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

In the Matter of the Accusation Against:
BRENT DOUGLAS GLASSICK
1010 Alta Loma Drive
Corona, CA 92882
Pharmacy Technician Registration
No. TCH 109546

Respondent.

Case No. 5205

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about July 26, 2014, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5205 against Brent Douglas Glassick (Respondent) before the Board of Pharmacy. (A copy of the Accusation is attached as Exhibit A.)

2. On or about December 27, 2010, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 109546 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5205 and will expire on May 31, 2016, unless renewed.

3. On or about August 6, 2014, Respondent was served by Certified and First Class Mail copies of the Accusation No. 5205, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at

1 Respondent's address of record which, pursuant to Business and Professions Code section 4100
2 and California Code of Regulations, title 16, section 1704, is required to be reported and
3 maintained with the Board. Respondent's address of record was and is:

4 1010 Alta Loma Drive
5 Corona, CA 92882

6 4. On or about August 6, 2014, Respondent was also served with the aforementioned
7 documents Certified and First Class Mail to an alternate address which is:

8 4542 West Simmons Avenue
9 Orange, CA 92868

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

13 6. On August 8, 2014, the Domestic Return Receipt for the aforementioned documents
14 served to Respondent's address of record was signed by "Harley Glassick." On August 19, 2014,
15 the U.S. Postal Service returned a signed Domestic Return Receipt for the aforementioned
16 documents served to Respondent's alternate address.

17 7. Government Code section 11506 states, in pertinent part:

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

23 8. Respondent failed to file a Notice of Defense within 15 days after service upon him
24 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
25 5205.

26 9. California Government Code section 11520 states, in pertinent part:

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

10 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

1 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
2 taking official notice of all the investigatory reports, exhibits and statements contained therein on
3 file at the Board's offices regarding the allegations contained in Accusation No. 5205, finds that
4 the charges and allegations in Accusation No. 5205, are separately and severally, found to be true
5 and correct by clear and convincing evidence.

6 11. Taking official notice of its own internal records, pursuant to Business and
7 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
8 and Enforcement is \$432.50 as of August 29, 2014.

9 DETERMINATION OF ISSUES

10 1. Based on the foregoing findings of fact, Respondent Brent Douglas Glassick has
11 subjected his Pharmacy Technician Registration No. TCH 109546 to discipline.

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

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

16 4. Respondent has subjected his registration to discipline under section 4301(j) of the
17 Code in that he violated statutes regulating controlled substances on October 16, 2013, when he
18 was arrested for possession of a controlled substance and controlled substance paraphernalia.

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ORDER

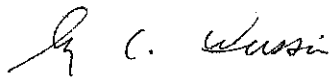
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 109546, heretofore issued to Respondent Brent Douglas Glassick, is revoked.

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 October 24, 2014.

It is so ORDERED September 24, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By 

STAN C. WEISSER
Board President

DOJ Matter ID: SD2014707245

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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Attorneys for Complainant
8

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

12 In the Matter of the Accusation Against:

Case No. 5205

13 **BRENT DOUGLAS GLASSICK**
14 **1010 Alta Loma Drive**
Corona, CA 92882

A C C U S A T I O N

15 **Pharmacy Technician Registration**
16 **No. TCH 109546**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about December 27, 2010, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 109546 to Brent Douglas Glassick (Respondent). The Pharmacy
25 Technician Registration was in full force and effect at all times relevant to the charges brought
26 herein and will expire on May 31, 2016, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 4300, subdivision (a) of the Code states: "Every license issued may be suspended or revoked."

5. Section 4300.1 of the Code states:

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

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STATUTORY PROVISIONS

6. Section 4301 of the Code states:

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

....

(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.

....

7. Health and Safety Code section 11377, subdivision (a) states:

Except as authorized by law and as otherwise provided in subdivision (b) or Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses any controlled substance which is (1) classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment in a county jail for a period of not more than one year or pursuant to subdivision (h) of Section 1170 of the Penal Code.

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1 8. Health and Safety Code section 11364.1, subdivision (a) states:

2 It is unlawful to possess an opium pipe or any device, contrivance, instrument, or
3 paraphernalia used for unlawfully injecting or smoking (1) a controlled substance
4 specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section
5 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054,
6 specified in subdivision (b) or (c) of Section 11055, or specified in paragraph (2) of
7 subdivision (d) of Section 11055, or (2) a controlled substance which is a narcotic drug
8 classified in Schedule III, IV, or V.

6 **REGULATORY PROVISIONS**

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

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

12 **COSTS**

13 10. Section 125.3 of the Code provides, 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, with failure of the licentiate to comply subjecting the license to not
17 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
18 may be included in a stipulated settlement.

19 **DRUG**

20 11. Methamphetamine is a Schedule II controlled substance as designated by Health
21 and Safety Code section 11055, subdivision (d)(2), and is a dangerous drug pursuant to Business
22 and Professions Code section 4022.

23 **CAUSE FOR DISCIPLINE**

24 **(Violation of Statutes Regulating Controlled Substances)**

25 12. Respondent has subjected his registration to discipline under section 4301,
26 subdivision (j) of the Code in that he violated statutes regulating controlled substances on
27 October 16, 2013. The circumstances are that on or about the evening of October 16, 2013, an
28 officer with the Garden Grove Police Department was patrolling a corridor of the city known for

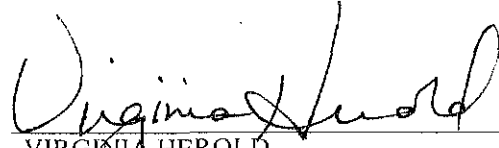
1 drugs sales and violent crimes. The officer observed Respondent walking through the area three
2 to four separate times, each time walking in a different direction. The officer made contact with
3 Respondent who told the officer he was looking for a place to charge his cell phone. Respondent
4 appeared very nervous, and his hand was trembling as he handed the officer his identification.
5 During a consensual search, the officer found a glass pipe with burnt residue commonly used to
6 smoke methamphetamine in Respondent's jacket. The officer confiscated the pipe and arrested
7 Respondent for possession of narcotic paraphernalia. While en route to the jail facility,
8 Respondent began to cry uncontrollably. The officer conducted another search of Respondent.
9 Inside Respondent's pants pocket, the officer found two small zip-loc baggies containing 3.4
10 grams of a substance that tested positive for methamphetamine. Respondent was additionally
11 charged with possession of a controlled substance.

12 **PRAYER**

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

- 15 1. Revoking or suspending Pharmacy Technician Registration Number TCH 109546,
16 issued to Brent Douglas Glassick;
- 17 2. Ordering Brent Douglas Glassick to pay the Board of Pharmacy the reasonable costs
18 of the investigation and enforcement of this case, pursuant to Business and Professions Code
19 section 125.3;
- 20 3. Taking such other and further action as deemed necessary and proper.

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22
23 DATED: 7/26/14


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

SD2014707245