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

In the Matter of the Accusation Against:

**COLIN TRENT WILBUR  
PO Box 291  
Loma Linda, CA 92354**

**and**

**201 S Pennsylvania  
San Bernardino, CA 92410  
Pharmacy Technician Registration License  
No. TCH 51216**

Respondent.

Case No. 5362

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about May 11, 2015, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed

1 Accusation No. 5362 against Colin Trent Wilbur (Respondent) before the Board of Pharmacy.  
2 (Accusation attached as Exhibit A.)

3 2. On or about January 2, 2004, the Board of Pharmacy (Board) issued Pharmacy  
4 Technician Registration License No. TCH 51216 to Respondent. The Pharmacy Technician  
5 Registration License was in full force and effect at all times relevant to the charges brought in  
6 Accusation No. 5362 and will expire on February 28, 2015, unless renewed.

7 3. On or about June 1, 2015, Respondent was served by Certified and First Class Mail  
8 copies of the Accusation No. 5362, Statement to Respondent, Notice of Defense, Request for  
9 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
10 Respondent's address of record which, pursuant to Business and Professions Code section 4100,  
11 is required to be reported and maintained with the Board. Respondent's address of record was  
12 and is:

13 PO Box 291  
14 Loma Linda, CA 92354

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

18 5. On or about June 23, 2015, the aforementioned Certified documents were returned by  
19 the U.S. Postal Service marked "Refused." The address on the documents was the same as the  
20 address on file with the Board. Respondent failed to maintain an updated address with the Board  
21 and the Board has made attempts to serve the Respondent at the address on file. Respondent has  
22 not made himself available for service and therefore, has not availed himself of his right to file a  
23 notice of defense and appear at hearing.

24 ~~6. On or about August 10, 2015, Respondent was served by Certified and First Class~~  
25 ~~Mail copies of the Accusation No. 5362, Statement to Respondent, Notice of Defense, Request~~  
26 ~~for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and~~  
27 ~~11507.7) at Respondent's address of record which, pursuant to Business and Professions Code~~

28

1 section 4100, is required to be reported and maintained with the Board. Respondent's address of  
2 record was and is:

3 201 S Pennsylvania  
4 San Bernardino, CA 92410.

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

8 8. On or about August 27, 2015, and September 11, 2015, the aforementioned First  
9 Class and Certified Mail documents were returned by the U.S. Postal Service marked  
10 "Insufficient Address." The address on the documents was the same as the address on file with  
11 the Board. Respondent failed to maintain an updated address with the Board and the Board has  
12 made attempts to serve the Respondent at the address on file. Respondent has not made himself  
13 available for service and therefore, has not availed himself of his right to file a notice of defense  
14 and appear at hearing.

15 9. 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 10. 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  
23 No. 5362.

24 11. 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.

12 Pursuant to its authority under Government Code section 11520, the Board finds  
13 Respondent is in default. The Board will take action without further hearing and, based on the  
14 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. 5362, finds that  
3 the charges and allegations in Accusation No. 5362, are separately and severally, found to be true  
4 and correct by clear and convincing evidence.

5 13. 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 \$942.50 as of September 28, 2015.

8  
9 DETERMINATION OF ISSUES  
10

11 1. Based on the foregoing findings of fact, Respondent Colin Trent Wilbur has subjected  
12 his Pharmacy Technician Registration License No. TCH 51216 to discipline.

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

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

17 a. Business and Professions Code sections 4300 and 4301, subdivision (l), and  
18 California Code of Regulations, title 16, section 1770, for conviction of a substantially related  
19 crime, unprofessional conduct.

20 b. Business and Professions Code sections 4300 and 4301, subdivision (f), for acts  
21 involving moral turpitude, dishonesty, fraud, deceit or corruption, unprofessional conduct.

22 c. Business and Professions Code sections 4300 and 4301, for unprofessional conduct.

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration License No. TCH 51216, heretofore issued to Respondent Colin Trent Wilbur, 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 December 18, 2015.

It is so ORDERED November 18, 2015.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

Amy Gutierrez, Pharm.D.  
Board President

51920396.DOC  
DOJ Matter ID:LA2015500008

Attachment:  
Exhibit A: Accusation

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# Exhibit A

Accusation

(COLIN TRENT WILBUR)

1 KAMALA D. HARRIS  
Attorney General of California  
2 AMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
4 State Bar No. 138213  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2579  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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

12 In the Matter of the Accusation Against:

Case No. 5362

13 **COLIN TRENT WILBUR**  
PO Box 291  
Loma Linda, CA 92354

**A C C U S A T I O N**

14 Pharmacy Technician Registration License No.  
15 TCH 51216

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 (Board).

22 2. On or about January 2, 2004, the Board issued Pharmacy Technician Registration  
23 License No. TCH 51216 to Colin Trent Wilbur (Respondent). The Pharmacy Technician  
24 Registration License was in full force and effect at all times relevant to the charges brought herein  
25 and will expire on February 28, 2015, unless renewed.

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 **COST RECOVERY**

2 8. Section 125.3 provides that the Board may request the administrative law judge to  
3 direct a licentiate found to have committed a violation or violations of the licensing act to pay a  
4 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

5 **FIRST CAUSE FOR DISCIPLINE**

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

7 9. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision  
8 (I), in conjunction with California Code of Regulations, title 16, section 1770, on the grounds of  
9 unprofessional conduct, in that Respondent committed a crime substantially related to the  
10 qualifications, functions or duties of a pharmacy technician. The circumstances are as follows:

11 a. On or about October 31, 2014, after pleading nolo contendere, Respondent was  
12 convicted of one lesser misdemeanor count of violating Penal Code section 245(a)(4) [assault  
13 likely to produce great bodily injury] in the criminal proceeding entitled *The People of the State of*  
14 *California v. Colin Tent Wilbur* (Super. Ct. San Bernardino County, 2014, No. FSB1402247).  
15 The Court sentenced Respondent to 178 days in jail, placed him on 36 months probation, and  
16 ordered him to stay away from his brothers, M.W. and T.W.

17 b. The circumstances underlying the conviction are that on or about May 7, 2014,  
18 Respondent was homeless and living in his car outside of his two brothers' home. Although  
19 Respondent's brothers knew Respondent to be physically abusive to them in the past, they allowed  
20 him to park his car outside their home, and in their house, allowed Respondent to watch TV and  
21 shower. On this day, Respondent tried to stab one of his brothers with a pocket knife. In fear of  
22 their safety, while one of his brothers armed himself with a machete that he held close near his bed,  
23 Respondent's other brother telephoned 911. Respondent retreated to the restroom and waited for  
24 law enforcement to arrive.

25 **SECOND CAUSE FOR DISCIPLINE**

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

27 10. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision  
28 (f), on the grounds of unprofessional conduct, in that Respondent committed acts involving moral

1 turpitude, dishonesty, fraud, deceit, or corruption. Complainant refers to and by this reference  
2 incorporates the allegations set forth above in paragraph 9, subparagraphs a and b, inclusive, as  
3 though set forth fully.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct)**

6 11. Respondent is subject to disciplinary action under sections 4300 and 4301, in that  
7 Respondent committed acts of unprofessional conduct. Complainant refers to and by this reference  
8 incorporates the allegations set forth above in paragraph 9, subparagraphs a and b, inclusive, as  
9 though set forth fully.

10 **PRAYER**

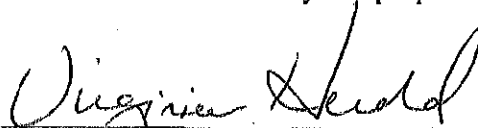
11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
12 and that following the hearing, the Board issue a decision:

13 1. Revoking or suspending Pharmacy Technician Registration License No. TCH 51216,  
14 issued to Colin Trent Wilbur;

15 2. Ordering Colin Trent Wilbur to pay the Board the reasonable costs of the investigation  
16 and enforcement of this case, pursuant to section 125.3; and

17 3. Taking such other and further action as deemed necessary and proper.

18  
19 DATED: 5/11/15



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

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