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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:

Case No. 5410

12 **MILTON GABRIEL LUCERO**  
13 **3824 Rockford Drive**  
**Antioch, CA 94509**

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

14 **Pharmacy Technician Registration No. TCH**  
15 **108177**

16 Respondent.

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 (Board), Department of Consumer Affairs.

22 2. On or about November 12, 2010, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 108177 to Milton Gabriel Lucero (Respondent). The Pharmacy  
24 Technician Registration was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on April 30, 2016, unless renewed.

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1 this state or transport any marijuana shall be punished by imprisonment pursuant to subdivision  
2 (h) of Section 1170 of the Penal Code for a period of two, three or four years.”

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

#### 6 **COSTS**

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

#### 13 **FACTUAL BACKGROUND**

14 11. On or about August 14, 2014, a police officer observed Respondent and another  
15 individual smoking a suspected marijuana joint near a park in Berkeley, California. The park is  
16 located in a known drug trafficking area. The officer observed Respondent enter a parked vehicle  
17 while the other individual stood next to the vehicle looking up and down the street nervously.  
18 Respondent then handed the individual a sunglass case, which the individual placed in his jeans  
19 pocket. Respondent and the other individual were then detained by other police officers. One of  
20 the officers found a receipt in Respondent’s wallet from a marijuana dispensary dated August 14,  
21 2014 for “Animal Cookie Oil.” Another officer detained the other individual and located the  
22 sunglass case in that individual’s jeans pocket. Inside the sunglass case the officer found a small  
23 plastic container labeled “Animal Cookie Oil” and a small glass container, both containing  
24 suspected cannabis concentrate. The suspected cannabis concentrate in both containers tested  
25 presumptive positive. Respondent was then arrested for furnishing concentrated cannabis to the  
26 other individual.

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1 **CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

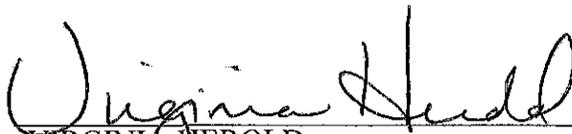
3 12. Respondent is subject to disciplinary action under section 4301, subdivision (j) of the  
4 Code for unprofessional conduct in that he violated Health and Safety Code section 11360,  
5 subdivision (a) when he furnished and/or gave away, and/or offered to furnish and/or give away  
6 marijuana. The circumstances of Respondent's conduct are set forth above in paragraph 11.

7 **PRAYER**

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

- 10 1. Revoking or suspending Pharmacy Technician Registration Number TCH 108177  
11 issued to Milton Gabriel Lucero;
- 12 2. Ordering Milton Gabriel Lucero to pay the Board of Pharmacy the reasonable costs of  
13 the investigation and enforcement of this case pursuant to Business and Professions Code section  
14 125.3;
- 15 3. Taking such other and further action as deemed necessary and proper.

16  
17 DATED: 6/13/15

  
18 VIRGINIA HEROLD  
19 Executive Officer  
20 Board of Pharmacy  
21 Department of Consumer Affairs  
22 State of California  
23 Complainant

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