

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

In the Matter of the Accusation Against:

Case No. 4279

STEVEN ROY THOMAS

2306 Marilyn Avenue
Redding, CA 96002

Pharmacy Technician Registration No.
TCH 57921

Respondent.

DECISION AND ORDER

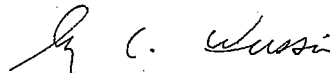
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on May 8, 2013.

It is so ORDERED on April 8, 2013.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
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Deputy Attorney General
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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. 4279

13 **STEVEN ROY THOMAS**

OAH No. 2012060865

14 **2306 Marilyn Avenue**
Redding, CA 96002
Pharmacy Technician Registration No. TCH
57921

STIPULATED SURRENDER OF
LICENSE AND ORDER

15
16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 **PARTIES**

21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
22 She brought this action solely in her official capacity and is represented in this matter by Kamala
23 D. Harris, Attorney General of the State of California, by Kent D. Harris, Deputy Attorney
24 General.

25 2. Steven Roy Thomas (Respondent) is representing himself in this proceeding and has
26 chosen not to exercise his right to be represented by counsel.

27 3. On or about July 27, 2004, the Board of Pharmacy issued Pharmacy Technician
28 Registration No. TCH 57921 to Steven Roy Thomas (Respondent). The Pharmacy Technician

1 Registration was in full force and effect at all times relevant to the charges brought in Accusation
2 No. 4279 and will expire on December 31, 2013, unless renewed.

3 JURISDICTION

4 4. Accusation No. 4279 was filed before the Board of Pharmacy (Board), Department of
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
6 statutorily required documents were properly served on Respondent on June 6, 2012. Respondent
7 timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 4279 is
8 attached as Exhibit A and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 4279. Respondent also has carefully read, and understands the effects of this
12 Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of his legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
15 his own expense; the right to confront and cross-examine the witnesses against him; the right to
16 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
17 the attendance of witnesses and the production of documents; the right to reconsideration and
18 court review of an adverse decision; and all other rights accorded by the California
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 4279, agrees that cause exists for discipline and hereby surrenders his Pharmacy Technician
25 Registration No. TCH 57921 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation he enables the Board to issue
27 an order accepting the surrender of his Pharmacy Technician Registration without further process.
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ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 57921, issued to Respondent Steven Roy Thomas, is surrendered and accepted by the Board of Pharmacy.

1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Pharmacy. Respondent shall report this surrender as a disciplinary action.

2. Respondent shall lose all rights and privileges as a Pharmacy Technician in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. Respondent shall not apply for any license, permit, or registration from the board for three (3) years from the effective date of this decision.

5. If Respondent ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, including but not limited to certification by a nationally recognized body prior to issuance of a new license. All of the charges and allegations contained in Accusation No. 4279 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

6. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$1,360.00 prior to issuance of a new or reinstated license.

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DATED:

Steven Roy Thomas
STEVEN ROY THOMAS

Dated:

Kroffter

Stipulated Surrender of License (Case No. 4279)

Exhibit A

Accusation No. 4279

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KENT D. HARRIS
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12 **STEVEN ROY THOMAS**
2306 Marilyn Avenue
13 Redding, CA 96002

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
15 **57921**

16 Respondent.

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 July 27, 2004, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 57921 to Steven Roy Thomas (Respondent). The Pharmacy
23 Technician Registration was in full force and effect at all times relevant to the charges brought
24 herein and will expire on December 31, 2013, 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: ...

(1) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of

conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

6. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

7. Section 125.3 of the Code provides, in pertinent part, that the Board/Registrar/Director 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.

CAUSE FOR DISCIPLINE

(Criminal Conviction)

8. Respondent is subject to disciplinary action under sections 490 and 4301 subsection (l) of the Business and Professions code in that Respondent has been convicted of the following crime that is substantially related to the qualifications, functions, and duties of a pharmacy technician:

9. On or about December 6, 2011, in the Superior Court of the County of Shasta, State of California, in the matter entitled *People of the State of California v. Steven Roy Thomas*, Case No. MCRDCRF 110002511002, Respondent was convicted following his plea of guilty to a violation of Section 245(A)(1) of the Penal Code (assault by means of force likely to produce great bodily injury) and violation of Section 12022.7 of the Penal Code (special allegation of great bodily injury).

The circumstances of the crime are that on or about March 31, 2011 Respondent was driving his truck on eastbound on highway SR-44 when he began acting aggressively towards the victim, W.H., who was driving a motorcycle on highway SR-44. The Respondent followed W.H. closely as they were driving, and swerved in front of him in such a manner that it caused W.H. to drive on the left road edge to avoid collision. W.H. then moved to the right turn lane and

1 Respondent suddenly pulled in front of him and hit his brakes, causing W.H. to apply his brakes.
2 Subsequently his motorcycle went down and he was ejected from the motorcycle. The
3 Respondent at this point did not stop his vehicle and continued driving. W.H., despite wearing a
4 helmet and protective gear, sustained major life threatening injuries as a result of this incident.

5 **PRAYER**

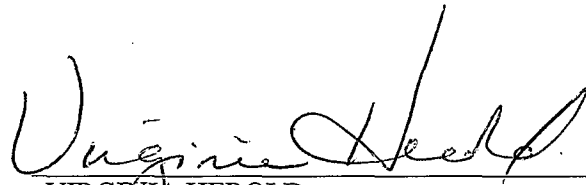
6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
7 and that following the hearing, the Board of Pharmacy issue a decision:

8 1. Revoking or suspending Pharmacy Technician Registration Number TCH 57921,
9 issued to Steven Roy Thomas.;

10 2. Ordering Steven Roy Thomas to pay the Board of Pharmacy the reasonable costs of
11 the investigation and enforcement of this case, pursuant to Business and Professions Code section
12 125.3;

13 3. Taking such other and further action as deemed necessary and proper.
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16 DATED: 5/28/12



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

21 SA2012105506
22 accusation.rtf
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