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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:  
12 **ROSS DOMINIC FORBES CASTRO**  
20912 S. Van Deene Avenue  
13 Torrance, CA 90502  
14 Pharmacy Technician Registration  
No. TCH 83189  
15  
16 Respondent.

Case No. 5094  
**ACCUSATION**

17  
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board).  
22 2. On or about May 1, 2008, the Board issued Pharmacy Technician Registration No.  
23 TCH 83189 to Ross Dominic Forbes Castro (Respondent). The Pharmacy Technician  
24 Registration was in full force and effect at all times relevant to the charges brought herein. The  
25 Pharmacy Technician Registration expired on July 31, 2013, and is now cancelled.

26 **JURISDICTION**

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



1       ....

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

5       ....

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

8       ....

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

26       ....

27       "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
28 violation of or conspiring to violate any provision or term of this chapter or of the applicable

1 federal and state laws and regulations governing pharmacy, including regulations established by  
2 the board or by any other state or federal regulatory agency. "

3 **REGULATORY PROVISIONS**

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

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

11 **COST RECOVERY**

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

18 **CONTROLLED SUBSTANCE/DANGEROUS DRUG**

19 10. "Methamphetamine," is a schedule II controlled substance as defined in Health and  
20 Safety Code section 11055, subdivision (d)(2), and is categorized a dangerous drug pursuant to  
21 section 4022.

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Convictions of Substantially Related Crimes)**

24 11. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and  
25 490, in conjunction with California Code of Regulations, title 16, section 1770, in that  
26 Respondent was convicted of crimes substantially related to the qualifications, functions or duties  
27 of a pharmacy technician, as follows:

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1 a. On or about December 17, 2013, after pleading nolo contendere, Respondent was  
2 convicted of one felony count of violating Penal Code section 459 [burglary] in the criminal  
3 proceeding entitled *The People of the State of California v. Ross Dominic Castro* (Super. Ct. L.A.  
4 County, 2012, No. TA130772.) The Court sentenced Respondent to serve 270 days in Los  
5 Angeles County Jail and placed him on 36 months probation, with terms and conditions.

6 b. The circumstances surrounding the conviction are that on or about November 8, 2013,  
7 Respondent entered a Rite-Aid, selected a sweater, took off the tag, and put it on. He continued  
8 to the camera section of the store and selected a digital camera, two memory cards, and a pocket  
9 radio. He then took off the sweater and placed it in his backpack along with the other items.  
10 Respondent then went to an unmanned cash register, picked up 4 KitKat bars, and placed them in  
11 his backpack. Respondent then walked past several manned cash registers and made no attempt  
12 to pay for the merchandise he had selected. Respondent was detained outside of the store by a  
13 Rite-Aid Loss Prevention Officer.

14 c. On or about October 9, 2013, after pleading nolo contendere, Respondent was  
15 convicted of one misdemeanor count of violating Health and Safety Code section 11364.1,  
16 subdivision (a)(1) [possession of a smoking device] in the criminal proceeding entitled *The*  
17 *People of the State of California v. Ross Dominic Castro* (Super. Ct. L.A. County, 2013, No.  
18 3CP05387.) The Court sentenced Respondent to serve 30 days in Los Angeles County Jail and  
19 denied probation.

20 d. The circumstances surrounding the conviction are that on or about October 7, 2013, a  
21 Los Angeles County Sheriff's officer approached Respondent after observing him riding his  
22 bicycle at night without lights. The officer asked Respondent to remove his hand from his  
23 pockets several times but Respondent would not comply. The officer then asked Respondent if he  
24 had anything illegal and if he could conduct a pat down search. Respondent replied, "No, I don't  
25 have anything illegal. But yea sir, I'm all yours." During the pat down, the officer felt a tube with  
26 a bulb attached at one end, which the officer recognized to be a pipe commonly used to smoke  
27 Methamphetamine. As the officer recovered the pipe from his waistband, Respondent  
28 spontaneously stated, "You know, I found that over there." The officer removed the pipe and saw

1 it contained an off white crystal like substance resembling methamphetamine. Respondent was  
2 subsequently arrested for violating Health and Safety Code section 11377, subdivision (a)  
3 [possession of a controlled substance] and Health and Safety Code section 11364.1, subdivision  
4 (a) [possession of smoking device].

5 e. On or about October 15, 2013, after pleading nolo contendere, Respondent was  
6 convicted of one misdemeanor count of violating Health and Safety Code section 11364,  
7 subdivision (a), [possession of controlled substance paraphernalia] in the criminal proceeding  
8 entitled *The People of the State of California v. Ross Dominic Castro* (Super. Ct. L.A. County,  
9 2013, No. 3SY06064.) The Court placed Respondent on 3 years probation, with terms and  
10 conditions.

11 f. The circumstances surrounding the conviction are that on or about August 23, 2013,  
12 while conducting foot patrol of the Redondo Beach Pier, a Redondo Beach Police officer was  
13 contacted by an employee of a gelato shop regarding a male who had stolen money from a tip jar  
14 the day before. The employee indicated that the male appeared to be transient and was hiding in  
15 the bench area behind the business. The officer located Respondent downstairs below another  
16 business in an area that was not for public access and was near utility rooms, storage rooms, and  
17 vent rooms for the businesses above. The officer located an elongated glass pipe with a bulbous  
18 burnt end which was sitting on top of a Golden State Advantage Card in Respondent's name. The  
19 officer immediately recognized the glass pipe as an instrument used to smoke methamphetamine.

20 g. On or about July 16, 2013, after pleading nolo contendere, Respondent was convicted  
21 of one misdemeanor count of violating Penal Code section 496, subdivision (a) [receiving known  
22 stolen property] in the criminal proceeding entitled *The People of the State of California v. Ross*  
23 *Dominic Castro* (Super. Ct. L.A. County, 2013, No. 3SY04115) The Court sentenced  
24 Respondent to serve 20 days in Los Angeles County Jail and placed him on 3 years probation,  
25 with terms and conditions.

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1 h. The circumstances surrounding the conviction are that on or about July 6, 2013,  
2 Respondent entered a business that was closed for the day, but had the front door unlocked, and  
3 took a cell phone belonging to the person who was cleaning the inside of the business. The theft  
4 was reported to the Torrance Police Department who subsequently detained Respondent after they  
5 tracked the phone using GPS, matched the description of the suspect to Respondent, and  
6 recovered the stolen cell phone from Respondent.

7 i. On or about March 22, 2013, after pleading nolo contendere, Respondent was  
8 convicted of one misdemeanor count of violating Penal Code section 459-460, subdivision (b)  
9 [second degree burglary] in the criminal proceeding entitled *The People of the State of California*  
10 *v. Ross Dominic Castro* (Super. Ct. San Jose County, 2013, No. C1349464.) The Court sentenced  
11 Respondent to serve 15 days in San Jose County Jail and placed him on 2 years probation, with  
12 terms and conditions.

13 j. The circumstances surrounding the conviction are that on or about January 19, 2013,  
14 Respondent stole an Acer Aspire laptop valued at \$849.99 from a Costco store in Santa Clara,  
15 CA, by taking it out of its box, placing it under his shirt, and exiting the store without paying for  
16 the merchandise. On or about January 25, 2013, Respondent returned to the same Costco and  
17 stole another Acer Aspire laptop, this one valued at \$699.99, in the same manner. A loss  
18 prevention officer detained Respondent outside of the store and recovered the laptop. The Santa  
19 Clara Police Department arrested Respondent, who admitted to entering the Costco store for the  
20 sole purpose of stealing a laptop. Respondent also admitted to stealing the first laptop on January  
21 19, 2013, and selling it on the street for \$100.00.

22 k. On or about October 4, 2012, after pleading guilty, Respondent was convicted of one  
23 misdemeanor count of violating Health and Safety Code section 11364.1, subdivision (a)(1)  
24 [possession of unlawful paraphernalia] in the criminal proceeding entitled *The People of the State*  
25 *of California v. Ross Dominic Castro* (Super. Ct. L.A. County, 2012, No. 2CP05796.) The Court  
26 sentenced Respondent to serve five days in Los Angeles County Jail and placed him on 12 months  
27 probation, with terms and conditions.

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1           i.     The circumstances surrounding the conviction are that on or about October 2, 2012, a  
2 Los Angeles County Sheriff's officer approached Respondent after observing him riding his  
3 bicycle without a light. The officer ran Respondent's name thru a mobile computer which  
4 revealed an outstanding warrant. Respondent was subsequently placed under arrest. The officer  
5 asked Respondent if he had anything illegal on his person and in reply Respondent admitted to  
6 having Methamphetamine. The officer looked inside his backpack and found a baggie containing  
7 an off white crystal like substance resembling Methamphetamine and a glass narcotic pipe.  
8 Respondent was subsequently arrested for violating Health and Safety Code section 11377,  
9 subdivision (a) [possession of a controlled substance] and Health and Safety Code section  
10 11364.1, subdivision (a) [possession of smoking device].

11           m.    On or about July 31, 2012, after pleading nolo contendere, Respondent was convicted  
12 of one misdemeanor count of violating Penal Code section 602, subdivision (m) [trespass by  
13 entering and occupying] in the criminal proceeding entitled *The People of the State of California*  
14 *v. Ross Dominic Castro* (Super. Ct. L.A. County, 2012, No. 2CP04309.) The Court sentenced  
15 Respondent to serve five days in Los Angeles County Jail and placed him on 24 months  
16 probation, with terms and conditions.

17           n.    The circumstances surrounding the conviction are that on or about July 29, 2012, a  
18 Los Angeles County Sheriff's Department deputy responded to a disturbance call of a male adult  
19 wearing a white hoody refusing to leave a residential location. When the deputy arrived,  
20 Respondent was slamming his right shoulder against the pedestrian garage door as though he was  
21 trying to break it down. The officer contacted the person staying at the residence who indicated  
22 that he was housesitting for the homeowners, that Respondent had showed up a week earlier at the  
23 home, and the homeowner had instructed the house sitter not to let him in if he returned.  
24 Respondent arrived at the location and rang the doorbell several times. He also began knocking  
25 on and trying to open all the windows. The officer went over to check the pedestrian garage door,  
26 where he had seen Respondent, and found a spatula wedged in the door frame near the locking  
27 mechanism and door knob. Respondent told the officer he was pushing the garage pedestrian  
28 door because he was trying to gain entry into his aunt's bedroom to lie on the couch because he



1 was homeless. Respondent was subsequently arrested for violating Penal Code section 664/459  
2 [attempted burglary].

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, or Deceit)**

5 12. Respondent is subject to disciplinary action under section 4301, subdivision (f), in  
6 that Respondent committed acts involving moral turpitude, dishonesty, fraud, or deceit with the  
7 intent to substantially benefit himself, or substantially injure another. Complainant refers to, and  
8 by this reference incorporates, the allegations set forth above in paragraph 11, subparagraphs (b),  
9 (h), and (j), inclusive, as though set forth fully.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Illegal Possession of a Controlled Substance)**

12 13. Respondent is subject to disciplinary action under section 4301, subdivision (j) and  
13 (o), for violating section 4060, in that Respondent was in possession of a controlled substance, as  
14 follows:

15 a. On or about December 26, 2012, the Los Angeles County Sheriff's Department  
16 responded to a call reporting a burglary by a Hispanic adult male with no shirt who was seen  
17 breaking into a green van. When the officers arrived, Respondent was inside the van on the rear  
18 seat. The officer observed that Respondent's hands were clenched. When the officer asked to see  
19 his hands, Respondent opened them and a white plastic baggie came out of his right hand. The  
20 officer recovered the white plastic baggie and opened it. It contained an off white crystal like  
21 substance resembling Methamphetamine. Respondent was arrested for violating Health and  
22 Safety Code section 11377, subdivision (a) [possession of a controlled substance]. The substance  
23 was subsequently tested by the Los Angeles County Sheriff's Department laboratory and found to  
24 contain methamphetamine.

25 b. On or about October 2, 2012, Respondent was in possession of a controlled  
26 substance. Complainant refers to, and by this reference incorporates, the allegations set forth  
27 above in paragraph 11, subparagraph (l), inclusive, as though set forth fully.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct/ Violation of Licensing Chapter)**

3 14. Respondent is subject to disciplinary action under section 4301, (o), in that  
4 Respondent committed acts of unprofessional conduct and/ or violated provisions of the licensing  
5 chapter. Complainant refers to, and by this reference incorporates, the allegations set forth above  
6 in paragraphs 11-13, inclusive, as though set forth fully.

7 **DISCIPLINE CONSIDERATIONS**

8 15. To determine the degree of discipline, Complainant alleges the following:

9 a. On or about July 8, 2011, after pleading guilty, Respondent was convicted of one  
10 misdemeanor count of violating Vehicle Code section 23152, subdivision (a), [driving under the  
11 influence of alcohol or drugs] and one misdemeanor count of Vehicle Code Section 23152,  
12 subdivision (b), [driving while having 0.08% or more, by weight, of alcohol in his blood] in the  
13 criminal proceeding entitled *The People of the State of California v. Ross Dominic Forbes Castro*  
14 (Super. Ct. Orange County, 2011, No. 11NM12585.) The Court placed Respondent on 3 years  
15 probation, with terms and conditions

16 b. The circumstances surrounding the conviction are that on or about June 10, 2011, an  
17 officer of the California Highway Patrol conducted a traffic stop of Respondent's vehicle after  
18 observing it driving erratically and coming close to striking the rear of a sedan in front of it.  
19 Upon contacting Respondent, the officer smelled a strong odor of an alcoholic beverage emitting  
20 from the vehicle. Respondent admitted to the officer that he "had one jack and coke" in the last  
21 twelve hours and was following a car full of his friends to get something to eat. Respondent  
22 performed poorly on the field sobriety tests administered by the officer and a breath test resulted  
23 in blood alcohol content readings of .13% and .12%.

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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 No. TCH 83189, issued to Ross Dominic Forbes Castro;
2. Ordering Ross Dominic Forbes Castro to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 12/18/14 Virginia Herold

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

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