

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 SHAWN P. COOK
Deputy Attorney General
4 State Bar No. 117851
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-9954
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 4701

12 **PAUL WESLEY MOORE**
1765 S. Bronson Ave.
13 Los Angeles, CA 90019

A C C U S A T I O N

14 Pharmacy Technician Registration No. TCH 71231
15 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 (Board).

21 2. On or about August 11, 2006, the Board issued Pharmacy Technician Registration
22 No. TCH 71231 to Paul Wesley Moore (Respondent). The Pharmacy Technician Registration
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 August 31, 2014, 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.

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1 **STATUTORY PROVISIONS**

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

5 5. Section 4300, subdivision (a), states that [e]very license issued may be suspended or
6 revoked.”

7 6. Section 4300.1 states:

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

13 7. Section 4301 states, in pertinent part

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. . . ."

24 **REGULATORY PROVISION**

25 8. California Code of Regulations, title 16, section 1770, states:

26 "For the purpose of denial, suspension, or revocation of a personal or facility license
27 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
28 crime or act shall be considered substantially related to the qualifications, functions or duties of a

1 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
2 licensee or registrant to perform the functions authorized by his license or registration in a manner
3 consistent with the public health, safety, or welfare."

4 **COST RECOVERY**

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

9 **FIRST CAUSE FOR DISCIPLINE**

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

11 10. Respondent is subject to disciplinary action under sections 490, 4300, and 4301,
12 subdivision (l), on conjunction with California Code of Regulations, title 16, section 1770, in that
13 on or about March 12, 2013, Respondent was convicted of a crime substantially related to the
14 qualifications, functions or duties of a licensee or registrant which to a substantial degree
15 evidences his present or potential unfitness to perform the functions authorized by his license or
16 registration in a manner consistent with the public health, safety, or welfare. The circumstances
17 of the conviction are as follows:

18 a. On or about March 12, 2013, after pleading nolo contendere, Respondent was
19 convicted of one felony count of violating Penal Code section 245(a)(1) [assault with a deadly
20 weapon in association with Penal Code section 186.22(b)(1), criminal profiteering of a street
21 gang] in the criminal proceeding entitled *The People of the State of California v. Paul Wesley*
22 *Moore* (Super. Ct. Los Angeles County, 2012, No. BA382454). The Court sentenced Respondent
23 to seven (7) years prison, and ordered him to register as a street gang member.

24 b. The circumstances underlying the conviction are that on or about January 27, 2011,
25 Respondent, also known as "Villen," with another male and two females left a night club and
26 followed two other males (victims). Respondent engaged in an escalated verbal to physical
27 altercation with the two male victims wherein he stabbed both victims, and left the scene holding
28 a bloody knife. One victim received emergency medical treatment for 15 stab wounds (1 to the

1 head, 7 to his back left side, 3 to his left arm, 2 to his right hip, 1 to his buttocks and 1 to his back
2 right side), the other victim received emergency medical treatment for a single stab wound to his
3 left side of his stomach.

4 c. After investigation for the above incident, on or about March 24, 2011, an arrest and
5 search warrant was executed on Respondent and his residence; Respondent was arrested. On or
6 about December 16, 2011, Respondent was arrested for the same incident on an arrest warrant.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Acts of Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)**

9 11. Respondent is subject to disciplinary action under sections 4300, 4301,
10 subdivision (f), on the grounds of unprofessional conduct, in that on or about January 27, 2011,
11 Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption.
12 Complainant refers to and by this reference incorporates the allegations set forth above in
13 paragraph 10, subparagraphs a, b and c, inclusive, as though set forth fully.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct)**

16 12. Respondent is subject to disciplinary action under section 4301, in that Respondent
17 committed acts of unprofessional conduct. Complainant refers to and by this reference
18 incorporates the allegations set forth above in paragraphs 10 and 11, inclusive, as though set forth
19 fully.

20 **DISCIPLINE CONSIDERATIONS**

21 13. To determine the degree of discipline, Complainant alleges that:

22 a. On or about September 27, 2010, the Board issued Respondent administrative
23 Citation No. CI 2007 36987 alleging violations of section 4301, subdivisions (h) [dangerous use
24 of alcohol], (f) [acts of moral turpitude, dishonesty, fraud, deceit or corruption],
25 and (l) [conviction of a substantially related crime] with \$800.00 in fines. That Citation is now
26 final and is incorporated by reference as if fully set forth.

27 b. On or about March 13, 2008, after pleading nolo contendere, Respondent was
28 convicted of one interlineated misdemeanor count of violating Vehicle ode section 12500(a)

1 [unlicensed driver] in the criminal proceeding entitled *The People of the State of California v.*
2 *Paul Wesley Moore* (Super. Ct. Los Angeles County, 2008, No. 8MP02774). The Court
3 sentenced Respondent to 10 days jail, and placed him on 36 months probation. The circumstances
4 underlying the conviction occurred on or about July 12, 2007.

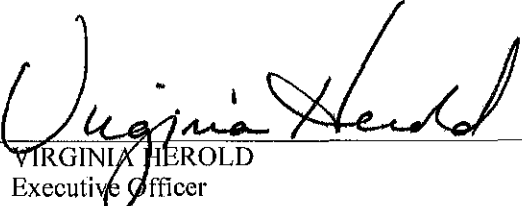
5 c. On or about May 14, 2007, after pleading nolo contendere, Respondent was convicted
6 of one misdemeanor count of violating Vehicle code section 23152(b) [drive with an equal to or
7 greater than 0.08% BAC] in the criminal proceeding entitled *The People of the State of California*
8 *v. Paul Wesley Moore* (Super. Ct. Los Angeles County, 2007, No. 7EA031020). The Court
9 sentenced respondent to 13 days jail, placed him on 36 months probation, and ordered him to
10 complete a Three-Month First-Offender Alcohol Program. The circumstances underlying the
11 conviction occurred on or about February 2, 2007.

12 **PRAYER**

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

- 15 1. Revoking or suspending Pharmacy Technician Registration No. TCH 71231, issued to
16 Paul Wesley Moore;
- 17 2. Ordering Paul Wesley Moore to pay the Board the reasonable costs of the
18 investigation and enforcement of this case, pursuant to section 125.3; and
- 19 3. Taking such other and further action as deemed necessary and proper.

20
21
22 DATED: 5/16/14


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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