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

In the Matter of the Accusation Against:  
  
**JUSTIN ADAM BREWER**  
931 Torrey Pines Dr.  
Paso Robles, CA 93446  
  
Pharmacy Technician Registration  
No. TCH 127250  
  
Respondent.

Case No. 6908  
  
**DEFAULT DECISION AND ORDER**  
  
[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about February 28, 2020, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 6908 against Justin Adam Brewer (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about February 13, 2013, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 127250 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 6908 and expired on July 31, 2020.

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1           3.     On or about March 19, 2020, Respondent was served by Certified and First Class  
2 Mail copies of the Accusation No. 6908, 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: 931 Torrey Pines Dr., Paso Robles, CA 93446.

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

9           5.     Government Code section 11506(c) states, in pertinent part:

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

15           6.     The Board takes official notice of its records and the fact that Respondent failed to  
16 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore  
17 waived his right to a hearing on the merits of Accusation No. 6908.

18           7.     California Government Code section 11520(a) states, in pertinent part:

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

23           8.     Pursuant to its authority under Government Code section 11520, the Board finds  
24 Respondent is in default. The Board will take action without further hearing and, based on the  
25 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
26 as well as taking official notice of all the investigatory reports, exhibits and statements contained  
27 therein on file at the Board's offices regarding the allegations contained in Accusation No. 6908,  
28 finds that the charges and allegations in Accusation No. 6908, are separately and severally, found  
to be true and correct by clear and convincing evidence.

          9.     The Board finds that the actual costs for Investigation and Enforcement are \$1,402.50  
as of June 8, 2020.

**DETERMINATION OF ISSUES**

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2       1.     Based on the foregoing findings of fact, Respondent Justin Adam Brewer has  
3 subjected his Pharmacy Technician Registration No. TCH 127250 to discipline.

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

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

8       a.     Business and Professions Code sections 4301, subdivision (l) and 490, in conjunction  
9 with California Code of Regulations, title 16, section 1770, in that Respondent was convicted of  
10 crimes substantially related to the qualifications, functions or duties of a pharmacy technician, as  
11 follows:

12           i.     On or about September 17, 2019, after pleading nolo contendere, Respondent  
13 was convicted of one misdemeanor count of violating Penal Code section 647, subdivision (f)  
14 [public intoxication] in the criminal proceeding entitled *The People of the State of California v.*  
15 *Justin Adam Brewer* (Super. Ct. San Luis Obispo County, 2019, No. 19M-06980).

16           ii.    On or about July 3, 2019, after pleading nolo contendere, Respondent was  
17 convicted of one misdemeanor count of violating Penal Code section 647, subdivision (f) [public  
18 intoxication] in the criminal proceeding entitled *The People of the State of California v. Justin*  
19 *Adam Brewer* (Super. Ct. San Luis Obispo County, 2019, No. 19M-04847).

20       b.     Business and Professions Code section 4301, subdivision (k), on the grounds of  
21 unprofessional conduct, in that on or about September 17, 2019 and July 3, 2019, Respondent  
22 sustained alcohol related convictions.

23       c.     Business and Professions Code section 4301, subdivision (h), on the grounds of  
24 unprofessional conduct, in that Respondent used alcoholic beverages to an extent or in a manner  
25 dangerous or injurious to himself, any person, or the public on September 17, 2019, June 29, 2019,  
26 February 22, 2019, February 14, 2019, and January 23, 2019.

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**ORDER**

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 127250, issued to Respondent Justin Adam Brewer, 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 15, 2020 at 5:00 p.m.

It is so ORDERED September 15, 2020

FOR THE BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS

By



\_\_\_\_\_  
Greg Lippe  
Board President

63499463.DOCX  
DOJ Matter ID:LA2020501009

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 XAVIER BECERRA  
Attorney General of California  
2 CARL SONNE  
Senior Assistant Attorney General  
3 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
4 State Bar No. 206911  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6310  
6 Facsimile: (916) 731-2126

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. 6908

13 **JUSTIN ADAM BREWER**

**ACCUSATION**

14 931 Torrey Pines Dr.  
Paso Robles, CA 93446

15 Pharmacy Technician Registration  
16 No. TCH 127250

17 Respondent.

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19  
20 **PARTIES**

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

23 2. On or about February 13, 2013, the Board issued Pharmacy Technician Registration  
24 Number TCH 127250 to Justin Adam Brewer (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 July 31, 2020, unless renewed.

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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 unless otherwise indicated.

4 4. Section 4300 provides in pertinent part, that every license issued by the Board is  
5 subject to discipline, including suspension or revocation.

6 5. Section 4300.1 states:

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

13 **STATUTORY PROVISIONS**

14 4. Section 490 provides, in pertinent part, that a board may suspend or revoke a license  
15 on the ground that the licensee has been convicted of a crime substantially related to the  
16 qualifications, functions, or duties of the business or profession for which the license was issued.

17 5. Section 4301 states, in pertinent part:

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

21 . . . .

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

27 . . . .

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

(l) The conviction of a crime substantially related to the qualifications,  
functions, and duties of a licensee under this chapter. The record of conviction of a  
violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
States Code regulating controlled substances or of a violation of the statutes of this  
state regulating controlled substances or dangerous drugs shall be conclusive  
evidence of unprofessional conduct. In all other cases, the record of conviction shall  
be conclusive evidence only of the fact that the conviction occurred. The board may  
inquire into the circumstances surrounding the commission of the crime, in order to

1 fix the degree of discipline or, in the case of a conviction not involving controlled  
2 substances or dangerous drugs, to determine if the conviction is of an offense  
3 substantially related to the qualifications, functions, and duties of a licensee under this  
4 chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
5 contendere is deemed to be a conviction within the meaning of this provision. The  
6 board may take action when the time for appeal has elapsed, or the judgment of  
7 conviction has been affirmed on appeal or when an order granting probation is made  
8 suspending the imposition of sentence, irrespective of a subsequent order under  
9 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
10 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
11 dismissing the accusation, information, or indictment.

### 7 **REGULATORY PROVISIONS**

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

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

### 13 **COST RECOVERY**

14 7. Section 125.3 provides, in pertinent part, that the Board may request the  
15 administrative law judge to direct a licentiate found to have committed a violation or violations of  
16 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
17 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
18 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
19 included in a stipulated settlement.

### 20 **FIRST CAUSE FOR DISCIPLINE**

#### 21 **(Conviction of Substantially Related Crimes)**

22 9. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and  
23 490, in conjunction with California Code of Regulations, title 16, section 1770, in that  
24 Respondent was convicted of crimes substantially related to the qualifications, functions or duties  
25 of a pharmacy technician, as follows:

26 a. On or about September 17, 2019, after pleading nolo contendere, Respondent was  
27 convicted of one misdemeanor count of violating Penal Code section 647, subdivision (f) [public  
28 intoxication] in the criminal proceeding entitled *The People of the State of California v. Justin*

1 *Adam Brewer* (Super. Ct. San Luis Obispo County, 2019, No. 19M-06980). The court sentenced  
2 Respondent to serve 9 days in jail. The circumstances surrounding the conviction are that on or  
3 about September 13, 2019, San Luis Obispo County Sheriff's deputies responded to a call of a  
4 patient that had checked in for severe alcohol intoxication who had ran out of the emergency  
5 room. When deputies located Respondent in the parking lot, he was unsteady on his feet, had  
6 slurred slow speech and needed assistance walking back to the emergency room. Deputies were  
7 dispatched a second time to the hospital after receiving a call that Respondent was threatening  
8 hospital staff, damaging hospital property, and had run out of the emergency room again.  
9 Respondent was found sitting on a curb and had difficulty constructing sentences and was  
10 rambling. Deputies determined that he was unable to care for himself due to his level of  
11 intoxication and placed him under arrest.

12 b. On or about July 3, 2019, after pleading nolo contendere, Respondent was convicted  
13 of one misdemeanor count of violating Penal Code section 647, subdivision (f) [public  
14 intoxication] in the criminal proceeding entitled *The People of the State of California v. Justin*  
15 *Adam Brewer* (Super. Ct. San Luis Obispo County, 2019, No. 19M-04847). The court sentenced  
16 Respondent to serve 10 days in jail and placed him on one-year probation, with terms and  
17 conditions. The circumstances surrounding the conviction are that on or about June 29, 2019,  
18 Respondent was arrested for public intoxication as well as an outstanding warrant.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Alcohol Related Convictions)**

21 10. Respondent is subject to disciplinary action under section 4301, subdivision (k), on the  
22 grounds of unprofessional conduct, in that on or about September 17, 2019 and July 3, 2019,  
23 Respondent sustained alcohol related convictions. Complainant refers to, and by this reference  
24 incorporates, the allegations set forth above in paragraph 9, as though fully set forth herein.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Dangerous Use of Alcohol)**

3 11. Respondent is subject to disciplinary action under section 4301, subdivision (h), on the  
4 grounds of unprofessional conduct, in that Respondent used alcoholic beverages to an extent or in a  
5 manner dangerous or injurious to himself, any person, or the public, as follows:

6 a. On or about September 17, 2019, Respondent was arrested for public intoxication.

7 Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph  
8 9, subparagraph (a), as though fully set forth herein

9 b. On or about June 29, 2019, Respondent was arrested for public intoxication. Complainant  
10 refers to, and by this reference incorporates, the allegations set forth above in paragraph 9,  
11 subparagraph (b), as though fully set forth herein.

12 c. On or about February 22, 2019, Respondent was found by a Eureka Police officer laying  
13 in a driveway, unconscious, next to a half-consumed vodka bottle. The officer determine that  
14 Respondent was under the influence of alcohol and unable to care for himself or others and was  
15 subsequently placed under arrest.

16 d. On or about February 14, 2019, officers responded to a call of a verbal altercation and a  
17 possible intoxicated driver. Upon arrival, officers observed Respondent sitting in the driver's seat of  
18 a vehicle with the door open and the reporting party standing behind the vehicle to prevent him from  
19 leaving. He was observed to exhibit objective signs and symptoms of alcohol intoxication that  
20 included red watery eyes, slurred speech, and an unsteady gait. While at the scene, Respondent  
21 submitted to a series of field sobriety tests, which he was unable to perform as indicated. During the  
22 booking procedure, Respondent provided a breath sample that resulted in a breath alcohol content  
23 level of 0.23% on the first and second reading.

24 e. On or about January 23, 2019, a Eureka Police officer contacted Respondent at a Motel 6  
25 parking lot where he observed Respondent to display objective signs of intoxication. Due to the level  
26 of intoxication, it was believed that Respondent could not care for his safety or the safety of others  
27 and was placed under arrest.

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**PRAYER**

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 127250, issued to Justin Adam Brewer;

2. Ordering Justin Adam Brewer to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: February 28, 2020



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

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