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

11 In the Matter of the Accusation Against:

Case No. 5021

12 **SETH THOMAS BULLOCK**
13 **6218 Posey Lane, Unit B**
Paradise, CA 95969

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
15 **90455**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about June 17, 2009, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 90455 to Seth Thomas Bullock (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and will expire on March 31, 2015, unless renewed.

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JURISDICTION

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2 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
3 Consumer Affairs, under the authority of the following laws. All section references are to the
4 Business and Professions Code unless otherwise indicated.

5 4. Section 4300 of the Code states in pertinent part:

6 "(a) Every license issued may be suspended or revoked.

7 "(b) The board shall discipline the holder of any license issued by the board, whose default
8 has been entered or whose case has been heard by the board and found guilty, by any of the
9 following methods:

10 "(1) Suspending judgment.

11 "(2) Placing him or her upon probation.

12 "(3) Suspending his or her right to practice for a period not exceeding one year.

13 "(4) Revoking his or her license.

14 "(5) Taking any other action in relation to disciplining him or her as the board in its
15 discretion may deem proper..."

16 5. Section 4300.1 of the Code states:

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

22 6. Section 4301 of the Code 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:

26 "...

27 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
28 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to

1 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
2 to the extent that the use impairs the ability of the person to conduct with safety to the public the
3 practice authorized by the license.

4 "...

5 "(j) The violation of any of the statutes of this state, or any other state, or of the United
6 States regulating controlled substances and dangerous drugs.

7 "...

8 "(k) The conviction of more than one misdemeanor or any felony involving the use,
9 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any
10 combination of those substances.

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

28 "...

1 SECOND CAUSE FOR DISCIPLINE

2 (Self-Administration of Controlled Substance to an Extent or in a Manner
3 to be Dangerous to Self or Others)

4 12. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
5 section 4301, subdivision (h), in that he self-administered Methamphetamine and Oxycodone to
6 himself to an extent and in a manner to be dangerous to himself and others. The circumstances are
7 as stated in paragraph 11, above.

8 THIRD CAUSE FOR DISCIPLINE

9 (Violation of Laws Governing Controlled Substances)

10 13. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
11 section 4301, subdivision (j), in that Respondent violated Health and Safety Code section 11350,
12 subdivision (a), and section 4060 of the Code by possessing Oxycodone without a valid
13 prescription. The circumstances are as described in paragraph 11, above.

14 FOURTH CAUSE FOR DISCIPLINE

15 (Violation of Laws Governing Pharmacy)

16 14. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
17 section 4301, subdivision (o), in that Respondent violated the laws governing pharmacy as set
18 forth in paragraphs 11-13, above.

19 DISCIPLINE CONSIDERATIONS

20 15. To determine the degree of discipline, if any, to be imposed on Respondent,
21 Complainant alleges that on or about September 12, 2011, in a prior action, the Board of
22 Pharmacy issued Citation Number CI 2010 48492 for violations of Code section 4301,
23 subdivisions (h) and (l), in that Respondent consumed alcohol to an extent or in a manner to be
24 dangerous to himself or others, and as convicted of driving a vehicle while under the influence of
25 alcohol. Respondent was ordered to pay a fine of \$100.00, and did so. That Citation is now final
26 and is incorporated by reference as if fully set forth.

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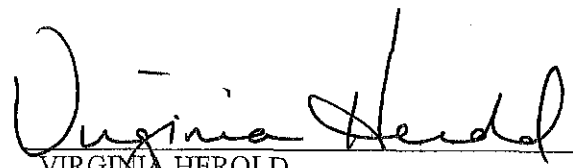
PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 90455, issued to Seth Thomas Bullock;
2. Ordering Seth Thomas Bullock to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 2/18/14



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant