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

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By

STANLEY C. WEISSER Board President

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1 2 3	KAMALA D. HARRIS Attorney General of California JANICE K. LACHMAN Supervising Deputy Attorney General KENT D. HARRIS	
4 5 6 7	Deputy Attorney General State Bar No. 144804 1300 I Street, Suite 125 P.O. Box 944255 Sacramento, CA 94244-2550 Telephone: (916) 324-7859 Facsimile: (916) 327-8643 Attorneys for Complainant	
8	BEFOR	er There
-	BOARD OF	PHARMACY
9	STATE OF C	ONSUMER AFFAIRS ALIFORNIA
10		
11	In the Matter of the Accusation Against:	Case No. 4279
12	STEVEN ROY THOMAS	OAH No. 2012060865
13	2306 Marilyn Avenue Redding, CA 96002	STIPULATED SURRENDER OF LICENSE AND ORDER
14	Pharmacy Technician Registration No. TCH 57921	
• 15	Respondent.	, у
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17		
18	IT IS HEREBY STIPULATED AND AGE	EED by and between the parties in this
19	proceeding that the following matters are true:	
20	PAR	TIES
21	1. Virginia Herold (Complainant) is the	Executive Officer of the Board of Pharmacy.
22	She brought this action solely in her official capa	city and is represented in this matter by Kamala
23	D. Harris, Attorney General of the State of Califo	ornia, 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 Tho	mas (Respondent). The Pharmacy Technician
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		Stimulated Summader of License (Case No. 4270)

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Stipulated Surrender of License (Case No. 4279)

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

JURISDICTION

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

ADVISEMENT AND WAIVERS

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

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

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

CULPABILITY

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

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

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RESERVATION

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board of Pharmacy or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent 7 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may 8 communicate directly with the Board regarding this stipulation and surrender, without notice to or 9 participation by Respondent. By signing the stipulation, Respondent understands and agrees that 10 he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board 11 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, 12 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this 13 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not 14 15 be disqualified from further action by having considered this matter.

16 12. The parties understand and agree that electronic or facsimile copies of this Stipulated
17 Surrender of License and Order, including electronic or facsimile signatures thereto, shall have
18 the same force and effect as the originals.

13. This Stipulated Surrender of License and Order is intended by the parties to be an
 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
 executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that
the Board may, without further notice or formal proceeding, issue and enter the following Order:

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Stipulated Surrender of License (Case No. 4279)

<u>ORDER</u>

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.

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2. Respondent shall lose all rights and privileges as a Pharmacy Technician in California
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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 notapply for any license, permit, or registration from the board for
three (3) years from the effective date of this decision.

15 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.

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

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ACCEPTANCE

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I have carefully read the Stipulated Surrender of License and Order. I understand the
stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this
Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
be bound by the Decision and Order of the Board of Pharmacy.

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7	DATED: 1/7/2013 Hun Roy Thomas IA
8	STEVEN ROY THOMAS Respondent
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10	ENDORSEMENT
11	The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
12	for consideration by the Board of Pharmacy of the Department of Consumer Affairs.
13	Dated: //////3 Respectfully submitted,
14	KAMALA D. HARRIS
15	Attorney General of California JANICE K. LACHMAN
16	Supervising Deputy Attorney General
17	Kurth
18	KENT D. HARRIS Deputy Attorney General
19	Attorneys for Complainant
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Stipulated Surrender of License (Case No. 4279)

Exhibit A

Accusation No. 4279

	1	KAMALA D. HARRIS Attorney General of California		
	2	JANICE K. LACHMAN		
	3	Supervising Deputy Attorney General KENT D. HARRIS		
	4	Deputy Attorney General State Bar No. 144804		
	5	1300 I Street, Suite 125 P.O. Box 944255		
	6	Sacramento, CA 94244-2550 Telephone: (916) 324-7859		
	7	Facsimile: (916) 327-8643 Attorneys for Complainant		
	8	BEFOI	RETHE	
	9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
1	.0		CALIFORNIA	
	1	In the Matter of the Accusation Against:	Case No. 4279	
1	.2	STEVEN ROY THOMAS		
1	3	2306 Marilyn Avenue Redding, CA 96002	ACCUSATION	
1	4	Pharmacy Technician Registration No. TCH		
1	5	57921		
1	.6	Respondent.		
1	7	Complainant alleges:		
1	8	PARTIES		
1	9	1. Virginia Herold (Complainant) bring	s this Accusation solely in her official capacity	
2	20	as the Executive Officer of the Board of Pharma	cy, Department of Consumer Affairs.	
2	21	2. On or about July 27, 2004, the Board	l of Pharmacy issued Pharmacy Technician	
2	22	Registration Number TCH 57921 to Steven Roy	Thomas (Respondent). The Pharmacy	
2	23	Technician Registration was in full force and eff	ect at all times relevant to the charges brought	
2	24	herein and will expire on December 31, 2013, un	less renewed.	
2	25			
2	26			
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2	28			
			1 .	
			Accusation	

1	JURISDICTION
2	3. This Accusation is brought before the Board of Pharmacy (Board), Department of
3	Consumer Affairs, under the authority of the following laws. All section references are to the
4	Business and Professions Code unless otherwise indicated.
5	4. Section 4300 of the Code states in pertinent part:
6	(a) Every license issued may be suspended or revoked.
7 8	(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:
9	(1) Suspending judgment.
10	(2) Placing him or her upon probation.
11	(3) Suspending his or her right to practice for a period not exceeding one year.
12	(4) Revoking his or her license.
13 14	(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper."
15 16 17	(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."
18	5. Section 4301 of the Code states in pertinent part:
19	The board shall take action against any holder of a license who is guilty of
20	unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is
21	not limited to, any of the following:
22	(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 12 (commencing with Section 201) of Title 21 of the United
23	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
24	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
25	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
26	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
27 28	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
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Accusation

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 licentiate 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 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

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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.	
14	/	
15		
16	DATED: 5/28/12 Ungine Help	
17	VIRGINIA HEROLD Executive Officer	
18	Board of Pharmacy Department of Consumer Affairs	
19	State of California Complainant	
20	Complainain	
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	Accusation	