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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 Number 4631

13 **DOMINIK A. ROBINSON**  
a.k.a. Dominik Alexis Robinson  
14 **292 Douglas Street, #E**  
**Petaluma, California 94952**

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

15 **Pharmacy Technician Registration**  
**Number TCH 64982**

16 Respondent.

17  
18 Complainant Virginia Herold alleges:

19 **PARTIES**

20 1. Complainant brings this accusation solely in her official capacity as the Executive  
21 Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.

22 2. On or about September 19, 2005, the Board issued Pharmacy Technician Registration  
23 Number TCH 64982 to respondent Dominik A. Robinson, a.k.a. Dominik Alexis Robinson. This  
24 pharmacy technician registration was in full force and effect at all times relevant to the charges  
25 brought in this accusation and will expire on November 30, 2014, unless renewed.

26 **JURISDICTION**

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

1 4. Section 4300 states, in pertinent part:

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 5. Section 4300.1 states:

13 “The expiration, cancellation, forfeiture, or suspension of a board-issued license by  
14 operation of law or by order or decision of the board or a court of law, the placement of a license  
15 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board  
16 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary  
17 proceeding against, the licensee or to render a decision suspending or revoking the license.”

18 **STATUTORY AUTHORITY**

19 6. Section 4022 states, in pertinent part:

20 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self-use in  
21 humans or animals . . . .”

22 7. Section 4021 states:

23 “Controlled substance” means any substance listed in Chapter 2 (commencing with Section  
24 11053) of Division 10 of the Health and Safety Code.”

25 8. Section 4060 states, in pertinent part:

26 “No person shall possess any controlled substance . . . .”

27 ///

28

1 9. Section 4301 states, in pertinent part:

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

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

5 . . .

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

11 . . .

12 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
13 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
14 federal and state laws and regulations governing pharmacy, including regulations established by  
15 the board or by any other state or federal regulatory agency."

#### 16 **COST RECOVERY**

17 10. Section 125.3 states, in pertinent part:

18 "(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary  
19 proceeding before any board within the department or before the Osteopathic Medical Board,  
20 upon request of the entity bringing the proceedings, the administrative law judge may direct a  
21 licentiate found to have committed a violation or violations of the licensing act to pay a sum not  
22 to exceed the reasonable costs of the investigation and enforcement of the case.

#### 23 **DRUGS**

24 11. "Marijuana" is a Schedule I controlled substance under Health and Safety Code  
25 section 11054, subdivision (d)(13).

26 12. "Methamphetamine" is a Schedule II controlled substance under to Health and Safety  
27 Code section 11055, subdivision (d)(2), and is a dangerous drug within the meaning of Business  
28 and Professions Code section 4022.

1 **FACTUAL BACKGROUND**

2 13. On or about June 15, 2012, at about 11:41 p.m., a police officer saw respondent and a  
3 passenger sitting in respondent's car parked at the Comfort Inn & Suites on East Grand Avenue in  
4 South San Francisco. Respondent and his passenger told the officer that they were not checked  
5 into the motel but were trying to figure out where to stay for the night. Respondent allowed the  
6 police to search his car. A pipe with methamphetamine and an empty baggie with  
7 methamphetamine residue were found in a pouch under respondent's seat. Another pipe with  
8 methamphetamine residue was found in a bag in the back seat. Marijuana and a baggie with  
9 methamphetamine residue were found in the car's center console. Respondent admitted that the  
10 pipe found in the back seat was his, and that several hours before he and the passenger had  
11 smoked methamphetamine before out of the pipe found underneath his seat. Respondent was  
12 arrested and charged with a misdemeanor violation of Health and Safety Code section 11364.1  
13 (possession of an instrument for smoking controlled substances).

14 14. On or about October 24, 2012, in *People of the State of California v. Dominik Alexis*  
15 *Robinson*, San Mateo County Superior Court Case Number NM412154, respondent pled no  
16 contest to a misdemeanor violation of Health and Safety Code section 11364.1. He was granted  
17 deferred entry of judgment, and criminal proceedings were suspended for 18 months. He was  
18 required to comply with various terms and conditions, including attending a drug rehabilitative  
19 program.

20 **CAUSES FOR DISCIPLINE**

21 **FIRST CAUSE FOR DISCIPLINE**  
22 **Bus. & Prof. Code, § 4301, subd. (h)**

23 **Unprofessional Conduct: Self-administration of Controlled Substance**

24 15. The allegations of paragraphs 13-14 are realleged and incorporated by reference as if  
25 fully set forth.

26 16. Respondent has subjected his pharmacy technician registration to disciplinary action  
27 under section 4301, subdivision (h), for engaging in unprofessional conduct by self-administering  
28 a controlled substance. As set forth in paragraphs 13-14 above, on or about June 15, 2012,

///

1 respondent admitted to possessing a pipe that contained methamphetamine residue and to  
2 smoking methamphetamine that day.

3 **SECOND CAUSE FOR DISCIPLINE**  
4 **Bus. & Prof. Code, §§ 4060, 4301, subd. (o)**  
5 **Unprofessional Conduct: Possession of a Controlled Substance**

6 17. The allegations of paragraphs 13-14 are realleged and incorporated by reference as if  
7 fully set forth.

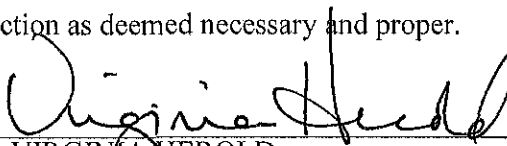
8 18. Respondent has subjected his pharmacy technician registration to disciplinary action  
9 under sections 4060 and 4301, subdivision (h), for engaging in unprofessional conduct by  
10 possessing a controlled substance. As set forth in paragraphs 13-14 above, on or about June 15,  
11 2012, respondent admitted to possessing a pipe that contained methamphetamine residue and to  
12 smoking methamphetamine that same day.

13 **PRAYER**

14 WHEREFORE, complainant requests that a hearing be held on the matters alleged in this  
15 accusation, and that following the hearing, the Board of Pharmacy issue a decision:

- 16 1. Revoking or suspending Pharmacy Technician Registration Number TCH 64982,  
17 issued to Dominik A. Robinson, a.k.a. Dominik Alexis Robinson;
- 18 2. Ordering Dominik A. Robinson, a.k.a Dominik Alexis Robinson, to pay the Board of  
19 Pharmacy the reasonable costs of the investigation and enforcement of this case pursuant to  
20 Business and Professions Code section 125.3; and
- 21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: 7/22/13

  
23 VIRGINIA HEROLD  
24 Executive Officer  
25 Board of Pharmacy  
26 Department of Consumer Affairs  
27 State of California  
28 Complainant

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