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

12 In the Matter of the Accusation Against:

Case No. 5205

13 **BRENT DOUGLAS GLASSICK**
14 **1010 Alta Loma Drive**
Corona, CA 92882

A C C U S A T I O N

15 **Pharmacy Technician Registration**
16 **No. TCH 109546**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about December 27, 2010, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 109546 to Brent Douglas Glassick (Respondent). The Pharmacy
25 Technician Registration was in full force and effect at all times relevant to the charges brought
26 herein and will expire on May 31, 2016, unless renewed.

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1 **JURISDICTION**

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 (Code) unless otherwise indicated.

5 4. Section 4300, subdivision (a) of the Code states: "Every license issued may be
6 suspended or revoked."

7 5. Section 4300.1 of the Code 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
10 license on a retired status, or the voluntary surrender of a license by a licensee shall not
11 deprive the board of jurisdiction to commence or proceed with any investigation of, or
12 action or disciplinary proceeding against, the licensee or to render a decision suspending
13 or revoking the license.

12 **STATUTORY PROVISIONS**

13 6. Section 4301 of the Code states:

14 The board shall take action against any holder of a license who is guilty of
15 unprofessional conduct or whose license has been procured by fraud or misrepresentation
16 or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of
17 the following:

18

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

21

22 7. Health and Safety Code section 11377, subdivision (a) states:

23 Except as authorized by law and as otherwise provided in subdivision (b) or
24 Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division
25 2 of the Business and Professions Code, every person who possesses any controlled
26 substance which is (1) classified in Schedule III, IV, or V, and which is not a narcotic
27 drug, (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14),
28 (15), and (20) of subdivision (d), (3) specified in paragraph (11) of subdivision (c) of
Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section 11054,
or (5) specified in subdivision (d), (e), or (f) of Section 11055, unless upon the
prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this
state, shall be punished by imprisonment in a county jail for a period of not more than
one year or pursuant to subdivision (h) of Section 1170 of the Penal Code.

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1 8. Health and Safety Code section 11364.1, subdivision (a) states:

2 It is unlawful to possess an opium pipe or any device, contrivance, instrument, or
3 paraphernalia used for unlawfully injecting or smoking (1) a controlled substance
4 specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section
5 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054,
6 specified in subdivision (b) or (c) of Section 11055, or specified in paragraph (2) of
7 subdivision (d) of Section 11055, or (2) a controlled substance which is a narcotic drug
8 classified in Schedule III, IV, or V.

6 **REGULATORY PROVISIONS**

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

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

12 **COSTS**

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

19 **DRUG**

20 11. Methamphetamine is a Schedule II controlled substance as designated by Health
21 and Safety Code section 11055, subdivision (d)(2), and is a dangerous drug pursuant to Business
22 and Professions Code section 4022.

23 **CAUSE FOR DISCIPLINE**

24 **(Violation of Statutes Regulating Controlled Substances)**

25 12. Respondent has subjected his registration to discipline under section 4301,
26 subdivision (j) of the Code in that he violated statutes regulating controlled substances on
27 October 16, 2013. The circumstances are that on or about the evening of October 16, 2013, an
28 officer with the Garden Grove Police Department was patrolling a corridor of the city known for

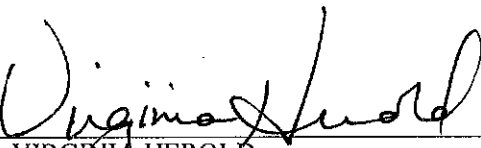
1 drugs sales and violent crimes. The officer observed Respondent walking through the area three
2 to four separate times, each time walking in a different direction. The officer made contact with
3 Respondent who told the officer he was looking for a place to charge his cell phone. Respondent
4 appeared very nervous, and his hand was trembling as he handed the officer his identification.
5 During a consensual search, the officer found a glass pipe with burnt residue commonly used to
6 smoke methamphetamine in Respondent's jacket. The officer confiscated the pipe and arrested
7 Respondent for possession of narcotic paraphernalia. While en route to the jail facility,
8 Respondent began to cry uncontrollably. The officer conducted another search of Respondent.
9 Inside Respondent's pants pocket, the officer found two small zip-loc baggies containing 3.4
10 grams of a substance that tested positive for methamphetamine. Respondent was additionally
11 charged with possession of a controlled substance.

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 Number TCH 109546,
16 issued to Brent Douglas Glassick;
- 17 2. Ordering Brent Douglas Glassick to pay the Board of Pharmacy the reasonable costs
18 of the investigation and enforcement of this case, pursuant to Business and Professions Code
19 section 125.3;
- 20 3. Taking such other and further action as deemed necessary and proper.

21
22
23 DATED: 7/26/14


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

SD2014707245