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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. 4717

11 **AMOND DELVON SANDERS**
12 **201 Maine Street, B2**
13 **Vallejo, CA 94590**

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
15 **41584**

Respondent.

16
17 Complainant alleges:

18 PARTIES

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as
20 the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.
21 2. On or about September 19, 2002, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 41584 to Amond Delvon Sanders (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 May 31, 2014, unless renewed.

25 JURISDICTION

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

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

15 "..."

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

19 9. California Code of Regulations, title 16, section 1770, states:

20 "For the purpose of denial, suspension, or revocation of a personal or facility license
21 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
22 crime or act shall be considered substantially related to the qualifications, functions or duties of a
23 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
24 licensee or registrant to perform the functions authorized by his license or registration in a manner
25 consistent with the public health, safety, or welfare."

26 COST RECOVERY

27 10. Code section 125.3 states, in pertinent part, that the Board may request the
28 administrative law judge to direct a licentiate found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 FACTS

4 11. On or about October 23, 2012, in the Superior Court of California, County of Contra
5 Costa, State of California, Case No. 12002462-0, Respondent was convicted of violating Vehicle
6 Code section 23152, subdivision (b) (driving with a blood alcohol level of .08% or greater), with
7 priors, a felony. Respondent admitted to three (3) prior alcohol related convictions within ten
8 years. Imposition of sentence was suspended in favor of a four (4) year formal probation term.
9 Respondent was ordered to, among other things, spend 180 days in jail, submit to drug testing,
10 complete a Post Conviction Drinking Driver's Program, and pay fines and fees. The conviction
11 arose from an incident that occurred on or about May 23, 2012 when officers pulled Respondent
12 over during a routine traffic stop. Respondent admitted consuming two beers prior to driving and
13 officers found an open bottle of Hennessy in the center console that was ¾ empty. The
14 Preliminary Alcohol Screening (PAS) device measured Respondent's blood alcohol level at .150%
15 and .160%.

16 12. On or about June 24, 2004, in the Superior Court of California, County of Alameda,
17 State of California, Case No. 494658, Respondent was convicted of violating Vehicle Code
18 section 23103.5 (alcohol related reckless driving), a misdemeanor. Imposition of sentence was
19 suspended in favor of a two (2) year probation term. Respondent was ordered to, among other
20 things, serve two (2) days in county jail, pay fines and fees, abstain from having or using drugs,
21 and submit to alcohol detection tests. The conviction arose from Respondent's arrest on or about
22 December 21, 2003.

23 13. On or about March 22, 2004, in the Superior Court of California, County of Solano,
24 Case No. FCR 208732, Respondent was convicted of violating Vehicle Code sections 23152,
25 subdivision (a) (driving under the influence), with two (2) priors, a misdemeanor; 23222,
26 subdivision (a) (possession of open container while driving), a misdemeanor; and 27315,
27 subdivision (d)(1) (failure to wear seatbelt), a misdemeanor. Imposition of sentence was
28 suspended in favor of a three (3) year formal probation term to be served consecutively with Case

1 No. VCR 171465. Respondent was ordered to, among other things, serve 365 days in jail, commit
2 himself to CAT II, pay fines and fees, totally abstain from using drugs and alcohol, submit to
3 alcohol and drug testing at any time, and submit his person and property to warrantless searches.
4 The conviction arose from Respondent's arrest on or about June 19, 2003.

5 14. On or about March 10, 2004, in the Superior Court of California, County of Solano,
6 Case No. VCR 171465, Respondent was convicted of violating Vehicle Code section 23152,
7 subdivision (b) (driving with a blood alcohol level of .08 percent or greater), with one prior, a
8 misdemeanor. Imposition of sentence was suspended in favor of a three (3) year formal probation
9 term to be served consecutively with Case No. FCR 208732 (paragraph 13, above). The
10 conviction arose from Respondent's arrest on or about January 3, 2004.

11 15. On or about May 1, 2003, in the Superior Court of California, County of Solano, Case
12 No. VCR 163938, Respondent was convicted of violating Vehicle Code section 14601.1,
13 subdivision (a) (driving with suspended license), a misdemeanor. Imposition of sentence was
14 suspended in favor of a two (2) year probation term. Respondent was ordered to, among other
15 things, serve five (5) days in county jail, pay fines and fees, submit to alcohol and drug testing at
16 any time, attend counseling and therapy, and attend a parenting class. The conviction arose from
17 Respondent's arrest on or about October 12, 2002.

18 16. On or about May 3, 2002, in the Superior Court of California, County of Solano, Case
19 No. VCR 156054, Respondent was convicted of violating Vehicle Code section 23152,
20 subdivision (b) (driving with a blood alcohol level of .08 percent or greater), a misdemeanor.
21 Imposition of sentence was suspended in favor of a three (3) year probation term. Respondent
22 was ordered to, among other things, serve seven (7) days in county jail, pay fines and fees, submit
23 to alcohol and drug testing at any time, and attend a first offender DUI program.

24 FIRST CAUSE FOR DISCIPLINE

25 (Conviction of Substantially Related Crime(s))

26 17. Respondent is subject to disciplinary action under Code sections 4301, subdivision (l),
27 and/or 490, by reference to California Code of Regulations, title 16, section 1770, for the
28 conviction of a substantially related crime(s) as described in paragraphs 11-16, above.

