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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.

23
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 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 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

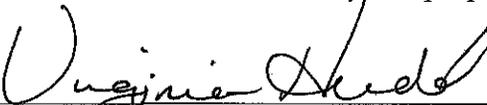
17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
18 and that following the hearing, the Board of Pharmacy issue a decision:

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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