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

In the Matter of the Accusation Against:

CLAUDIUS EMMANUEL SANDERS
430 S. St. Andrews Pl., Apt. 113
Los Angeles, CA 90020
Pharmacy Technician Registration
No. TCH 145630

Respondent.

Case No. 5875

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about September 26, 2016, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5875 against Claudius Emmanuel Sanders (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about January 30, 2015, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 145630 to Respondent. The Pharmacy Technician Registration expired on March 31, 2016 and was cancelled on June 3, 2016, pursuant to Business and Professions Code section 4402, subdivision (e). This lapse in licensure, however, pursuant to Business and Professions Code section 118(b) and/or agency specific statute does not deprive the Board of its authority to instituted or continue this discipline proceeding.

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1 3. On or about October 11, 2016, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 5875, Statement to Respondent, Notice of Defense, Request
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
5 section 4100, is required to be reported and maintained with the Board. Respondent's address of
6 record was and is: 430 S. St. Andrews Pl., Apt. 113, Los Angeles, CA 90020.

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 November 14, 2016, the aforementioned documents were returned by the
11 U.S. Postal Service marked "Unclaimed."

12 6. Government Code section 11506(c) states, in pertinent part:

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

18 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
19 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
20 5875.

21 8. California Government Code section 11520(a) states, in pertinent part:

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

26 9. Pursuant to its authority under Government Code section 11520, the Board finds
27 Respondent is in default. The Board will take action without further hearing and, based on the
28 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on
file at the Board's offices regarding the allegations contained in Accusation No. 5875, finds that

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1 the charges and allegations in Accusation No. 5875, are separately and severally, found to be true
2 and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
5 and Enforcement is \$1,120.00 as of December 19, 2016.

6 **DETERMINATION OF ISSUES**

7 1. Based on the foregoing findings of fact, Respondent Claudius Emmanuel Sanders has
8 subjected his Pharmacy Technician Registration No. TCH 145630 to discipline.

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

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

13 (a) Business and Professions Code section 4301, subdivision (l), and section 490, in that
14 Respondent was conviction of the following crimes which are substantially related to the
15 qualifications, functions, and duties of a pharmacy technician:

16 (i) On or about April 20, 2016, in the case of *People v. Claudius Emmanuel Sanders*
17 (Superior Court of Los Angeles County Case No. BA439921), Respondent was convicted of
18 violating Penal Code section 25400(a)(3) (carrying a concealed firearm).

19 (ii) On or about May 5, 2016, in the case of *People v. Claudius Sanders* (Superior
20 Court of Los Angeles County Case No. BA442955), Respondent was convicted of violating
21 Health and Safety Code section 11370.1(a) (Possession of controlled substance while carrying a
22 loaded firearm).

23 (b) Business and Professions Code section 4301, subdivision (j), on the grounds of
24 unprofessional conduct, in that on or about January 8, 2016, Respondent violated statutes
25 regulating controlled substances, including Business and Professions Code section 4060 and
26 Health and Safety Code section 11370.1(a).

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1 “(c) Business and Professions Code section 4301, subdivision (f), on the grounds of
2 unprofessional conduct, in that on or about June 9, 2015, Respondent committed acts involving
3 moral turpitude, dishonesty, fraud, deceit, or corruption.”

4 **ORDER**

5 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 145630, heretofore
6 issued to Respondent Claudius Emmanuel Sanders, is revoked.

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

11 This Decision shall become effective at 5:00 p.m. on February 22, 2017.

12 It is so ORDERED on January 23, 2017.

13
14 BOARD OF PHARMACY
15 DEPARTMENT OF CONSUMER AFFAIRS
16 STATE OF CALIFORNIA



17
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19 By _____

Amy Gutierrez, Pharm.D.
Board President

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21
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23 52328996.DOC
24 DOJ Matter ID:LA2016601620
Jz(12/19/16)

25 Attachment:
26 Exhibit A: Accusation
27
28

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6 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:
12 **CLAUDIUS EMMANUEL SANDERS**
430 S. St. Andrews Pl., Apt. 113
Los Angeles, CA 90020
13 **Pharmacy Technician Registration No. TCH**
14 **145630**
15 Respondent.

Case No. 5875

A C C U S A T I O N

16 Complainant alleges:

17 **PARTIES**

- 18 1. Virginia Herold ("Complainant") brings this Accusation solely in her official capacity
19 as the Executive Officer of the Board of Pharmacy ("Board"), Department of Consumer Affairs.
20 2. On or about January 30, 2015, the Board issued Pharmacy Technician Registration
21 Number TCH 145630 to Claudius Emmanuel Sanders ("Respondent"). The Pharmacy Technician
22 Registration expired on March 31, 2016, and was cancelled on June 3, 2016.
23

24 **JURISDICTION**

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

1 4. Code section 4300 states, in pertinent part, that every license issued may be suspended
2 or revoked.

3 5. Code section 4300.1 states:

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

9 **STATUTORY PROVISIONS**

10 6. Code 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 ...

16
17 7. Code section 4301 states, in pertinent part:

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

21 ...

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

25 ...

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

28

1 (D) The conviction of a crime substantially related to the qualifications, functions, and duties
2 of a licensee under this chapter.

3 ...

4 **COST RECOVERY**

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

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Conviction of Crimes)**

11 9. Respondent's registration is subject to discipline under Code section 4301, subdivision
12 (D), and section 490, subdivision (a), in that he was conviction of the following crimes which are
13 substantially related to the qualifications, functions, and duties of a pharmacy technician:

14 a. On or about April 20, 2016, in the case of *People v. Claudius Emmanuel Sanders*
15 (Superior Court of Los Angeles County Case No. BA439921), Respondent was convicted on his
16 plea of nolo contendere of violating Penal Code section 25400(a)(3) (carrying a concealed
17 firearm), a felony. Respondent was sentenced to serve 2 years in state prison with credit for 256
18 days total, to run concurrent with state prison time imposed in Court Case No. BA442955-01,
19 payment of fines, etc. The facts and circumstances are as follows: On or about June 9, 2015,
20 officers with the Los Angeles Police Department performed a traffic stop on the vehicle in which
21 Respondent was the passenger. While questioning Respondent, the officer performed a warrant
22 check, which revealed that Respondent had a misdemeanor warrant. The officers arrested
23 Respondent on his warrant, and the driver on unlawful display of evidence of registration. The
24 Officers conducted a search incident to arrest of the vehicle and located a chrome .25 caliber
25 handgun under the front passenger seat where Respondent was sitting. The firearm had a
26 magazine with five (5) live rounds. Respondent admitted to the officer that it was his firearm.
27 While at the police station, an officer ran the serial number of the firearm, which matched a stolen
28 firearm in the system.

1 b. On or about May 5, 2016, in the case of *People v. Claudius Sanders* (Superior Court
2 of Los Angeles County Case No. BA442955), Respondent was convicted on his plea of nolo
3 contendere of violating Health and Safety Code section 11370.1(a) (Possession of controlled
4 substance while carrying a loaded firearm), a felony. Respondent was sentenced to serve 2 years
5 in state prison with credit for 256 days total, to run concurrent with state prison time imposed in
6 Court Case No. BA439921, payment of fines, etc. The facts and circumstances are as follows: On
7 or about January 8, 2016, while on patrol, officers with the Los Angeles Police Department
8 observed Respondent look in the direction of their vehicle, quickly remove his hand from his
9 sweatshirt pocket, and throw an unknown object toward a van parked at the curb. The officers
10 heard a loud metal on metal sound which they believed was a gun hitting the van. Respondent
11 began to run and the officers chased him. The officers caught up to Respondent and took him into
12 custody. The officers went to the location where they had seen Respondent throw an object and
13 located a 9mm Ruger semi-automatic handgun on the ground behind the van. The handgun was
14 loaded with 10 rounds of live ammunition. Upon search of Respondent's sweatshirt, an officer
15 found a baggie containing an off-white rock like substance resembling cocaine base, several large
16 chunks of narcotics, and numerous smaller packages individually wrapped in plastic.

17 **SECOND CAUSE FOR DISCIPLINE**

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

19 10. Respondent's registration is subject to disciplinary action under Code section 4301,
20 subdivision (j), on the grounds of unprofessional conduct, in that on or about January 8, 2016,
21 Respondent violated statutes regulating controlled substances, including Business and Professions
22 Code section 4060 and Health and Safety Code section 11370.1(a), as more fully set forth above
23 in paragraph 9, subpart b.

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1 THIRD CAUSE FOR DISCIPLINE

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

3 11. Respondent's registration is subject to disciplinary action under Code section 4301,
4 subdivision (f), on the grounds of unprofessional conduct, in that on or about June 9, 2015,
5 Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption,
6 when he possessed a loaded firearm which he knew or should have known to be stolen, as more
7 fully set forth above in paragraph 9, subpart (a).

8 PRAYER

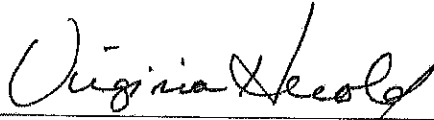
9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Pharmacy issue a decision:

11 1. Revoking or suspending Pharmacy Technician Registration Number TCH 145630,
12 issued to Claudius Emmanuel Sanders

13 2. Ordering Claudius Emmanuel Sanders to pay the Board of Pharmacy the reasonable
14 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code
15 section 125.3; and,

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

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19
20 DATED: 9/26/16



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

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