

1
2
3
4
5
6
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:

13 **ADRIAN G. MAURICE**
14 920 Cranbrook Court #89
Davis, CA 95616

15 **Pharmacy Technician Registration No. TCH**
16 **129880**

17 Respondent.
18

Case No. 6845

OAH No. 2020060333

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

19
20 **FINDINGS OF FACT**

21 1. On or about March 26, 2020, Complainant Anne Sodergren, in her official capacity as
22 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed
23 Accusation No. 6845 against Adrian G. Maurice (Respondent) before the Board of Pharmacy.
24 (Accusation attached as **Exhibit A.**)

25 2. On or about February 4, 2013, the Board of Pharmacy (Board) issued Pharmacy
26 Technician Registration No. TCH 129880 to Respondent. The Pharmacy Technician Registration
27 was in full force and effect at all times relevant to the charges brought in Accusation No. 6845
28 and will expire on October 31, 2020, unless renewed. A lapse in licensure, however, pursuant to

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

3 3. On or about April 7, 2020, Respondent was served with Accusation No. 6845.

4 4. On or about April 16, 2020, Respondent signed and returned a Notice of Defense,
5 requesting a hearing in this matter.

6 5. On, August 25, 2020, a Notice of Continued Telephonic Hearing was served by mail
7 at Respondent's address of record which was and is: 920 Cranbrook Court #89, Davis, CA 95616.
8 The Notice of Hearing informed him that an administrative hearing in this matter was scheduled
9 for September 22, 2020.

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

12 7. The matter was called for hearing at the date, time and location set forth in the Notice
13 of Continued Telephonic Hearing. The assigned Administrative Law Judge found that the service
14 of the Notice of Hearing on Respondent was proper. There was no appearance by or on behalf of
15 Respondent. A default was declared and on motion of counsel for Complainant, the matter was
16 remanded to the Board under Government Code section 11520.

17 8. Government Code section 11506(c) 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
20 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
21 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
22 discretion may nevertheless grant a hearing.

23 9. California Government Code section 11520(a) states, in pertinent part:

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

28 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
relevant evidence contained in the Default Decision Investigatory 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. 6845, finds that the charges and allegations in Accusation No. 6845, are separately and severally, found to be true and correct by clear and convincing evidence.

11. The Board finds that the actual costs for Investigation and Enforcement are \$3,526.25 as of August 10, 2020.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Adrian G. Maurice has subjected his Pharmacy Technician Registration No. TCH 129880 to discipline.

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

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

a. Business & Professions Code sections 490 and 4301, subdivision (l): Criminal Conviction of violating Vehicle Code section 23152, subdivision (b) (Driving Under the Influence, with a BAC in excess of .08%), with an enhancement for violating Vehicle Code section 23578 (having a BAC of .15% or more); and

b. Business & Professions Code section 4301, subdivision (h): Using Alcoholic Beverages in a Dangerous or Injurious Manner.

///

///

///

///

///

///

///

///

///

///

ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 129880, issued to Respondent Adrian G. Maurice, 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 November 25, 2020.

It is so ORDERED on October 26, 2020.



Greg Lippe
Board President
FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

34430772.DOCX
DOJ Matter ID:SA2019105624

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 XAVIER BECERRA
Attorney General of California
2 DAVID E. BRICE
Supervising Deputy Attorney General
3 SUMMER D. HARO
Deputy Attorney General
4 State Bar No. 245482
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-7510
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 6845

13 **ADRIAN G. MAURICE**
14 920 Cranbrook Court #89
Davis, CA 95616

ACCUSATION

15 **Pharmacy Technician Registration**
16 **No. TCH 129880**

17 Respondent.

18
19 **PARTIES**

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

23 2. On or about February 4, 2013, the Board issued Pharmacy Technician Registration
24 Number TCH 129880 to Adrian G. Maurice ("Respondent"). The Pharmacy Technician
25 Registration was in full force and effect at all times relevant to the charges brought herein and
26 will expire on October 31, 2020, unless renewed.

27 ///

28 ///

1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code (“Code”) unless otherwise
4 indicated.

5 4. Section 4300 of the Code states, in pertinent part:

6 (a) Every license issued may be suspended or revoked.

7 (b) The board shall discipline the holder of any license issued by the board,
8 whose default has been entered or whose case has been heard by the board and found
guilty, by any of the following methods:

9 (1) Suspending judgment.

10 (2) Placing him or her upon probation.

11 (3) Suspending his or her right to practice for a period not exceeding one year.

12 (4) Revoking his or her license.

13 (5) Taking any other action in relation to disciplining him or her as the board in
14 its discretion may deem proper . . .

15 5. Section 4300.1 of the Code states:

16 The expiration, cancellation, forfeiture, or suspension of a board-issued license
17 by operation of law or by order or decision of the board or a court of law, the
18 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
19 investigation of, or action or disciplinary proceeding against, the licensee or to render
a decision suspending or revoking the license.

20 **STATUTORY AND REGULATORY PROVISIONS**

21 6. Section 4301 of the Code states, in pertinent part:

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

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

27 . . .

28 ///

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

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

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

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

 (c) A conviction within the meaning of this section means a plea or verdict of
guilty or a conviction following a plea of nolo contendere. An action that a board is
permitted to take following the establishment of a conviction may be taken 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.

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

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

COST RECOVERY

 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of investigation and enforcement
2 of the case, with failure of the licensee to comply subjecting the license to not being renewed or
3 reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a
4 stipulated settlement.

5 **FIRST CAUSE FOR DISCIPLINE**

6 (Criminal Conviction)

7 10. Respondent is subject to disciplinary action pursuant to Code sections 4301,
8 subdivision (l), and 490, on the grounds of unprofessional conduct, in that Respondent committed
9 a crime substantially related to the qualifications, functions, and duties of a licensed pharmacy
10 technician. Specifically, on or about August 27, 2019, in the case entitled *People of the State of*
11 *California v. Adrian Gongbo Benjamin Maurice*, Superior Court of California, Yolo County,
12 Case No. CR19003224, the court convicted Respondent on his plea of no contest of violating
13 Vehicle Code section 23152, subdivision (b) (driving under the influence of alcohol while having
14 a blood alcohol level at or in excess of .08%), a misdemeanor, with an enhancement of Vehicle
15 Code section 23578 (blood alcohol level of .15% or more). The circumstances of the crime are
16 that on or about March 29, 2019, Respondent was detained by officers with the University of
17 California, Davis ("U.C. Davis") Police Department for failing to have operative rear lights on the
18 vehicle he was driving. The officers determined that Respondent showed objective signs of
19 alcohol intoxication. A blood sample taken from Respondent contained 0.27% alcohol.

20 **SECOND CAUSE FOR DISCIPLINE**

21 (Use of Alcoholic Beverages in a Dangerous or Injurious Manner)

22 11. Respondent is subject to disciplinary action pursuant to Code section 4301,
23 subdivision (h), in that Respondent used alcoholic beverages in a manner dangerous or injurious
24 to himself and others, as set forth in paragraph 10, above.

25 **PRAYER**

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


28 1. Revoking or suspending Pharmacy Technician Registration Number TCH 129880,

1 issued to Adrian G. Maurice;

2 2. Ordering Adrian G. Maurice to pay the Board of Pharmacy the reasonable costs of the
3 investigation and enforcement of this case, pursuant to Business and Professions Code section
4 125.3; and,

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

6
7 DATED: March 26, 2020



ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

10 SA2019105624
11 14482386.docx
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28