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

In the Matter of the Accusation Against:	Case No. 5021
SETH THOMAS BULLOCK 6218 Posey Lane, Unit B Paradise, CA 95969	DEFAULT DECISION AND ORDER
Pharmacy Technician Registration No. TCH 90455	[Gov. Code, §11520]
Respondent.	

FINDINGS OF FACT

1. On or about February 18, 2014, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5021 against Seth Thomas Bullock (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

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1 2. On or about June 17, 2009, the Board of Pharmacy (Board) issued Pharmacy
2 Technician Registration No. TCH 90455 to Respondent. The Pharmacy Technician Registration
3 was in full force and effect at all times relevant to the charges brought in Accusation No. 5021
4 and will expire on March 31, 2015, unless renewed.

5 3. On or about March 4, 2014, Respondent was served by Certified and First Class Mail
6 copies of the Accusation No. 5021, Statement to Respondent, Notice of Defense, Request for
7 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
8 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
9 is required to be reported and maintained with the Board. Respondent's address of record was
10 and is:

11 6218 Posey Lane, Unit B
12 Paradise, CA 95969.

13 4. Service of the Accusation was effective as a matter of law under the provisions of
14 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
15 124.

16 5. On or about March 24, 2014, the aforementioned documents were returned by the
17 U.S. Postal Service marked "Unclaimed." The address on the documents was the same as the
18 address on file with the Board. Respondent failed to maintain an updated address with the Board
19 and the Board has made attempts to serve the Respondent at the address on file. Respondent has
20 not made himself available for service and therefore, has not availed himself of his right to file a
21 notice of defense and appear at hearing.

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

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

28 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
5021.

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

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

6 9. Pursuant to its authority under Government Code section 11520, the Board finds
7 Respondent is in default. The Board will take action without further hearing and, based on the
8 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
9 taking official notice of all the investigatory reports, exhibits and statements contained therein on
10 file at the Board's offices regarding the allegations contained in Accusation No. 5021, finds that
11 the charges and allegations in Accusation No. 5021, are separately and severally, found to be true
12 and correct by clear and convincing evidence.

13 10. Taking official notice of its own internal records, pursuant to Business and
14 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
15 and Enforcement is \$1,177.50 as of March 28, 2014.

16 **DETERMINATION OF ISSUES**

17 1. Based on the foregoing findings of fact, Respondent Seth Thomas Bullock has
18 subjected his Pharmacy Technician Registration No. TCH 90455 to discipline.

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

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

23 a. Section 4301, subdivisions (k) and (l), substantially related criminal conviction for
24 driving a vehicle while under the influence of controlled substances, specifically
25 Methamphetamine and Oxycodone.

26 b. Section 4301, subdivision (h), self administration of controlled substances to self to
27 an extent or in a manner to be dangerous to self or others, as set forth in paragraph a.

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1 c. Section 4301, subdivision (j), violation of the laws governing controlled substances,
2 specifically Health and Safety Code section 11350, subdivision (a) and Section 4060, by
3 possessing Oxycodone without a prescription.

4 d. 4301, subdivision (o), violation of the laws governing pharmacy as set forth above.

5 **ORDER**

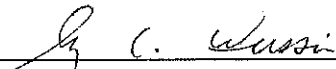
6 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 90455, heretofore
7 issued to Respondent Seth Thomas Bullock, is revoked.

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

12 This Decision shall become effective on May 26, 2014.

13 It is so ORDERED April 24, 2014.

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

17 By 
18 STAN C. WEISSER
19 Board President

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22
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25 11315936.DOC
DOJ Matter ID:SA2013113968

26 Attachment:
27 Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
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2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KRISTINA T. JANSEN
Deputy Attorney General
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5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5403
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

10
11 In the Matter of the Accusation Against:

Case No. 5021

12 **SETH THOMAS BULLOCK**
6218 Posey Lane, Unit B
13 Paradise, CA 95969

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH
90455**

15
16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about June 17, 2009, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 90455 to Seth Thomas Bullock (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and will expire on March 31, 2015, unless renewed.

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JURISDICTION

1
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 "(b) The board shall discipline the holder of any license issued by the board, whose default
8 has been entered or whose case has been heard by the board and found guilty, by any of the
9 following methods:

10 "(1) Suspending judgment.

11 "(2) Placing him or her upon probation.

12 "(3) Suspending his or her right to practice for a period not exceeding one year.

13 "(4) Revoking his or her license.

14 "(5) Taking any other action in relation to disciplining him or her as the board in its
15 discretion may deem proper..."

16 5. Section 4300.1 of the Code states:

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

22 6. Section 4301 of the Code states in pertinent part:

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

26 "...

27 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
28 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to

1 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
2 to the extent that the use impairs the ability of the person to conduct with safety to the public the
3 practice authorized by the license.

4 "...

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

7 "...

8 "(k) The conviction of more than one misdemeanor or any felony involving the use,
9 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any
10 combination of those substances.

11 "(l) The conviction of a crime substantially related to the qualifications, functions, and duties
12 of a licensee under this chapter. The record of conviction of a violation of Chapter 13
13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
14 substances or of a violation of the statutes of this state regulating controlled substances or
15 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
16 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
17 The board may inquire into the circumstances surrounding the commission of the crime, in order to
18 fix the degree of discipline or, in the case of a conviction not involving controlled substances or
19 dangerous drugs, to determine if the conviction is of an offense substantially related to the
20 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
21 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
22 of this provision. The board may take action when the time for appeal has elapsed, or the
23 judgment of conviction has been affirmed on appeal or when an order granting probation is made
24 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
25 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
26 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
27 indictment.

28 "...

1 "(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
2 violation of or conspiring to violate any provision or term of this chapter or of the applicable
3 federal and state laws and regulations governing pharmacy, including regulations established by the
4 board or by any other state or federal regulatory agency..."

5 DRUGS

6 7. Section 4060 of the Code states in pertinent part: "No person shall possess any
7 controlled substance, except that furnished to a person upon the prescription of a physician..."

8 8. "Methamphetamine" is a schedule II controlled substance pursuant to Health and
9 Safety Code section 11055, subdivision (d)(2).

10 9. "Oxycodone" is a schedule II controlled substance pursuant to Health and Safety Code
11 section 11055, subdivision (b)(1)(M).

12 COST RECOVERY

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

17 FIRST CAUSE FOR DISCIPLINE

18 (Substantially Related Criminal Conviction)

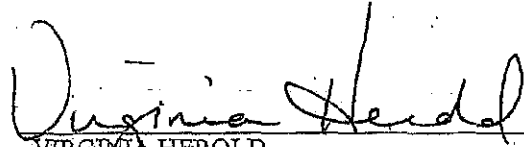
19 11. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
20 section 4301, subdivisions (k) and (l), in that on or about October 22, 2013, in the Butte County
21 Superior Court case entitled *People v. Seth Thomas Bullock*, case number CM039065,
22 Respondent pled guilty to violating Health and Safety Code section 11350, subdivision (a),
23 possession of a controlled substance, a felony, and Vehicle Code section 23152, subdivision (a),
24 driving under the influence of alcohol or drugs, a misdemeanor. The circumstances are that on or
25 about June 23, 2013, Respondent was arrested for driving erratically, under suspicion of being
26 under the influence of alcohol or drugs. A blood test returned a positive result for
27 methamphetamine and Oxycodone. Respondent was also in possession of nine (9) pills of
28 Oxycodone without a valid prescription at the time of his arrest.

PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 90455, issued to Seth Thomas Bullock;
2. Ordering Seth Thomas Bullock to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 2/18/14



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