

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

In the Matter of the Accusation Against:  
  
**AMOND DELVON SANDERS**  
201 Maine Street, B2  
Vallejo, CA 94590  
Pharmacy Technician Registration No. TCH  
41584  
  
Respondent.

Case No. 4717

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about March 7, 2014, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4717 against Amond Delvon Sanders (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about September 19, 2002, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 41584 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 4717 and will expire on May 31, 2014, unless renewed.

///

1           3.     On or about March 17, 2014, Respondent was served by Certified and First Class  
2 Mail copies of the Accusation No. 4717, Statement to Respondent, Notice of Defense, Request  
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
5 section 4100, is required to be reported and maintained with the Board. Respondent's address of  
6 record was and is: 201 Maine Street, B2, Vallejo, CA 94590.

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

10          5.     On or about March 31, 2014 and April 21, 2014, the aforementioned documents were  
11 returned by the U.S. Postal Service marked "Return to Sender, Unable to Forward, Attempted-  
12 Not Known."

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

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

19          7.     Respondent failed to file a Notice of Defense within 15 days after service upon him  
20 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
21 4717.

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

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

27          9.     Pursuant to its authority under Government Code section 11520, the Board finds  
28 Respondent is in default. The Board will take action without further hearing and, based on the  
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
taking official notice of all the investigatory reports, exhibits and statements contained therein on  
file at the Board's offices regarding the allegations contained in Accusation No. 4717, finds that

1 the charges and allegations in Accusation No. 4717, are separately and severally, found to be true  
2 and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and  
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
5 and Enforcement are \$2,790.00 as of April 28, 2014.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Amond Delvon Sanders has  
8 subjected his Pharmacy Technician Registration No. TCH 41584 to discipline.

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

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

13 a. Business and Professions Code (Code) section 4301, subdivision (l), Conviction of  
14 Substantially Related Crime;

15 b. Code section 4301, subdivision (h), Dangerous and/or Injurious Use of Alcohol;

16 c. Code section 4301, subdivision (k), Conviction of Alcohol-Related Offense(s); and

17 d. Code section 4301, Unprofessional Conduct.

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ORDER

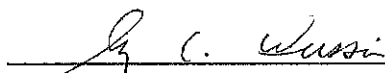
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 41584, heretofore issued to Respondent Amond Delvon Sanders, is revoked.

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

This Decision shall become effective on June 20, 2014.

It is so ORDERED May 21, 2014.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By   
STAN C. WEISSER  
Board President

40954589.DOC  
DOJ Matter ID:SF2013405050

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
3 ROSALDA PEREZ  
Deputy Attorney General  
4 State Bar No. 284646  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-1618  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

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. 4717

11 **AMOND DELVON SANDERS**  
12 **201 Maine Street, B2**  
13 **Vallejo, CA 94590**

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

14 **Pharmacy Technician Registration No. TCH**  
**41584**

15 Respondent.

16  
17 Complainant alleges:

18 PARTIES

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

21 2. On or about September 19, 2002, the Board of Pharmacy issued Pharmacy Technician  
22 Registration Number TCH 41584 to Amond Delvon Sanders (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 May 31, 2014, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board under the authority of the following laws.  
27 All section references are to the Business and Professions Code (Code) unless otherwise  
28 indicated.



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

15 "..."

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

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

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

26 COST RECOVERY

27 10. Code section 125.3 states, in pertinent part, that the Board may request the  
28 administrative law judge to direct a licentiate found to have committed a violation or violations of



1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

3 FACTS

4 11. On or about October 23, 2012, in the Superior Court of California, County of Contra  
5 Costa, State of California, Case No. 12002462-0, Respondent was convicted of violating Vehicle  
6 Code section 23152, subdivision (b) (driving with a blood alcohol level of .08% or greater), with  
7 priors, a felony. Respondent admitted to three (3) prior alcohol related convictions within ten  
8 years. Imposition of sentence was suspended in favor of a four (4) year formal probation term.  
9 Respondent was ordered to, among other things, spend 180 days in jail, submit to drug testing,  
10 complete a Post Conviction Drinking Driver's Program, and pay fines and fees. The conviction  
11 arose from an incident that occurred on or about May 23, 2012 when officers pulled Respondent  
12 over during a routine traffic stop. Respondent admitted consuming two beers prior to driving and  
13 officers found an open bottle of Hennessy in the center console that was ¾ empty. The  
14 Preliminary Alcohol Screening (PAS) device measured Respondent's blood alcohol level at .150%  
15 and .160%.

16 12. On or about June 24, 2004, in the Superior Court of California, County of Alameda,  
17 State of California, Case No. 494658, Respondent was convicted of violating Vehicle Code  
18 section 23103.5 (alcohol related reckless driving), a misdemeanor. Imposition of sentence was  
19 suspended in favor of a two (2) year probation term. Respondent was ordered to, among other  
20 things, serve two (2) days in county jail, pay fines and fees, abstain from having or using drugs,  
21 and submit to alcohol detection tests. The conviction arose from Respondent's arrest on or about  
22 December 21, 2003.

23 13. On or about March 22, 2004, in the Superior Court of California, County of Solano,  
24 Case No. FCR 208732, Respondent was convicted of violating Vehicle Code sections 23152,  
25 subdivision (a) (driving under the influence), with two (2) priors, a misdemeanor; 23222,  
26 subdivision (a) (possession of open container while driving), a misdemeanor; and 27315,  
27 subdivision (d)(1) (failure to wear seatbelt), a misdemeanor. Imposition of sentence was  
28 suspended in favor of a three (3) year formal probation term to be served consecutively with Case

1 No. VCR 171465. Respondent was ordered to, among other things, serve 365 days in jail, commit  
2 himself to CAT II, pay fines and fees, totally abstain from using drugs and alcohol, submit to  
3 alcohol and drug testing at any time, and submit his person and property to warrantless searches.  
4 The conviction arose from Respondent's arrest on or about June 19, 2003.

5 14. On or about March 10, 2004, in the Superior Court of California, County of Solano,  
6 Case No. VCR 171465, Respondent was convicted of violating Vehicle Code section 23152,  
7 subdivision (b) (driving with a blood alcohol level of .08 percent or greater), with one prior, a  
8 misdemeanor. Imposition of sentence was suspended in favor of a three (3) year formal probation  
9 term to be served consecutively with Case No. FCR 208732 (paragraph 13, above). The  
10 conviction arose from Respondent's arrest on or about January 3, 2004.

11 15. On or about May 1, 2003, in the Superior Court of California, County of Solano, Case  
12 No. VCR 163938, Respondent was convicted of violating Vehicle Code section 14601.1,  
13 subdivision (a) (driving with suspended license), a misdemeanor. Imposition of sentence was  
14 suspended in favor of a two (2) year probation term. Respondent was ordered to, among other  
15 things, serve five (5) days in county jail, pay fines and fees, submit to alcohol and drug testing at  
16 any time, attend counseling and therapy, and attend a parenting class. The conviction arose from  
17 Respondent's arrest on or about October 12, 2002.

18 16. On or about May 3, 2002, in the Superior Court of California, County of Solano, Case  
19 No. VCR 156054, Respondent was convicted of violating Vehicle Code section 23152,  
20 subdivision (b) (driving with a blood alcohol level of .08 percent or greater), a misdemeanor.  
21 Imposition of sentence was suspended in favor of a three (3) year probation term. Respondent  
22 was ordered to, among other things, serve seven (7) days in county jail, pay fines and fees, submit  
23 to alcohol and drug testing at any time, and attend a first offender DUI program.

24 FIRST CAUSE FOR DISCIPLINE

25 (Conviction of Substantially Related Crime(s))

26 17. Respondent is subject to disciplinary action under Code sections 4301, subdivision (l),  
27 and/or 490, by reference to California Code of Regulations, title 16, section 1770, for the  
28 conviction of a substantially related crime(s) as described in paragraphs 11-16, above.

