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

10 In the Matter of the Accusation Against:

Case No. 5376

11 **CEDELL BRADFORD**
12 **aka WESTLY BRADFORD**
13 **3867 Maybelle Ave., Apt. D**
Oakland, CA 94619

ACCUSATION

14 **Pharmacy Technician License No. TCH 62355**

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

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

21 2. On or about May 13, 2005, the Board of Pharmacy issued Pharmacy Technician
22 License Number TCH 62355 to Cedell Bradford aka Westly Bradford (Respondent). The
23 Pharmacy Technician License was in full force and effect at all times relevant to the charges
24 brought herein and will expire on December 31, 2016, unless renewed.

25 JURISDICTION

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

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.

11 STATUTORY AND REGULATORY PROVISIONS

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

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

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

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

25 (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
26 violation of or conspiring to violate any provision or term of this chapter or of the applicable
27 federal and state laws and regulations governing pharmacy, including regulations established by
28 the board or by any other state or federal regulatory agency.

1 8. Section 4060 of the Code provides, in pertinent part, that no person shall possess any
2 controlled substance, except that furnished upon a valid prescription/drug order.

3 9. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess
4 a controlled substance in Schedule I, subdivision(s) (b), (c), or (f)(1), Schedule II, subdivision(s)
5 (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

6 10. Health and Safety Code section 11377, in pertinent part, makes it unlawful to possess
7 certain Schedule I-II controlled substances, or any controlled substance in Schedules III-V which
8 is not a narcotic drug, unless upon written prescription of an authorized prescriber.

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

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

16 COST RECOVERY

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

20 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

21 13. Section 4021 of the Code states:

22 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section
23 11053) of Division 10 of the Health and Safety Code.”

24 14. Section 4022 of the Code states, in pertinent part:

25 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self use,
26 except veterinary drugs that are labeled as such, and includes the following:

27 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without
28 prescription,’ ‘Rx only,’ or words of similar import.

1 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
2 prescription or furnished pursuant to Section 4006.”

3 15. **Marijuana** is a Schedule I controlled substance as designated by Health and Safety
4 Code section 11054(d)(13), and a dangerous drug as designated by Business and Professions
5 Code section 4022. It is a hallucinogenic drug.

6 16. **Cocaine** is a Schedule I (in base/rock/crack form) or Schedule II controlled substance
7 as designated by Health and Safety Code sections 11054(f)(1) and 11055(b)(6) and a dangerous
8 drug as designated by Business and Professions Code section 4022. It is a narcotic drug.

9 17. **Methamphetamine** is a Schedule II controlled substance as designated by Health and
10 Safety Code section 11055(d)(2) and a dangerous drug as designated by Business and Professions
11 Code section 4022. It is a stimulant drug.

12 FACTUAL BACKGROUND

13 18. On or about August 2, 2014, Oakland (California) Police responded to a report of an
14 intoxicated subject breaking windows. Responding officer(s) spoke to witnesses who reported
15 that Respondent (1) entered a pizza restaurant, said something about a gun, punched the owner or
16 employee of the business twice, and took money from the tip jar, and (2) picked up a chair from
17 another nearby restaurant and threw it through the window of a neighboring business. The police
18 officer(s) then located Respondent lying in a parking lot unconscious. The officer(s) discovered
19 Respondent’s 9-year-old daughter nearby, distraught and non-communicative. In a search of his
20 person incident to arrest, police discovered Respondent to be in possession of cash, two plastic
21 baggies containing **marijuana**, and a black metal cylindrical object which Respondent said was
22 used for storing **marijuana** (or hashish). Officer(s) subsequently discovered that the cylindrical
23 object contained one or more white crystal-like substances.

24 19. On or about August 19, 2014, Respondent was charged by criminal Complaint in a
25 case titled *People v. Cedell Bradford*, Case No. 598694 in Alameda County Superior Court, with
26 violating (1) Health and Safety Code section 11350(a) (Possession of Controlled Substance –
27 **cocaine**), a felony, and (2) Health and Safety Code section 11377(a) (Possession of Controlled
28 Substance – **methamphetamine**), also a felony.

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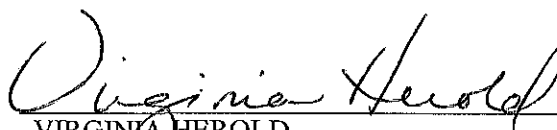
PRAYER

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

1. Revoking or suspending Pharmacy Technician License Number TCH 62355, issued to Cedell Bradford aka Westly Bradford (Respondent);
2. Ordering Respondent to pay the Board 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 is deemed necessary and proper.

DATED: _____

7/21/15



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

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