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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:  
11  
12 **JEFFREY SEAN MORRIS**  
**41495 Timber Creek Terrace**  
**Fremont, CA 94539**  
13  
14 **Pharmacy Technician License No. TCH 103171**  
15 Respondent.

Case No. 5256

**A C C U S A T I O N**

16 Complainant alleges:

17 PARTIES

- 18 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
19 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
20 2. On or about June 22, 2010, the Board of Pharmacy issued Pharmacy Technician  
21 License No. TCH 103171 to Jeffrey Sean Morris (Respondent). The License was in full force and  
22 effect at all times relevant to the charges herein and will expire on June 30, 2016, unless renewed.

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24 JURISDICTION

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

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1 4. Section 4011 of the Code provides that the Board shall administer and enforce both  
2 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances  
3 Act [Health & Safety Code, § 11000 et seq.].

4 5. Section 4300(a) of the Code provides that every license issued by the Board may be  
5 suspended or revoked.

6 6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or  
7 suspension of a Board-issued license, the placement of a license on a retired status, or the  
8 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to  
9 commence or proceed with any investigation of, or action or disciplinary proceeding against, the  
10 licensee or to render a decision suspending or revoking the license.

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12 STATUTORY AND REGULATORY PROVISIONS

13 7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action  
14 against any holder of a license who is guilty of “unprofessional conduct,” defined to include, but  
15 not be limited to, any of the following:

16 (h) The administering to oneself, of any controlled substance, or the use of any dangerous  
17 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
18 oneself, to a person holding a license under this chapter, or to any other person or to the public, or  
19 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
20 practice authorized by the license.

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

24 (l) The conviction of a crime substantially related to the qualifications, functions, and duties  
25 of a licensee under this chapter.

26 8. Section 490 of the Code provides, in pertinent part, that the Board may suspend or  
27 revoke a license when it finds that the licensee has been convicted of a crime substantially related  
28 to the qualifications, functions or duties of the license.

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

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

8 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
9 administrative law judge to direct a licentiate found to have committed a violation of the licensing  
10 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

11  
12 FIRST CAUSE FOR DISCIPLINE

13 (Conviction of Substantially Related Crime(s))

14 11. Respondent is subject to discipline under section 4301(l) and/or section 490 of the  
15 Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of  
16 substantially related crime(s), in that on or about May 5, 2014, in the criminal case *People v.*  
17 *Jeffrey Sean Morris*, Case No. 252950 in Alameda County Superior Court, Respondent was  
18 convicted of two counts of violating Penal Code section 415, subdivision (2) (Disturbing by Loud  
19 and Unreasonable Noise), both misdemeanors. The conviction was entered as follows:

20 a. On or about February 24, 2014, at approximately 10:46 p.m., Fremont Police  
21 responded to a call made by Respondent’s neighbor, who reported that Respondent was standing  
22 in front of his garage/driveway with his hands up, appeared to be intoxicated, and refused to move  
23 out of the way for the neighbor to drive into his garage. The neighbor was concerned for his own  
24 and Respondent’s safety. Respondent admitted to the responding officer(s) that he had snorted  
25 crystal **methamphetamine** three to four hours ago, and that he had snorted **methamphetamine**  
26 multiple times over the past few days. The officer(s) observed symptoms of Respondent being  
27 under the influence of a central nervous system stimulant. He was placed under arrest.

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1           b.     On or about February 26, 2014, at approximately 3:55 a.m., Fremont Police  
2 responded to a call made by Respondent, who reported that there were 4 to 5 males in white  
3 camouflage behind his house threatening him because he ruined their "Air Bender" game. The  
4 responding officer(s) made contact with Respondent, and immediately noticed that he was  
5 exhibiting symptoms of being under a central nervous system stimulant. Respondent admitted to  
6 snorting crystal **methamphetamine** a few hours earlier, and admitted to still feeling the effects of  
7 the drug. Respondent admitted to being a frequent user of **methamphetamine**, and to having  
8 been addicted to the drug for four (4) years. Respondent failed an evaluation to determine if he  
9 was under the influence. He was placed under arrest.

10           c.     Respondent was subsequently charged, in *People v. Jeffrey Sean Morris*, Case  
11 No. 252950 in Alameda County Superior Court, with two counts of violating Health and Safety  
12 Code section 11550, subdivision (a) (Use/Being Under the Influence of Controlled Substance),  
13 both misdemeanors. On or about May 5, 2014, Respondent pleaded to and was found guilty of  
14 two counts of violating Penal Code section 415, subdivision (2) (Disturbing by Loud and  
15 Unreasonable Noise), both misdemeanors. Respondent was given a conditional sentence of three  
16 (3) years probation on terms and conditions including time served of 2 days, random drug testing,  
17 reimbursement of Public Defender fees, and payment of other fines and fees.

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19                                    SECOND CAUSE FOR DISCIPLINE

20                                    (Self-Administration of Controlled Substance)

21           12.    Respondent is subject to discipline under section 4301(h) of the Code, in that as  
22 described in paragraph 11, Respondent self-administered a controlled substance.

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24                                    THIRD CAUSE FOR DISCIPLINE

25                                    (Conviction of Alcohol or Drug-Involved Crimes)

26           13.    Respondent is subject to discipline under section 4301(k) of the Code, in that, as  
27 described in paragraph 11 above, Respondent was convicted of more than one misdemeanor  
28 involving the use or consumption of an alcoholic beverage or a dangerous drug.

1 FOURTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 14. Respondent is subject to discipline under section 4301 of the Code in that, as  
4 described in paragraphs 11-13 above, Respondent engaged in unprofessional conduct.

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6 DISCIPLINE CONSIDERATIONS

7 15. To determine the appropriate level of discipline, if any, to be imposed on Respondent,  
8 Complainant further alleges the following:

9 a. On or about July 26, 2006, in Case No. 120938 in Alameda County Superior  
10 Court, Respondent was convicted of violating Vehicle Code section 23152, subdivision (a)  
11 (Driving Under the Influence of Alcohol/Drugs), a misdemeanor.

12 b. On or about May 11, 2009, in Case No. 225294 in Alameda County Superior  
13 Court, Respondent was convicted of violating Vehicle Code section 12500, subdivision (a)  
14 (Driving Without Valid License), a misdemeanor.

15  
16 PRAYER

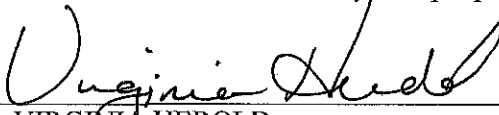
17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
18 and that following the hearing, the Board of Pharmacy issue a decision:

19 1. Revoking or suspending Pharmacy Technician License No. TCH 103171, issued to  
20 Jeffrey Sean Morris (Respondent);

21 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and  
22 enforcement of this case, pursuant to Business and Professions Code section 125.3;

23 3. Taking such other and further action as is deemed necessary and proper.

24 DATED: 10/17/14



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

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