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

12 In the Matter of the Accusation Against:

Case No. 5456

13 **TRESBIEN LAKEITH HUNTER**

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

14 1720 East D Street  
15 Ontario, CA 91764

16 Pharmacy Technician License  
17 No. TCH 132524

Respondent.

18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about December 19, 2013, the Board issued Pharmacy Technician License No.  
23 TCH 132524 to Tresbien Lakeith Hunter (Respondent). The Pharmacy Technician License was in  
24 full force and effect at all times relevant to the charges brought herein and will expire on  
25 November 30, 2015, unless renewed.

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1 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified  
2 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
3 labeled with the name and address of the supplier or producer."

4 6. Section 4300 provides in pertinent part, that every license issued by the Boards is  
5 subject to discipline, including suspension or revocation.

6 7. Section 4300.1 states:

7 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation  
8 of law or by order or decision of the board or a court of law, the placement of a license on a  
9 retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of  
10 jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding  
11 against, the licensee or to render a decision suspending or revoking the license."

12 8. Section 4301 states, in pertinent part:

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

16 . . . .

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

19 . . . .

20 "(l) The conviction of a crime substantially related to the qualifications, functions, and  
21 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
22 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
23 substances or of a violation of the statutes of this state regulating controlled substances or  
24 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
25 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
26 The board may inquire into the circumstances surrounding the commission of the crime, in order to  
27 fix the degree of discipline or, in the case of a conviction not involving controlled substances or  
28 dangerous drugs, to determine if the conviction is of an offense substantially related to the

1 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
2 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
3 of this provision. The board may take action when the time for appeal has elapsed, or the  
4 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
5 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
6 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
7 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
8 indictment."

### 9 REGULATORY PROVISIONS

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

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

### 17 COST RECOVERY

18 10. Section 125.3 states, in pertinent part, that the Board may request the administrative  
19 law judge to direct a licentiate found to have committed a violation or violations of the licensing  
20 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
21 case.

### 22 11. CONTROLLED SUBSTANCE

23 "Marijuana," is a schedule I controlled substance as defined in Health and Safety Code  
24 section 11054, subdivision (d)(13) and is categorized a dangerous drug pursuant to section 4022.

### 25 FIRST CAUSE FOR DISCIPLINE

#### 26 (Conviction of a Substantially Related Crime)

27 12. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and  
28 490, in conjunction with California Code of Regulations, title 16, section 1770, in that,

1 Respondent was convicted of a crime substantially related to the qualifications, functions or duties  
2 of a pharmacy technician. On or about March 5, 2015, after pleading guilty, Respondent was  
3 convicted of one first degree felony of violating Florida Statutes section 895.03, subdivision (3)  
4 [racketeering] and one first degree felony of violating Florida Statutes section 893.135, subdivision  
5 (5) [conspiracy to traffic in cannabis more than 25 pounds] in the criminal proceeding entitled *The*  
6 *People of the State of Florida v. Tresbien La Keith Hunter* (Super. Ct. Orange County, 2015, No.  
7 2014-CF-010595-P-O). The Court sentenced Respondent to serve 107 days in jail and placed him  
8 on 5 years probation, with terms and conditions.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Violating Drug Statues)**

11 13. Respondent is subject to disciplinary action under section 4301, subdivision (j) for  
12 violating section 4060, on the grounds of unprofessional conduct, in that Respondent violated  
13 statues regulating a controlled substance. Complainant refers to, and by reference incorporates,  
14 the allegations set forth above in paragraph 12, as though set forth fully.

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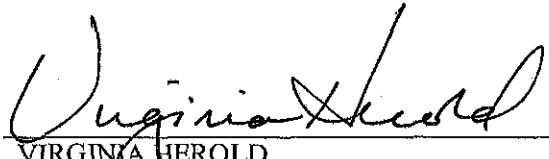
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PRAAYER

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

1. Revoking or suspending Pharmacy Technician License No. TCH 132524, issued to Tresbien Lakeith Hunter;
2. Ordering Tresbien Lakeith Hunter to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 2/17/16

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

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