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

In the Matter of the Accusation Against:

MICHAEL VINCENT GLAZE
6661 Charner Street
Bell Gardens, CA 90201

**Pharmacy Technician Registration No. TCH
109941**

Respondent.

Case No. 5095

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about September 13, 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. 5095 against Michael Vincent Glaze (Respondent) before the Board of Pharmacy (Board). (Accusation attached as Exhibit A.)

2. On or about July 13, 2011, the Board issued Pharmacy Technician Registration No. TCH 109941 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5095 and will expire on November 30, 2014, unless renewed.

3. On or about September 24, 2014, Respondent was served by Certified and First Class Mail copies of the Accusation No. 5095, Statement to Respondent, Notice of Defense, Request

1 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
2 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
3 section 4100, is required to be reported and maintained with the Board. Respondent's address of
4 record was and is:

5 6661 Charner Street
6 Bell Gardens, CA 90201.

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 September 25, 2014, the aforementioned documents were received by
11 certified mail at Respondent's address on file with the Board. It was confirmed by the United
12 States Postal Service tracking system. Furthermore, a signed receipt of service of certified mail
13 was returned. we received a certified mail receipt with a signature from Respondent's address of
14 record.

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

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

21 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
22 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
23 5095.

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

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

9 Pursuant to its authority under Government Code section 11520, the Board finds
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

1 taking official notice of all the investigatory reports, exhibits and statements contained therein on
2 file at the Board's offices regarding the allegations contained in Accusation No. 5095, finds that
3 the charges and allegations in Accusation No. 5095, are separately and severally, found to be true
4 and correct by clear and convincing evidence.

5 10. Taking official notice of its own internal records, pursuant to Business and
6 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
7 and Enforcement is \$2,200.00 as of October 20, 2014.

8 DETERMINATION OF ISSUES

9 1. Based on the foregoing findings of fact, Respondent Michael Vincent Glaze has
10 subjected his Pharmacy Technician Registration No. TCH 109941 to discipline.

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

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

15 a. Business and Professions Code sections 4301, subdivision (l) and 490, in conjunction
16 with California Code of Regulations, title 16, section 1770, in that, Respondent was convicted of
17 a crime substantially related to the qualifications, functions or duties of a pharmacy technician.

18 On or about February 10, 2014, after pleading nolo contendere, Respondent was convicted of one
19 misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving while
20 having 0.08% or more, by weight, of alcohol in his blood] in the criminal proceeding entitled The
21 People of the State of California v. Michael Glaze (Super. Ct. L.A. County, 2014, No.
22 3DY07995.)

23 b. Business and Professions Code section 4301, subdivision (h) and (j), in that,
24 Respondent by his own admission used Marijuana, a controlled substance.

25 c. Business and Professions Code sections 4301, subdivision (h), on the grounds of
26 unprofessional conduct, in that Respondent dangerously used alcoholic beverages when he drove
27 a vehicle while under the influence.

28 ///

1 d. Business and Professions Code section 4301, subdivision (k) of the Code, on the
2 grounds of unprofessional conduct, in that Respondent sustained a criminal conviction involving
3 alcoholic beverages or drugs.

4 e. Business and Professions Code section 4301, subdivision (o) of the Code, in that
5 Respondent violated provisions of the licensing chapter.

6 f. As disciplinary considerations, On or about January 24, 2008, Respondent was
7 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (a)
8 [driving under the influence of alcohol or drugs] in the criminal proceeding entitled *The People of*
9 *the State of California v. Michael Glaze* (Super. Ct. L.A. County, 2008, No. 7BF06155.) The
10 Court placed Respondent on 36 months probation, with terms and conditions.

11 ORDER

12 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 109941, heretofore
13 issued to Respondent Michael Vincent Glaze, is revoked.

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

18 This Decision shall become effective on February 6, 2015.

19 It is so ORDERED January 7, 2015.

20 BOARD OF PHARMACY
21 DEPARTMENT OF CONSUMER AFFAIRS
22 STATE OF CALIFORNIA

23 By 
24 STAN C. WEISSER

25 Board President

26 51622005.DOC
DOJ Matter ID:LA2014511312

27 Attachment:
28 Exhibit A: Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 CHRISTINE J. LEE
Deputy Attorney General
4 State Bar No. 282502
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2539
6 Facsimile: (213) 897-2804

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. 5095

12 **MICHAEL VINCENT GLAZE**
6661 Charner Street
13 Bell Gardens, CA 90201

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH
109941**

15
16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about July 13, 2011, the Board issued Pharmacy Technician Registration No.
22 TCH 109941 to Michael Vincent Glaze (Respondent). The Pharmacy Technician Registration
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 November 30, 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 4. Section 4011 of the Code provides:

2 "The board shall administer and enforce this chapter [Pharmacy Law, (Business and
3 Professions Code, Sec 4000 et esq.)] and the Uniform Controlled Substances Act (Division 10
4 commencing with Section 11000) of the Health and Safety Code)."

5 5. Section 4300 of the Code permits the Board to take disciplinary action to suspend or
6 revoke a license issued by the Board.

7 6. Section 4300.1 of the Code states, "the expiration, cancellation, forfeiture, or
8 suspension of a board-issued license by operation of law or by order or decision of the board or a
9 court of law, the placement of a license on a retired status, or the voluntary surrender of a license
10 by a licensee shall not deprive the board of jurisdiction to commence or proceed with any
11 investigation of, or action or disciplinary proceeding against, the licensee or to render a decision
12 suspending or revoking the license."

13 **STATUTORY PROVISIONS**

14 7. Section 490 of the Code states, in pertinent part:

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

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

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

1 8. Section 493 of the Code states:

2 "Notwithstanding any other provision of law, in a proceeding conducted by a board within
3 the department pursuant to law to deny an application for a license or to suspend or revoke a
4 license or otherwise take disciplinary action against a person who holds a license, upon the ground
5 that the applicant or the licensee has been convicted of a crime substantially related to the
6 qualifications, functions, and duties of the licensee in question, the record of conviction of the
7 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
8 and the board may inquire into the circumstances surrounding the commission of the crime in order
9 to fix the degree of discipline or to determine if the conviction is substantially related to the
10 qualifications, functions, and duties of the licensee in question."

11 As used in this section, "license" includes "certificate," "permit," "authority," and
12 "registration."

13 9. Section 4301 of the Code states, in pertinent part:

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

17

18 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
19 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
20 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
21 to the extent that the use impairs the ability of the person to conduct with safety to the public the
22 practice authorized by the license.

23

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

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

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

18

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

REGULATORY PROVISIONS

24 10. California Code of Regulations, title 16, section 1770, states:

25 "For the purpose of denial, suspension, or revocation of a personal or facility license
26 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
27 crime or act shall be considered substantially related to the qualifications, functions or duties of a
28 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a

1 licensee or registrant to perform the functions authorized by his license or registration in a manner
2 consistent with the public health, safety, or welfare."

3 **COST RECOVERY**

4 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
5 administrative law judge to direct a licentiate found to have committed a violation or violations of
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
7 enforcement of the case.

8 **CONTROLLED SUBSTANCE**

9 12. "Marijuana," is a schedule I controlled substance as defined in Health and Safety Code
10 section 11054, subdivision (d)(13) and is categorized a dangerous drug pursuant to section 4022
11 of the Code.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Conviction of a Substantially Related Crime)**

14 13. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and
15 490 of the Code, in conjunction with California Code of Regulations, title 16, section 1770, in
16 that, Respondent was convicted of a crime substantially related to the qualifications, functions or
17 duties of a pharmacy technician.

18 a. On or about February 10, 2014, after pleading nolo contendere, Respondent was
19 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)
20 [driving while having 0.08% or more, by weight, of alcohol in his blood] in the criminal proceeding
21 entitled *The People of the State of California v. Michael Glaze* (Super. Ct. L.A. County, 2014,
22 No. 3DY07995.) The Court sentenced Respondent to serve 96 hours in Los Angeles County Jail
23 and placed him on 48 months probation, with terms and conditions.

24 b. The circumstances surrounding the conviction are that on or about July 5, 2013,
25 California Highway Patrol Officers initiated an enforcement stop after observing Respondent
26 driving at a high rate of speed and weaving in and out of the carpool lane. While speaking to
27 Respondent, the officer could smell the odor of an alcoholic beverage emitting from within the
28 passenger compartment of the vehicle. When asked if he had been drinking, Respondent admitted

1 to drinking an alcoholic beverage and smoking marijuana prior to operating his vehicle.
2 Respondent was asked to perform a series of field sobriety tests which he was unable to complete
3 successfully. Respondent submitted to blood test that tested positive for marijuana and resulted in
4 a blood alcohol content of 0.16%.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Use of a Controlled Substance)**

7 14. Respondent is subject to disciplinary action under section 4301, subdivision (h) and (j)
8 of the Code, in that, Respondent by his own admission used Marijuana, a controlled substance.

9 Complainant refers to, and by reference incorporates, the allegations set forth above in paragraph
10 13, subparagraph (b), as though set forth fully.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Dangerous Use of Alcohol)**

13 15. Respondent is subject to disciplinary action under sections 4301, subdivision (h) of the
14 Code, on the grounds of unprofessional conduct, in that Respondent dangerously used alcoholic
15 beverages when he drove a vehicle while under the influence. Complainant refers to and by this
16 reference incorporates the allegations set forth above in paragraph 13, subparagraph (b), as though
17 set forth fully.

18 **FOURTH CAUSE FOR DISCIPLINE**

19 **(Conviction Involving Alcohol)**

20 16. Respondent is subject to disciplinary action under section 4301, subdivision (k) of the
21 Code, on the grounds of unprofessional conduct, in that Respondent sustained a criminal
22 conviction involving alcoholic beverages or drugs. Complainant refers to and by this reference
23 incorporates the allegations set forth above in paragraph 13, as though set forth fully.

24 **FIFTH CAUSE FOR DISCIPLINE**

25 **(Violation of Licensing Chapter)**

26 17. Respondent is subject to disciplinary action under section 4301, subdivision (o) of the
27 Code, in that Respondent violated provisions of the licensing chapter. Complainant refers to, and
28

1 by this reference incorporates, the allegations set forth above in paragraphs 13 through 16,
2 inclusive, as though set forth fully.

3 **DISCIPLINE CONSIDERATIONS**

4 18. To determine the degree of discipline, if any, to be imposed on Respondent,
5 Complainant alleges, as follows:

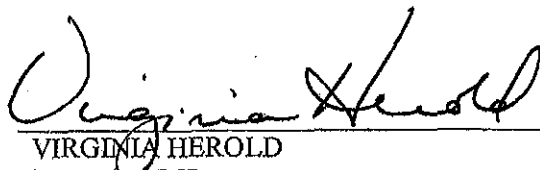
6 a. On or about January 24, 2008, Respondent was convicted of one misdemeanor count
7 of violating Vehicle Code section 23152, subdivision (a) [driving under the influence of alcohol or
8 drugs] in the criminal proceeding entitled *The People of the State of California v. Michael Glaze*
9 (Super. Ct. L.A. County, 2008, No. 7BF06155.) The Court placed Respondent on 36 months
10 probation, with terms and conditions.

11 **PRAYER**

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

- 14 1. Revoking or suspending Pharmacy Technician Registration NO. TCH 109941, issued
15 to Michael Vincent Glaze;
- 16 2. Ordering Michael Vincent Glaze to pay the Board the reasonable costs of the
17 investigation and enforcement of this case, pursuant to section 125.3 of the Code; and
- 18 3. Taking such other and further action as deemed necessary and proper.

19
20
21 DATED: 9/13/14


22 VIRGINIA HEROLD
23 Executive Officer
24 Board of Pharmacy
25 Department of Consumer Affairs
26 State of California
27 Complainant

28 LA2014511312
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