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

In the Matter of the Accusation Against:  
  
**JIMMY CAM**  
**919 Rutland Street**  
**San Francisco, CA 94134**  
  
**Pharmacy Technician License No. TCH 91722**  
  
Respondent.

Case No. 3757  
  
**DEFAULT DECISION AND ORDER**  
  
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about November 19, 2012, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed Accusation No. 3757 against Jimmy Cam (Respondent) before the Board. (A copy of the Accusation is attached as exhibit A.)

2. On or about September 3, 2009, the Board issued Pharmacy Technician License No. TCH 91722 to Respondent. The License expired on October 31, 2012, and has not been renewed. It is in delinquent status. This lapse in licensure, however, pursuant to Business and Professions Code section(s) 118, subdivision (b) and/or 4300.1, does not deprive the Board of its authority to institute or continue this disciplinary proceeding.

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1           3.    On or about December 3, 2012, Respondent was served by Certified and First Class  
2 Mail with copies of: Accusation No. 3757; a Statement to Respondent, a Notice of Defense; a  
3 Request for Discovery; and Discovery Statutes (Gov.Code, §§ 11507.5, 11507.6, 11507.7) at  
4 Respondent's address of record, which was and is: 919 Rutland Street, San Francisco, CA 94134.

5           4.    Pursuant to Business and Professions Code section 136 and/or 4100, and/or California  
6 Code of Regulations, title 16, section 1704, Respondent's address of record, and any changes  
7 thereto, are required to be reported and maintained with the Board of Pharmacy (Board).

8           5.    Service of the Accusation was effective as a matter of law under Government Code  
9 section 11505, subdivision (c) and/or Business & Professions Code section 124.

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

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

14          7.    Respondent failed to file a Notice of Defense within 15 days after service on him of  
15 the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 3757.

16          8.    California Government Code section 11520 states, in pertinent part:

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

19          9.    Pursuant to its authority under Government Code section 11520, the Board finds  
20 Respondent is in default. The Board will take action without further hearing and, based on the  
21 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
22 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
23 file at the Board's offices regarding the allegations contained in Accusation No. 3757, finds that  
24 the charges and allegations in Accusation No. 3757, are separately and severally, found to be true  
25 and correct by clear and convincing evidence.

26          10.   Taking official notice of its own internal records, pursuant to Business and  
27 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
28 and Enforcement is \$3,725.00 as of January 3, 2013.

DETERMINATION OF ISSUES

1  
2       1.     Based on the foregoing findings of fact, Respondent Jimmy Cam has subjected his  
3 Pharmacy Technician License No. TCH 91722 to discipline.

4       2.     The agency has jurisdiction to adjudicate this case by default.

5       3.     The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician  
6 License based upon the following violations alleged in the Accusation which are supported by the  
7 evidence contained in the Default Decision Evidence Packet in this case:

8       a.     Respondent's License is subject to revocation pursuant to Business and Professions  
9 Code section(s) 4301(l) and or 490, by reference to California Code of Regulations, title 16,  
10 section 1770, for conviction of a substantially related crime, in that on or about November 29,  
11 2011, in the criminal case *People v. Jimmy Cam*, Case No. 2448434 in San Francisco County  
12 Superior Court, Respondent was convicted of violating Penal Code section 32 (Accessory to a  
13 Felony), a felony, in a case arising out of Respondent's participation in a **marijuana** grow  
14 operation wherein the participants, inter alia, bypassed utility meter(s) to steal electricity.

15       b.     Respondent's License is subject to revocation pursuant to Business and Professions  
16 Code section 4301(f) in that Respondent, as described above, committed acts involving moral  
17 turpitude, dishonesty, fraud, deceit or corruption.

18       c.     Respondent's License is subject to revocation pursuant to Business and Professions  
19 Code section 4301(j) and/or (o) and/or section 4059 of the Code, and/or Health and Safety Code  
20 section 11170, in that Respondent, as described above, furnished to himself or another, and/or  
21 conspired to furnish, and/or assisted or abetted furnishing of, a controlled substance and/or a  
22 dangerous drug, without a prescription.

23       d.     Respondent's License is subject to revocation pursuant to Business and Professions  
24 Code section 4301(j) and/or (o) and/or section 4060, and/or Health and Safety Code section(s)  
25 11357, in that Respondent, as described above, possessed, conspired to possess, and/or assisted in  
26 or abetted possession of, controlled substance(s), without a prescription.

27       e.     Respondent's License is subject to revocation pursuant to Business and Professions  
28 Code section 4301(j) and/or (o), and/or Health and Safety Code section(s) 11357, 11358, 11359,

1 and/or 11366, in that Respondent, as described above, violated, conspired to violate, and/or  
2 assisted in or abetted violation of the laws governing controlled substances and/or pharmacy.

3 f. Respondent's License is subject to revocation pursuant to Business and Professions  
4 Code section 4301, in that Respondent, as described above, engaged in unprofessional conduct.

6 ORDER

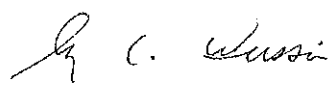
7 IT IS SO ORDERED that Pharmacy Technician License No. TCH 91722, heretofore issued  
8 to Respondent Jimmy Cam, is revoked.

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

13 This Decision shall become effective on March 3, 2013.

14 It is so ORDERED ON January 31, 2013.

15 BOARD OF PHARMACY  
16 DEPARTMENT OF CONSUMER AFFAIRS  
17 STATE OF CALIFORNIA

18 

19 By \_\_\_\_\_  
20 STANLEY C. WEISSER  
21 Board President

22 40633443.DOC  
23 DOJ Matter ID:SF2012400914

24 Attachment:  
25 Exhibit A: Accusation

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Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
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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:

Case No. 3757

11 **JIMMY CAM**  
12 **919 Rutland Street**  
13 **San Francisco, CA 94134**

**ACCUSATION**

14 **Pharmacy Technician License No. TCH 91722**

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 September 3, 2009, the Board of Pharmacy issued Pharmacy Technician  
22 License Number TCH 91722 to Jimmy Cam (Respondent). The License was in full force and  
23 effect at all times relevant herein and will expire on October 31, 2012, unless renewed.

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.

28 ///

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.]. Section 4300(a) of the Code provides that every  
4 license issued by the Board may be suspended or revoked.

5 5. Section 118(b) of the Code provides, in pertinent part, that the suspension, expiration,  
6 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
7 disciplinary action during the period within which the license may be renewed, restored, reissued  
8 or reinstated. Section 4402(a) of the Code provides that any pharmacist license that is not  
9 renewed within three years following its expiration may not be renewed, restored, or reinstated  
10 and shall be canceled by operation of law at the end of the three-year period. Section 4402(e) of  
11 the Code provides that any other license issued by the Board may be canceled by the Board if not  
12 renewed within 60 days after its expiration, and any license canceled in this fashion may not be  
13 reissued but will instead require a new application to seek reissuance.

#### 14 STATUTORY AND REGULATORY PROVISIONS

15 6. Section 4301 of the Code provides, in pertinent part, that the Board shall take action  
16 against any holder of a license who is guilty of "unprofessional conduct," defined to include, but  
17 not be limited to, any of the following:

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

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

23 (l) The conviction of a crime substantially related to the qualifications, functions, and duties  
24 of a licensee under this chapter.

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 7. Section 490 of the Code provides, in pertinent part, that the Board may suspend or  
2 revoke a license when it finds that the licensee has been convicted of a crime substantially related  
3 to the qualifications, functions or duties of the license.

4 8. California Code of Regulations, title 16, section 1770, states:

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

11 9. Section 4059 of the Code, in pertinent part, prohibits furnishing of any dangerous  
12 drug or dangerous device except upon the prescription of an authorized prescriber.

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

15 11. Health and Safety Code section 11357, in pertinent part, makes it unlawful for any  
16 person to possess **marijuana** or concentrated cannabis.

17 12. Health and Safety Code section 11358, in pertinent part, makes it unlawful for any  
18 person to plant, cultivate, harvest, dry, or process **marijuana** or any part thereof.

19 13. Health and Safety Code section 11359, in pertinent part, makes it unlawful for any  
20 person to possess **marijuana** for sale.

21 14. Health and Safety Code section 11366, in pertinent part, makes it unlawful for any  
22 person to open or maintain a place for the purpose of unlawfully selling, giving away, or using a  
23 controlled substance, including **marijuana**.

24 COST RECOVERY

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

28 ///

1 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

2 16. Section 4021 of the Code states:

3 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section  
4 11053) of Division 10 of the Health and Safety Code.”

5 17. Section 4022 of the Code states, in pertinent part:

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

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

10 ...  
11 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on  
12 prescription or furnished pursuant to Section 4006.”

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

16  
17 FIRST CAUSE FOR DISCIPLINE

18 (Conviction of Substantially Related Crime(s))

19 19. Respondent is subject to discipline under section 4301(l) and/or section 490 of the  
20 Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of  
21 a substantially related crime, in that on or about November 29, 2011, in the criminal case *People*  
22 *v. Jimmy Cam*, Case No. 2448434 in San Francisco County Superior Court, Respondent was  
23 convicted of violating Penal Code section 32 (Accessory to a Felony), a felony. The conviction  
24 was entered as follows:

25 a. On or about December 11, 2009, San Francisco Police officer(s) investigating a  
26 **marijuana** grow operation served a search warrant at a residence in San Francisco. Police found  
27 Respondent and another individual exiting a basement grow room. Respondent was wearing  
28 protective coveralls. His companion admitted to participating in a **marijuana** grow operation.



1           b.     Police found four separate **marijuana** grow rooms in the residence, a total of  
2 165 **marijuana** plants, a brown bag with **marijuana** buds, **marijuana** packed in plastic bags, a  
3 digital scale, electrical ballast, and high intensity light bulbs. An investigator for the electrical  
4 utility company also determined that the meter had been bypassed, allowing theft of electricity.

5           c.     On or about December 14, 2009, Respondent along with a co-defendant were  
6 charged by Felony Complaint in Case No(s). 2448434/2448436 with violating (1) Health and  
7 Safety Code section 11358 (Cultivation of **marijuana**), a felony, (2) Health and Safety Code  
8 section 11359 (Possession for sale of **marijuana**), a felony, (3) Health and Safety Code section  
9 11366 (Maintenance of a place for selling or using controlled substance – **marijuana**), a felony,  
10 and (4) Penal Code section 498(b)(1) (Theft of utility services more than \$400), a felony.

11           d.     On or about January 19, 2011, Respondent's criminal case (No. 2448434) was  
12 consolidated by motion of the District Attorney with other companion cases.

13           e.     On or about July 14, 2011, a Consolidated Felony Complaint was filed against  
14 Respondent and four co-defendants, retaining Case No. 2448434 as to Respondent. The charges  
15 against Respondent were for violating (1) Health and Safety Code section 11358 (Cultivation of  
16 **marijuana**), a felony, (2) Health and Safety Code section 11359 (Possession of **marijuana** for  
17 sale), a felony, (3) Penal Code section 498(b)(1) (Theft of utility services more than \$400), a  
18 felony, and (4) Health and Safety Code section 11366 (Maintenance of a place for selling or using  
19 controlled substance – **marijuana**), a felony. The Consolidated Felony Complaint also included  
20 counts (5) through (8), which named only Respondent's co-defendant(s).

21           f.     On or about November 29, 2011, the Complaint was amended by motion of the  
22 District Attorney to add a count (9) for violation of Penal Code section 32 (Accessory), a felony.  
23 Respondent entered a plea of guilty to count (9), and the Court accepted the guilty plea. The  
24 remaining counts against Respondent were dismissed by motion of the District Attorney.

25           g.     On or about January 12, 2012, imposition of sentence was suspended in favor  
26 of a period of probation of three (3) years, on terms and conditions including three (3) days in  
27 county jail (3 days CTS), search conditions, restitution, fines, and fees, and an order to stay away  
28 from his co-defendants. After one year, Respondent may petition to reduce to a misdemeanor.

1 SECOND CAUSE FOR DISCIPLINE

2 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

3 20. Respondent is subject to discipline under section 4301(f) of the Code in that  
4 Respondent, as described in paragraph 19 above, committed acts involving moral turpitude,  
5 dishonesty, fraud, deceit, or corruption.

6  
7 THIRD CAUSE FOR DISCIPLINE

8 (Furnishing of Controlled Substance)

9 21. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section  
10 4059 of the Code, in that Respondent, as described in paragraph 19 above, furnished to himself or  
11 another without a valid prescription, and/or conspired to furnish/dispense, and/or assisted or  
12 abetted furnishing/dispensing of, a controlled substance.

13  
14 FOURTH CAUSE FOR DISCIPLINE

15 (Possession of Controlled Substance)

16 22. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section  
17 4060 of the Code, and/or Health and Safety Code section 11357, in that Respondent, as described  
18 in paragraph 19 above, possessed, conspired to possess, assisted in or abetted possession of, a  
19 controlled substance, without prescription.

20  
21 FIFTH CAUSE FOR DISCIPLINE

22 (Violation(s) of Controlled Substance/Pharmacy Law(s))

23 23. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,  
24 and/or Health and Safety Code section(s) 11357, 11358, 11359, and/or 11366, in that Respondent,  
25 as described in paragraph 19 above, violated, conspired to violate, and/or assisted in or abetted  
26 violation of the laws governing controlled substances, and/or the laws governing pharmacy.

1 SIXTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)


3 24. Respondent is subject to discipline under section 4301 of the Code in that  
4 Respondent, as described in paragraphs 19 to 23 above, engaged in unprofessional conduct.

5  
6 PRAYER

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

- 9 1. Revoking or suspending Pharmacy Technician License Number TCH 91722, issued  
10 to Jimmy Cam (Respondent);
- 11 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and  
12 enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 13 3. Taking such other and further action as is deemed necessary and proper.

14 DATED: 11/19/12

  
15 VIRGINIA HEROLD  
16 Executive Officer  
17 Board of Pharmacy  
18 Department of Consumer Affairs  
19 State of California  
20 Complainant

21 SF2012400914  
22 10956158.doc