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

In the Matter of the Accusation Against:

ROSS DOMINIC FORBES CASTRO
20912 S. Van Deene Avenue
Torrance, CA 90502
Pharmacy Technician Registration No. TCH
83189

Respondent.

Case No. 5094

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about December 18, 2014, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5094 against Ross Dominic Forbes Castro (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about May 1, 2008, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 83189 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5094, expired on July 31, 2013, and is now cancelled. The expiration of Respondent's registration,

1 however, pursuant to Business and Professions Code sections 118(b) and 4300.1 does not deprive
2 the Board of its authority to institute or continue this disciplinary proceeding.

3 3. On or about January 15, 2015, Respondent was served by Certified and First Class
4 Mail copies of the Accusation No. 5094, Statement to Respondent, Notice of Defense, Request
5 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
6 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
7 section 4100, is required to be reported and maintained with the Board. Respondent's address of
8 record was and is:

9 20912 S. Van Deene Avenue
10 Torrance, CA 90502.

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

14 5. On or about January 23, 2015, the aforementioned documents were returned by the
15 U.S. Postal Service marked "Return to Sender Unable to Forward." The address on the
16 documents was the same as the address on file with the Board. Respondent failed to maintain an
17 updated address with the Board and the Board has made attempts to serve the Respondent at the
18 address on file. Respondent has not made himself available for service and therefore, has not
19 availed himself of his right to file a notice of defense and appear at hearing.

20 6. On or about February 12, 2015, Respondent was served by Certified and First Class
21 Mail copies of the Accusation No. 5094, Statement to Respondent, Notice of Defense, Request
22 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
23 11507.7) at the following alternate address discovered in the Board's investigative file:

24 429 W. 229th Street
25 Carson, CA 90745.

26 7. Service of the Accusation was effective as a matter of law under the provisions of
27 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
28 124.

1 8. On or about March 3, 2015, the aforementioned documents were returned by the U.S.
2 Postal Service marked "Return to Sender Unable to Forward." Respondent has not made himself
3 available for service and therefore, has not availed himself of his right to file a notice of defense
4 and appear at hearing.

5 9. Government Code section 11506 states, in pertinent part:

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

11 10. Respondent failed to file a Notice of Defense within 15 days after service upon him
12 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
13 5094.

14 11. California Government Code section 11520 states, in pertinent part:

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

19 12. Pursuant to its authority under Government Code section 11520, the Board finds
20 Respondent is in default. The Board will take action without further hearing and, based on the
21 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
22 taking official notice of all the investigatory reports, exhibits and statements contained therein on
23 file at the Board's offices regarding the allegations contained in Accusation No. 5094, finds that
24 the charges and allegations in Accusation No. 5094, are separately and severally, found to be true
25 and correct by clear and convincing evidence.

26 13. Taking official notice of its own internal records, pursuant to Business and
27 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
28 and Enforcement is \$7,955.00 as of March 16, 2015.

DETERMINATION OF ISSUES

1 1. Based on the foregoing findings of fact, Respondent Ross Dominic Forbes Castro has
2 subjected his Pharmacy Technician Registration No. TCH 83189 to discipline.

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

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

5 a. Respondent is subject to disciplinary action under Business and Professions Code
6 sections 4301, subdivision (l) and 490, in conjunction with California Code of Regulations, title
7 16, section 1770, in that he was convicted of the following crimes which are substantially related
8 to the qualifications, functions or duties of a pharmacy technician: burglary (2013); possession of
9 a smoking device (2013); possession of controlled substance paraphernalia (2013); receiving
10 known stolen property (2013); second degree burglary (2013); possession of unlawful
11 paraphernalia (2012); and trespass by entering and occupying (2012).

12 b. Respondent is subject to disciplinary action under Business and Professions Code
13 section 4301, subdivision (f), in that Respondent committed acts involving moral turpitude,
14 dishonesty, fraud, or deceit with the intent to substantially benefit himself, or substantially injure
15 another.

16 c. Respondent is subject to disciplinary action under Business and Professions Code
17 section 4301, subdivisions (j) and (o), for violating Business and Professions Code section 4060,
18 in that Respondent was in illegal possession of the controlled substance methamphetamine on or
19 about December 26, 2012.

20 d. Respondent is subject to disciplinary action under Business and Professions Code
21 section 4301, subdivision (o), in that he committed acts of unprofessional conduct and/or violated
22 provisions of the licensing chapter.

23 e. The accusation also charges, as a disciplinary consideration, that on or about July 8,
24 2011, Respondent was convicted of one misdemeanor count of driving under the influence of
25 alcohol or drugs.

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ORDER

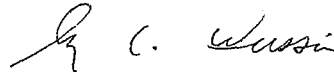
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 83189, heretofore issued to Respondent Ross Dominic Forbes Castro, is revoked.

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 May 8, 2015.

It is so ORDERED on April 8, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

51722330.DOCX
DOJ Matter ID:LA2014511313

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 M. TRAVIS PEERY
Supervising Deputy Attorney General
4 State Bar No. 261887
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-0962
6 Facsimile: (213) 897-2804

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. 5094

12 **ROSS DOMINIC FORBES CASTRO**
20912 S. Van Deene Avenue
13 Torrance, CA 90502

A C C U S A T I O N

14 Pharmacy Technician Registration
15 No. TCH 83189

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about May 1, 2008, the Board issued Pharmacy Technician Registration No.
23 TCH 83189 to Ross Dominic Forbes Castro (Respondent). The Pharmacy Technician
24 Registration was in full force and effect at all times relevant to the charges brought herein. The
25 Pharmacy Technician Registration expired on July 31, 2013, and is now cancelled.

26 **JURISDICTION**

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

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

3 5. Section 4300.1 states:

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

9 STATUTORY PROVISIONS

10 6. Section 490 states, in pertinent part:

11 "(a) In addition to any other action that a board is permitted to take against a licensee, a
12 board may suspend or revoke a license on the ground that the licensee has been convicted of a
13 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
14 or profession for which the license was issued.

15 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
16 discipline a licensee for conviction of a crime that is independent of the authority granted under
17 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
18 of the business or profession for which the licensee's license was issued.

19 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
20 conviction following a plea of nolo contendere. Any action that a board is permitted to take
21 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
22 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
23 made suspending the imposition of sentence, irrespective of a subsequent order under the
24 provisions of Section 1203.4 of the Penal Code."

25 7. Section 4301 states, in pertinent part:

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

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"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

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

....
"(l) 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.

....
"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable

1 federal and state laws and regulations governing pharmacy, including regulations established by
2 the board or by any other state or federal regulatory agency. "

3 **REGULATORY PROVISIONS**

4 8. California Code of Regulations, title 16, section 1770, states:

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

11 **COST RECOVERY**

12 9. Section 125.3 provides, in pertinent part, that the Board may request the
13 administrative law judge to direct a licentiate found to have committed a violation or violations of
14 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
15 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
16 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
17 included in a stipulated settlement.

18 **CONTROLLED SUBSTANCE/DANGEROUS DRUG**

19 10. "Methamphetamine," is a schedule II controlled substance as defined in Health and
20 Safety Code section 11055, subdivision (d)(2), and is categorized a dangerous drug pursuant to
21 section 4022.

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Convictions of Substantially Related Crimes)**

24 11. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and
25 490, in conjunction with California Code of Regulations, title 16, section 1770, in that
26 Respondent was convicted of crimes substantially related to the qualifications, functions or duties
27 of a pharmacy technician, as follows:

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1 a. On or about December 17, 2013, after pleading nolo contendere, Respondent was
2 convicted of one felony count of violating Penal Code section 459 [burglary] in the criminal
3 proceeding entitled *The People of the State of California v. Ross Dominic Castro* (Super. Ct. L.A.
4 County, 2012, No. TA130772.) The Court sentenced Respondent to serve 270 days in Los
5 Angeles County Jail and placed him on 36 months probation, with terms and conditions.

6 b. The circumstances surrounding the conviction are that on or about November 8, 2013,
7 Respondent entered a Rite-Aid, selected a sweater, took off the tag, and put it on. He continued
8 to the camera section of the store and selected a digital camera, two memory cards, and a pocket
9 radio. He then took off the sweater and placed it in his backpack along with the other items.
10 Respondent then went to an unmanned cash register, picked up 4 KitKat bars, and placed them in
11 his backpack. Respondent then walked past several manned cash registers and made no attempt
12 to pay for the merchandise he had selected. Respondent was detained outside of the store by a
13 Rite-Aid Loss Prevention Officer.

14 c. On or about October 9, 2013, after pleading nolo contendere, Respondent was
15 convicted of one misdemeanor count of violating Health and Safety Code section 11364.1,
16 subdivision (a)(1) [possession of a smoking device] in the criminal proceeding entitled *The*
17 *People of the State of California v. Ross Dominic Castro* (Super. Ct. L.A. County, 2013, No.
18 3CP05387.) The Court sentenced Respondent to serve 30 days in Los Angeles County Jail and
19 denied probation.

20 d. The circumstances surrounding the conviction are that on or about October 7, 2013, a
21 Los Angeles County Sheriff's officer approached Respondent after observing him riding his
22 bicycle at night without lights. The officer asked Respondent to remove his hand from his
23 pockets several times but Respondent would not comply. The officer then asked Respondent if he
24 had anything illegal and if he could conduct a pat down search. Respondent replied, "No, I don't
25 have anything illegal. But yea sir, I'm all yours." During the pat down, the officer felt a tube with
26 a bulb attached at one end, which the officer recognized to be a pipe commonly used to smoke
27 Methamphetamine. As the officer recovered the pipe from his waistband, Respondent
28 spontaneously stated, "You know, I found that over there." The officer removed the pipe and saw

1 it contained an off white crystal like substance resembling methamphetamine. Respondent was
2 subsequently arrested for violating Health and Safety Code section 11377, subdivision (a)
3 [possession of a controlled substance] and Health and Safety Code section 11364.1, subdivision
4 (a) [possession of smoking device].

5 e. On or about October 15, 2013, after pleading nolo contendere, Respondent was
6 convicted of one misdemeanor count of violating Health and Safety Code section 11364,
7 subdivision (a), [possession of controlled substance paraphernalia] in the criminal proceeding
8 entitled *The People of the State of California v. Ross Dominic Castro* (Super. Ct. L.A. County,
9 2013, No. 3SY06064.) The Court placed Respondent on 3 years probation, with terms and
10 conditions.

11 f. The circumstances surrounding the conviction are that on or about August 23, 2013,
12 while conducting foot patrol of the Redondo Beach Pier, a Redondo Beach Police officer was
13 contacted by an employee of a gelato shop regarding a male who had stolen money from a tip jar
14 the day before. The employee indicated that the male appeared to be transient and was hiding in
15 the bench area behind the business. The officer located Respondent downstairs below another
16 business in an area that was not for public access and was near utility rooms, storage rooms, and
17 vent rooms for the businesses above. The officer located an elongated glass pipe with a bulbous
18 burnt end which was sitting on top of a Golden State Advantage Card in Respondent's name. The
19 officer immediately recognized the glass pipe as an instrument used to smoke methamphetamine.

20 g. On or about July 16, 2013, after pleading nolo contendere, Respondent was convicted
21 of one misdemeanor count of violating Penal Code section 496, subdivision (a) [receiving known
22 stolen property] in the criminal proceeding entitled *The People of the State of California v. Ross*
23 *Dominic Castro* (Super. Ct. L.A. County, 2013, No. 3SY04115) The Court sentenced
24 Respondent to serve 20 days in Los Angeles County Jail and placed him on 3 years probation,
25 with terms and conditions.

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1 h. The circumstances surrounding the conviction are that on or about July 6, 2013,
2 Respondent entered a business that was closed for the day, but had the front door unlocked, and
3 took a cell phone belonging to the person who was cleaning the inside of the business. The theft
4 was reported to the Torrance Police Department who subsequently detained Respondent after they
5 tracked the phone using GPS, matched the description of the suspect to Respondent, and
6 recovered the stolen cell phone from Respondent.

7 i. On or about March 22, 2013, after pleading nolo contendere, Respondent was
8 convicted of one misdemeanor count of violating Penal Code section 459-460, subdivision (b)
9 [second degree burglary] in the criminal proceeding entitled *The People of the State of California*
10 *v. Ross Dôminic Castro* (Super. Ct. San Jose County, 2013, No. C1349464.) The Court sentenced
11 Respondent to serve 15 days in San Jose County Jail and placed him on 2 years probation, with
12 terms and conditions.

13 j. The circumstances surrounding the conviction are that on or about January 19, 2013,
14 Respondent stole an Acer Aspire laptop valued at \$849.99 from a Costco store in Santa Clara,
15 CA, by taking it out of its box, placing it under his shirt, and exiting the store without paying for
16 the merchandise. On or about January 25, 2013, Respondent returned to the same Costco and
17 stole another Acer Aspire laptop, this one valued at \$699.99, in the same manner. A loss
18 prevention officer detained Respondent outside of the store and recovered the laptop. The Santa
19 Clara Police Department arrested Respondent, who admitted to entering the Costco store for the
20 sole purpose of stealing a laptop. Respondent also admitted to stealing the first laptop on January
21 19, 2013, and selling it on the street for \$100.00.

22 k. On or about October 4, 2012, after pleading guilty, Respondent was convicted of one
23 misdemeanor count of violating Health and Safety Code section 11364.1, subdivision (a)(1)
24 [possession of unlawful paraphernalia] in the criminal proceeding entitled *The People of the State*
25 *of California v. Ross Dominic Castro* (Super. Ct. L.A. County, 2012, No. 2CP05796.) The Court
26 sentenced Respondent to serve five days in Los Angeles County Jail and placed him on 12 months
27 probation, with terms and conditions.

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1 l. The circumstances surrounding the conviction are that on or about October 2, 2012, a
2 Los Angeles County Sheriff's officer approached Respondent after observing him riding his
3 bicycle without a light. The officer ran Respondent's name thru a mobile computer which
4 revealed an outstanding warrant. Respondent was subsequently placed under arrest. The officer
5 asked Respondent if he had anything illegal on his person and in reply Respondent admitted to
6 having Methamphetamine. The officer looked inside his backpack and found a baggie containing
7 an off white crystal like substance resembling Methamphetamine and a glass narcotic pipe.
8 Respondent was subsequently arrested for violating Health and Safety Code section 11377,
9 subdivision (a) [possession of a controlled substance] and Health and Safety Code section
10 11364.1, subdivision (a) [possession of smoking device].

11 m. On or about July 31, 2012, after pleading nolo contendere, Respondent was convicted
12 of one misdemeanor count of violating Penal Code section 602, subdivision (m) [trespass by
13 entering and occupying] in the criminal proceeding entitled *The People of the State of California*
14 *v. Ross Dominic Castro* (Super. Ct. L.A. County, 2012, No. 2CP04309.) The Court sentenced
15 Respondent to serve five days in Los Angeles County Jail and placed him on 24 months
16 probation, with terms and conditions.

17 n. The circumstances surrounding the conviction are that on or about July 29, 2012, a
18 Los Angeles County Sheriff's Department deputy responded to a disturbance call of a male adult
19 wearing a white hoody refusing to leave a residential location. When the deputy arrived,
20 Respondent was slamming his right shoulder against the pedestrian garage door as though he was
21 trying to break it down. The officer contacted the person staying at the residence who indicated
22 that he was housesitting for the homeowners, that Respondent had showed up a week earlier at the
23 home, and the homeowner had instructed the house sitter not to let him in if he returned.
24 Respondent arrived at the location and rang the doorbell several times. He also began knocking
25 on and trying to open all the windows. The officer went over to check the pedestrian garage door,
26 where he had seen Respondent, and found a spatula wedged in the door frame near the locking
27 mechanism and door knob. Respondent told the officer he was pushing the garage pedestrian
28 door because he was trying to gain entry into his aunt's bedroom to lie on the couch because he

1 was homeless. Respondent was subsequently arrested for violating Penal Code section 664/459
2 [attempted burglary].

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, or Deceit)**

5 12. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
6 that Respondent committed acts involving moral turpitude, dishonesty, fraud, or deceit with the
7 intent to substantially benefit himself, or substantially injure another. Complainant refers to, and
8 by this reference incorporates, the allegations set forth above in paragraph 11, subparagraphs (b),
9 (h), and (j), inclusive, as though set forth fully.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Illegal Possession of a Controlled Substance)**

12 13. Respondent is subject to disciplinary action under section 4301, subdivision (j) and
13 (o), for violating section 4060, in that Respondent was in possession of a controlled substance, as
14 follows:

15 a. On or about December 26, 2012, the Los Angeles County Sheriff's Department
16 responded to a call reporting a burglary by a Hispanic adult male with no shirt who was seen
17 breaking into a green van. When the officers arrived, Respondent was inside the van on the rear
18 seat. The officer observed that Respondent's hands were clenched. When the officer asked to see
19 his hands, Respondent opened them and a white plastic baggie came out of his right hand. The
20 officer recovered the white plastic baggie and opened it. It contained an off white crystal like
21 substance resembling Methamphetamine. Respondent was arrested for violating Health and
22 Safety Code section 11377, subdivision (a) [possession of a controlled substance]. The substance
23 was subsequently tested by the Los Angeles County Sheriff's Department laboratory and found to
24 contain methamphetamine.

25 b. On or about October 2, 2012, Respondent was in possession of a controlled
26 substance. Complainant refers to, and by this reference incorporates, the allegations set forth
27 above in paragraph 11, subparagraph (l), inclusive, as though set forth fully.

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1 **FOURTH CAUSE FOR DISCIPLINE**

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

3 14. Respondent is subject to disciplinary action under section 4301, (o), in that
4 Respondent committed acts of unprofessional conduct and/ or violated provisions of the licensing
5 chapter. Complainant refers to, and by this reference incorporates, the allegations set forth above
6 in paragraphs 11-13, inclusive, as though set forth fully.

7 **DISCIPLINE CONSIDERATIONS**

8 15. To determine the degree of discipline, Complainant alleges the following:

9 a. On or about July 8, 2011, after pleading guilty, Respondent was convicted of one
10 misdemeanor count of violating Vehicle Code section 23152, subdivision (a), [driving under the
11 influence of alcohol or drugs] and one misdemeanor count of Vehicle Code Section 23152,
12 subdivision (b), [driving while having 0.08% or more, by weight, of alcohol in his blood] in the
13 criminal proceeding entitled *The People of the State of California v. Ross Dominic Forbes Castro*
14 (Super. Ct. Orange County, 2011, No. 11NM12585.) The Court placed Respondent on 3 years
15 probation, with terms and conditions

16 b. The circumstances surrounding the conviction are that on or about June 10, 2011, an
17 officer of the California Highway Patrol conducted a traffic stop of Respondent's vehicle after
18 observing it driving erratically and coming close to striking the rear of a sedan in front of it.
19 Upon contacting Respondent, the officer smelled a strong odor of an alcoholic beverage emitting
20 from the vehicle. Respondent admitted to the officer that he "had one jack and coke" in the last
21 twelve hours and was following a car full of his friends to get something to eat. Respondent
22 performed poorly on the field sobriety tests administered by the officer and a breath test resulted
23 in blood alcohol content readings of .13% and .12%.

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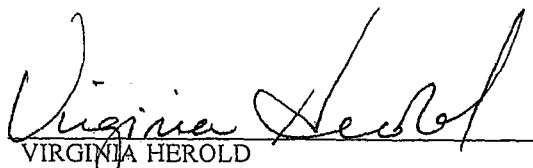
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PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration No. TCH 83189, issued to Ross Dominic Forbes Castro;
2. Ordering Ross Dominic Forbes Castro to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 12/18/14



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

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