suspension of a board-issued license by  
5 operation of law or by order or decision of the board or a court of law, the placement of a license  
6 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board  
7 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary  
8 proceeding against, the licensee or to render a decision suspending or revoking the license."

9           6.     Section 4301 of the Code states:

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

13           (a) Gross immorality.

14           (b) Incompetence.

15           (c) Gross negligence.

16           . . .

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

20           . . .

21           (h) The administering to oneself, of any controlled substance, or the use of any dangerous  
22 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
23 oneself, to a person holding a license under this chapter, or to any other person or to the public, or  
24 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
25 practice authorized by the license.

26           . . .

27           (i) The conviction of a crime substantially related to the qualifications, functions, and  
28 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13

1 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
2 substances or of a violation of the statutes of this state regulating controlled substances or  
3 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
4 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
5 The board may inquire into the circumstances surrounding the commission of the crime, in order  
6 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
7 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
8 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
9 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
10 of this provision. The board may take action when the time for appeal has elapsed, or the  
11 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
12 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
13 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
14 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
15 indictment.

16 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
17 administrative law judge to direct a licentiate found to have committed a violation or violations of  
18 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
19 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
20 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
21 included in a stipulated settlement.

22 8. Section 22 of the Code states:

23 "(a) 'Board' as used in any provisions of this Code, refers to the board in which the  
24 administration of the provision is vested, and unless otherwise expressly provided, shall include  
25 'bureau,' 'commission,' 'committee,' 'department,' 'division,' 'examining committee,' 'program,' and  
26 'agency.'

27 "(b) Whenever the regulatory program of a board that is subject to review by the Joint  
28 Committee on Boards, Commissions, and Consumer Protection, as provided for in Division 1.2

1 (commencing with Section 473), is taken over by the department, that program shall be  
2 designated as a 'bureau.'"

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

7 10. Section 493 of the Code states:

8 "Notwithstanding any other provision of law, in a proceeding conducted by a board within  
9 the department pursuant to law to deny an application for a license or to suspend or revoke a  
10 license or otherwise take disciplinary action against a person who holds a license, upon the  
11 ground that the applicant or the licensee has been convicted of a crime substantially related to the  
12 qualifications, functions, and duties of the licensee in question, the record of conviction of the  
13 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,  
14 and the board may inquire into the circumstances surrounding the commission of the crime in  
15 order to fix the degree of discipline or to determine if the conviction is substantially related to the  
16 qualifications, functions, and duties of the licensee in question.

17 As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and 'registration'.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Conviction of Substantially Related Crime)**

20 11. Respondent is subject to disciplinary action under section 4301(l) in that he suffered  
21 criminal convictions substantially related to the qualifications, functions, and duties of a licensee.  
22 The circumstances are as follows:

23 12. On or about December 8, 2011, L.A.P.D. Officers responded to the scene of a three  
24 car traffic collision involving the Respondent. Officers approached Respondent and observed he  
25 displayed symptoms of alcohol intoxication. Respondent was unable to complete Field Sobriety  
26 Tests (FST) administered by the officers. Respondent submitted to a Preliminary Alcohol  
27 Screening breath test with B.A.C. results of 0.37 and 0.26. Respondent's blood was drawn a few  
28 hours later with a B.A.C. result of 0.18%. Witnesses to the accident told police that Respondent

1 had collided with another vehicle and had fled that scene, only to become involved in the three  
2 car accident just blocks away. Respondent was arrested and charged with VC 23152 (DUI) and  
3 VC 20002 (Hit & Run). Drivers and occupants of the other cars involved in the collisions  
4 suffered injuries as a result of Respondent's driving under the influence. On May 1, 2012, in the  
5 case entitled *People of the State of California v. Pierre Joseph James*, case no. 1VY06235,  
6 Respondent pleaded *No Contest* to the DUI and hit and run charges, was placed on probation and  
7 sentenced to 13 days county jail.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Dangerous Use of Alcohol or Drugs)**

10 13. Respondent is subject to disciplinary action under section 4301(h) in that he used  
11 alcohol to the extent or in a manner as to be dangerous or injurious to oneself or others. The  
12 circumstances which this allegation relies upon are detailed above in paragraph 11 and are  
13 incorporated herein by reference.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Acts Involving Moral Turpitude)**

16 14. Respondent is subject to disciplinary action under section 4301(f) in that he  
17 committed acts involving moral turpitude, dishonesty, fraud, deceit or corruption. The  
18 circumstances which this allegation relies upon are detailed above in paragraph 11 and are  
19 incorporated herein by reference.

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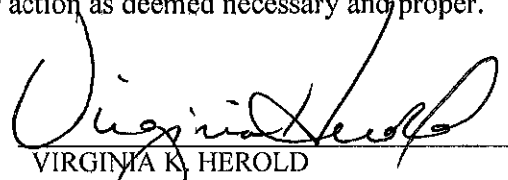
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PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 98576, issued to Pierre Joseph James;
2. Ordering Pierre Joseph James to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to B&P Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 2/10/14



VIRGINIA K. HEROLD  
Executive Officer  
California State Board of Pharmacy  
State of California  
*Complainant*

LA2013509451