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5 **BEFORE THE**
6 **BOARD OF PHARMACY**
7 **DEPARTMENT OF CONSUMER AFFAIRS**
8 **STATE OF CALIFORNIA**

8 In the Matter of the Accusation Against:

Case No. 3620

9
10 **ANDREW CHRISTOPHER GLASER**
11 **a.k.a. ANDREW GLASER**
12 **7190 Golden Rule Ave.**
13 **Winton, CA 95388**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

13 Pharmacy Technician Registration No. TCH
14 67216

15 Respondent.

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17 FINDINGS OF FACT

18 1. On or about April 1, 2010, Complainant Virginia Herold, in her official capacity as
19 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed
20 Accusation No. 3620 against Andrew Christopher Glaser, a.k.a. Andrew Glaser (Respondent)
21 before the Board of Pharmacy.

22 2. On or about April 20, 2006, the Board of Pharmacy (Board) issued Pharmacy
23 Technician License No. TCH 67216 to Respondent. The License was in full force and effect at
24 all times relevant to the charges brought herein, and expired on May 31 2010.

25 3. On or about April 19, 2010, C. Cruz, an employee of the Department of Justice,
26 served by Certified and First Class Mail a copy of the Accusation No. 3620, a Statement to
27 Respondent, two copies of a form Notice of Defense, a Request for Discovery, and copies of
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1 Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with
2 the Board: 7190 Golden Rule Ave., Winton, CA 95388. Copies of the Accusation are attached as
3 exhibit A, and are incorporated herein by reference.

4 4. Service of the Accusation was effective as a matter of law under the provisions of
5 Government Code section 11505, subdivision (c).

6 5. Government Code section 11506 states, in pertinent part:

7 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
8 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
9 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
10 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

11 6. Respondent failed to file a Notice of Defense within 15 days after service upon him
12 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
13 3620.

14 7. California Government Code section 11520 states, in pertinent part:

15 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
16 agency may take action based upon the respondent's express admissions or upon other evidence
17 and affidavits may be used as evidence without any notice to respondent.

18 8. Pursuant to its authority under Government Code section 11520, the Board finds
19 Respondent is in default. The Board will take action without further hearing and, based on the
20 evidence on file herein, finds that the allegations in Accusation No. 3620 are true.

21 9. The total costs for investigation and enforcement in connection with the Accusation
22 are \$2,422.50 as of May 14, 2010.

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24 DETERMINATION OF ISSUES

25 1. Based on the foregoing findings of fact, Respondent Andrew Christopher Glaser,
26 a.k.a. Andrew Glaser has subjected his Pharmacy Technician License No. TCH 67216 to
27 discipline.

28 2. A copy of the Accusation is attached.

1 3. The agency has jurisdiction to adjudicate this case by default.

2 4. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
3 License based upon the following violations alleged in the Accusation:

4 a. In violation of Business and Professions Code section 4301(l), in that Respondent
5 was convicted of crimes substantially related to his License and his practice as a pharmacy
6 technician as follows:

7 On or about February 11, 2008, in a criminal proceeding entitled *People of the State*
8 *of California v. Andrew Christopher Glaser*, in Merced County Superior Court, Case No.
9 AM217489, Respondent was convicted on his plea of no contest of violating Vehicle Code
10 section 12500 (a), (driving without a license), and infraction;

11 On or about August 24, 2009, in a criminal proceeding entitled *People of the State of*
12 *California v. Andrew Christopher Glaser*, in a Merced County Superior Court, Case No.
13 CRM001703, Respondent was convicted on his plea of no contest of violating Vehicle Code
14 Section 23152 (b), (driving with a blood alcohol content in excess of 0.08%) in a misdemeanor;

15 On or about April 27, 2009, in a criminal proceeding entitled *People of the State of*
16 *California v. Andrew Christopher Glaser*, in a Merced County Superior Court, Case No.
17 MM229691, Respondent was convicted on his plea of no contest of violating Vehicle Code
18 section 23222 (b), (possession of less than 1 oz. of marijuana), an infraction.

19 b. In violation of Business and Professions Code sections 4301(h), in that Respondent
20 committed an act involving an alcoholic beverage to the extent or in a manner as to be dangerous
21 or injurious to oneself, in that he was driving with a blood alcohol content in excess of 0.08% in
22 violation of Vehicle Code section 23152 (b), as set forth in paragraph 4a;

23 c. In violation of Business and Professions Code section 4301 (j), in that Respondent
24 violated the statutes of this state regulating controlled substances, namely Vehicle Code section
25 23222 (b), by possessing less than an ounce of marijuana, a controlled substance , as set forth in
26 paragraph 4a.

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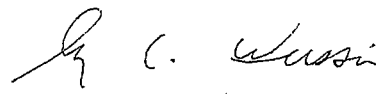
ORDER

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2 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 67216, heretofore
3 issued to Respondent Andrew Christopher Glaser, a.k.a. Andrew Glaser, is revoked.

4 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
5 written motion requesting that the Decision be vacated and stating the grounds relied on within
6 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
7 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

8 This Decision shall become effective on October 3, 2010.

9 It is so ORDERED September 3, 2010.



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11 STANLEY C. WEISSER, BOARD PRESIDENT
12 FOR THE BOARD OF PHARMACY
13 DEPARTMENT OF CONSUMER AFFAIRS

14 Attachment: Exhibit A: Accusation No. 3620

Exhibit A
Accusation No. 3620

COPY

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2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
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9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:
12 **ANDREW CHRISTOPHER GLASER**
13 **a.k.a. ANDREW GLASER**
14 **7190 Golden Rule Ave.**
Winton, CA 95388
15 **Pharmacy Technician Registration No. TCH**
67216
16
17 Respondent.

Case No. 3620

ACCUSATION

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19 Complainant alleges:

20 **PARTIES**

- 21 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
23 2. On or about April 20, 2006, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 67216 (License) to Andrew Christopher Glaser a.k.a. Andrew Glaser
25 (Respondent). The License was in full force and effect at all times relevant to the charges
26 brought herein and will expire on May 31, 2010, unless renewed.

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JURISDICTION

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

4. Section 4300 of the Code states, in pertinent part:

(a) Every license issued may be suspended or revoked.

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

- (1) Suspending judgment.
(2) Placing him or her upon probation.
(3) Suspending his or her right to practice for a period not exceeding one year.
(4) Revoking his or her license.
(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

5. Section 4301 of the Code states, in pertinent part:

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

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

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

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2 (1) The conviction of a crime substantially related to the qualifications,
3 functions, and duties of a licensee under this chapter. The record of conviction of a
4 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
5 States Code regulating controlled substances or of a violation of the statutes of this
6 state regulating controlled substances or dangerous drugs shall be conclusive
7 evidence of unprofessional conduct. In all other cases, the record of conviction shall
8 be conclusive evidence only of the fact that the conviction occurred. The board may
9 inquire into the circumstances surrounding the commission of the crime, in order to
10 fix the degree of discipline or, in the case of a conviction not involving controlled
11 substances or dangerous drugs, to determine if the conviction is of an offense
12 substantially related to the qualifications, functions, and duties of a licensee under this
13 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
14 contendere is deemed to be a conviction within the meaning of this provision. The
15 board may take action when the time for appeal has elapsed, or the judgment of
16 conviction has been affirmed on appeal or when an order granting probation is made
17 suspending the imposition of sentence, irrespective of a subsequent order under
18 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
19 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
20 dismissing the accusation, information, or indictment.

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COST RECOVERY

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

DRUGS

7. Marijuana is a Schedule I controlled substance as designated by Health and Safety Code section 11054(d)(13), and is a dangerous drug within the meaning of Code section 4022, in that under federal law it requires a prescription.

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FIRST CAUSE FOR DISCIPLINE

(Convictions of Crimes)

8. Respondent is subject to disciplinary action under Code section 4301, subd. (l) in that Respondent was convicted of crimes substantially related to his License and his practice as a pharmacy technician. The circumstances are as follows:

9. On or about February 11, 2008, in the Superior Court of California, County of Merced, in the case entitled, *People of the State of California v. Andrew Christopher Glaser* (Super. Ct. Merced County, 2007, Case No. AM217489), Respondent was convicted on his plea of no contest of violating Vehicle Code section 12500, subd. (a), (driving without a license), an infraction. The circumstances of the crime are that on or about April 11, 2007, Respondent was pulled over while driving a motor vehicle by Officer Novetzke of the Atwater Police Department for an inoperable headlamp. Respondent was arrested and released for violating Vehicle Code section 14601.1, subd. (a), (driving with a suspended license), a misdemeanor and Vehicle Code section 24400 (inoperable headlamp), an infraction.

10. On or about August 24, 2009, in the Superior Court of California, County of Merced, in the case entitled, *People of the State of California v. Andrew Christopher Glaser* (Super. Ct. Merced County, 2009, Case No. CRM001703), Respondent was convicted on his plea of no contest of violating Vehicle Code section 23152, subd. (b) (driving with a blood alcohol content in excess of 0.08%), a misdemeanor. The circumstances of the crime are that on or about January 30, 2009, Respondent was stopped in his vehicle by Officer Villegas of the California Highway Patrol. Officer Villegas observed Respondent driving with an inoperable headlamp and a missing front license plate. The Officer initiated an enforcement stop and detected a strong odor of alcohol about Respondent's vehicle. As Respondent exited his vehicle, Officer Villegas observed Respondent stumble and nearly fall over a raised curb. Officer Villegas also observed Respondent to have red, watery eyes; slurred speech; and a strong odor of alcohol upon his breath and about his person. Officer Villegas asked Respondent to perform field sobriety tests and Respondent refused. Respondent was paced under arrest for violating Vehicle Code section

1 23 152, subd (a) (driving under the influence of alcohol). Respondent submitted to a breath test
2 and his breath test results were 0.20% and 0.18% blood alcohol content.

3 11. On or about April 27, 2009, in the Superior Court of California, County of Merced, in
4 the case entitled, *People of the State of California v. Andrew Glaser* (Super. Ct. Merced County,
5 2009, Case No. MM229691), Respondent was convicted on his plea of no contest of violating
6 Vehicle Code section 23222, subd. (b), (possession of less than 1 oz. of marijuana), an infraction.
7 The circumstances of the crime are that on or about January 30, 2009, Respondent was a
8 passenger in a vehicle that was stopped by Officer Anderson of the California Highway Patrol.
9 Officer Anderson observed the vehicle fail to stop at a stop sign. The Officer initiated an
10 enforcement stop and detected an odor of marijuana emanate from the vehicle. Officer Anderson
11 recognized Respondent because the officer's partner, Officer Villegas, had arrested Respondent
12 earlier in the day as detailed above in paragraph 9. Officer Anderson asked if Respondent or the
13 driver had marijuana and Respondent indicated that he had some. Respondent reached between
14 his seat and the center console and produced a clear plastic bag containing a green leafy
15 substance. Respondent admitted that the marijuana was his. Respondent was cited for violating
16 Vehicle Code section 23222, subd. (b), (possession of less than 1 oz. of marijuana), an infraction,
17 and then released.

18 SECOND CAUSE FOR DISCIPLINE

19 (Dangerous Use of Alcohol)

20 12. Respondent is subject to disciplinary action under Code section 4301, subd. (h) in that
21 Respondent committed an act involving an alcoholic beverage to the extent or in a manner as to
22 be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any
23 other person or to the public by violating Vehicle Code section 23152, subd. (b) (driving with a
24 blood alcohol content in excess of 0.08%). The circumstances are detailed above in paragraph

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THIRD CAUSE FOR DISCIPLINE

(Violation of Dangerous Drug / Controlled Substance Laws)

13. Respondent is subject to disciplinary action under Code section 4301, subd. (j) in that Respondent violated the statutes of this state regulating controlled substances namely Vehicle Code section 23222, subd. (b), by possessing less than an ounce of marijuana, a controlled substance. The circumstances are detailed above in paragraph 11.

PRAYER

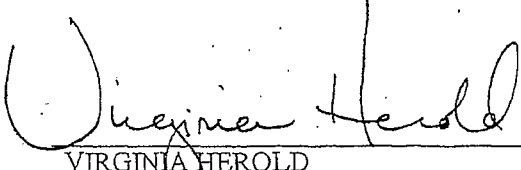
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacy Technician Registration Number TCH 67216, issued to Andrew Christopher Glaser.

2. Ordering Andrew Christopher Glaser to pay the Board of Pharmacy 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 deemed necessary and proper.

DATED: 4/1/10


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

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