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

8 In the Matter of the Accusation Against:

Case No. 4757

9 **REMY RAY MADISON**
10 1887 E. Denwall Dr.
Carson, CA 90746

DEFAULT DECISION AND ORDER

11 Pharmacy Technician Registration
12 No. TCH 97740

[Gov. Code, §11520]

13 Respondent.

14
15 **FINDINGS OF FACT**

16 1. On or about May 9, 2014, Complainant Virginia Herold, in her official capacity as the
17 Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation
18 No. 4757 against Remy Ray Madison (Respondent) before the Board of Pharmacy. (Accusation
19 attached as Exhibit A.)

20 2. On or about February 26, 2010, the Board of Pharmacy (Board) issued Pharmacy
21 Technician Registration No. TCH 97740 to Respondent. The Pharmacy Technician Registration
22 expired on July 31, 2013, and has not been renewed.

23 3. On or about May 23, 2014, Respondent was served by Certified and First Class Mail
24 copies of the Accusation No. 4757, Statement to Respondent, Notice of Defense, Request for
25 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
26 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
27 is required to be reported and maintained with the Board. Respondent's address of record was
28 and is: 1887 E. Denwall Dr., Carson, CA 90746.

1 4. Service of the Accusation was effective as a matter of law under the provisions of
2 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
3 124.

4 5. On or about May 27, 2014, the aforementioned documents were received by certified
5 mail at Respondent's address of record on file with the Board. A signed receipt of certified mail
6 was returned by the United States Postal Service with Respondent's signature from his address of
7 record.

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

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

14 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
15 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
16 4757.

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

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

22 9. Pursuant to its authority under Government Code section 11520, the Board finds
23 Respondent is in default. The Board will take action without further hearing and, based on the
24 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
25 taking official notice of all the investigatory reports, exhibits and statements contained therein on
26 file at the Board's offices regarding the allegations contained in Accusation No. 4757, finds that
27 the charges and allegations in Accusation No. 4757, are separately and severally, found to be true
28 and correct by clear and convincing evidence.

 10. Taking official notice of its own internal records, pursuant to Business and
Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
and Enforcement is \$1,427.50 as of September 2, 2014.

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DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Remy Ray Madison has subjected his Pharmacy Technician Registration No. TCH 97740 to discipline.

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

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

(a) Business and Professions Code section 4301, subdivision (j), on the grounds of unprofessional conduct, in that Respondent was found to be in unlawful possession of a controlled substance.

(b) Business and Professions Code section 4301, (o) in conjunction with California Code of Regulations, title 16, section 1770 in that Respondent committed acts of unprofessional conduct and/or violated provisions of the licensing chapter.

ORDER

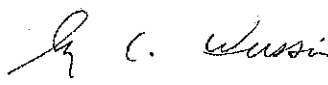
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 97740, heretofore issued to Respondent Remy Ray Madison, is revoked.

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 November 14, 2014.

It is so ORDERED October 15, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By 
STAN C. WEISSNER
Board President

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51588469.DOC
DOJ Matter ID:LA2013509952
Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 4757

12 **REMY RAY MADISON**
13 1887 E. Denwall Dr.
Carson, CA 90746

ACCUSATION

14 Pharmacy Technician Registration
15 No. TCH 97740

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Virginia K. Herold (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Officer of the California State Board of Pharmacy (Board).

22 2. On or about February 26, 2010, the Board issued Pharmacy Technician Registration
23 No. TCH 97740 to Remy Ray Madison (Respondent). The Pharmacy Technician Registration
24 expired on July 31, 2013, and has not been renewed.

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1 JURISDICTION

2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.
4

5 STATUTORY PROVISIONS

6 4. Section 4300 provides in pertinent part, that every license issued by the Boards is
7 subject to discipline, including suspension or revocation.

8 5. Section 4300.1 states:

9 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by
10 operation of law or by order or decision of the board or a court of law, the placement of a license
11 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
12 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
13 proceeding against, the licensee or to render a decision suspending or revoking the license."

14 6. Section 4301 states, in pertinent part:

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

18 ...

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

21 ...

22 (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
23 violation of or conspiring to violate any provision or term of this chapter or of the applicable
24 federal and state laws and regulations governing pharmacy, including regulations established by
25 the board or by any other state or federal regulatory agency.

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1 **REGULATORY PROVISIONS**

2 7. California Code of Regulations, title 16, section 1770 states, in pertinent part:

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

10 **COST RECOVERY**

11 8. Section 125.3 states, in pertinent part, that the Board may request the administrative
12 law judge to direct a licentiate found to have committed a violation or violations of the licensing
13 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of case.
14

15 **CONTROLLED SUBSTANCE**

16 "Methamphetamine," is a Schedule II controlled substance as defined by Health and Safety
17 Code section 11055, subdivision (d)(2) and is categorized as a dangerous drug pursuant to section
18 4022.
19

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Unlawful Possession of a Controlled Substance)**

22 9. Respondent is subject to disciplinary action under section 4301, subdivision (j), on
23 the grounds of unprofessional conduct, in that Respondent was found to be in unlawful possession
24 of a controlled substance, as follows:

25 a. On or about January 6, 2013, when confronted by a Los Angeles County Sheriff's
26 Deputy, Respondent admitted that he had a "pipe" in his pocket. A consensual search of
27 Respondent's pocket revealed a glass narcotic pipe and a plastic baggie containing
28

1 methamphetamine. A second glass pipe was recovered from Respondent's left front pants pocket.
2 Respondent admitted to police that he possessed the methamphetamine for personal use.

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4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct/Violation of Licensing Chapter)**

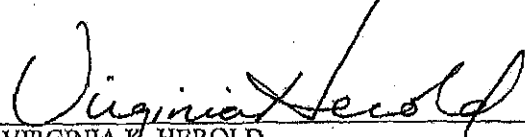
6 10. Respondent is subject to disciplinary action under section 4301, (o) in conjunction
7 with California Code of Regulations, title 16, section 1770 in that Respondent committed acts of
8 unprofessional conduct and/or violated provisions of the licensing chapter. Complainant refers to,
9 and by this reference incorporates, the allegations set forth above in paragraph 10, subparagraph
10 (a), as though set forth fully herein.

11
12 **PRAYER**

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

- 15 1. Revoking or suspending Pharmacy Technician Registration Number TCH 97740,
16 issued to Remy Ray Madison;
17 2. Ordering Remy Ray Madison to pay the Board the reasonable costs of the
18 investigation and enforcement of this case, pursuant to section 125.3; and
19 3. Taking such other and further action as deemed necessary and proper.

20
21 DATED: 5/9/14

21 
22 VIRGINIA K. HEROLD
23 Executive Officer
24 California State Board of Pharmacy
25 State of California
26 Complainant

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