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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. 7531

13 **TIMOTHY L. BRADLEY**
14 P.O. Box 2833,
San Ramon, CA 94583

DEFAULT DECISION AND ORDER

15 **Pharmacy Technician License No. TCH**
16 **138228**

[Gov. Code, §11520]

17 Respondent.

18
19 **FINDINGS OF FACT**

20 1. On or about August 31, 2023, Complainant Anne Sodergren, in her official capacity
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed
22 Accusation No. 7531 against Timothy L. Bradley (Respondent) before the Board of Pharmacy.
23 (Accusation attached as Exhibit A.)

24 2. On or about January 15, 2014, the Board of Pharmacy issued Pharmacy Technician
25 License Number TCH 138228 to Timothy L. Bradley (Respondent). The Pharmacy Technician
26 License expired on July 31, 2023 and has been cancelled.

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1 3. On or about September 8, 2023, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 7531, 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: P.O. Box 2833, San Ramon, CA 94583-7833.

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. 7531.

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 finds that the charges and allegations in Accusation No. 7531, are separately and severally, found
27 to be true and correct by a preponderance of the evidence.

28 9. The Board finds that the actual costs for Investigation and Enforcement are \$2,256.25
as of November 1, 2023.

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1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Timothy L. Bradley has
3 subjected his Pharmacy Technician License No. TCH 138228 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 License based upon the following violations alleged in the Accusation, which are supported by
7 the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

8 a. Business and Professions Code section 4301, subdivision (h) (Unprofessional
9 Conduct - Dangerous Use of Alcohol);

10 b. Business and Professions Code section 4301, subdivision (l) (Unprofessional Conduct
- Conviction of a Crime).

11 **ORDER**

12 IT IS SO ORDERED that Pharmacy Technician License No. TCH 138228, issued to
13 Respondent Timothy L. Bradley, is revoked.

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

18 This Decision shall become effective at 5:00 p.m. on January 25, 2024.

19 It is so ORDERED on December 26, 2023.

20 FOR THE BOARD OF PHARMACY
21 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

22
23
24 By



25
26 Seung W. Oh, Pharm.D.
Board President

27 91705591.DOCX
DOJ Matter ID:OK2023900183

28 Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

(TIMOTHY L. BRADLEY)

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Supervising Deputy Attorney General
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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. 7531

13 **TIMOTHY L. BRADLEY**

14 P.O. Box 2833,
San Ramon, CA 94583

ACCUSATION

15 **Pharmacy Technician License No. TCH**
16 **138228**

17 Respondent.

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19
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21 **PARTIES**

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

24 2. On or about January 15, 2014, the Board of Pharmacy issued Pharmacy Technician
25 License Number TCH 138228 to Timothy L. Bradley (Respondent). The Pharmacy Technician
26 License was in full force and effect at all times relevant to the charges brought in this Accusation
27 and will expire on July 31, 2023, 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 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].

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

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

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

"(1) Suspending judgment.

"(2) Placing him or her upon probation.

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

"(4) Revoking his or her license.

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

...

"(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure."

6. 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

1 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
2 proceeding against, the licensee or to render a decision suspending or revoking the license."

3 STATUTES

4 7. Section 4301 of the Code states:

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

8 . . .

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

14 . . .

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

17 . . .

18 "(l) The conviction of a crime substantially related to the qualifications, functions, and
19 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
20 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
21 substances or of a violation of the statutes of this state regulating controlled substances or
22 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
23 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
24 The board may inquire into the circumstances surrounding the commission of the crime, in order
25 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
26 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
27 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
28 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning

1 of this provision. The board may take action when the time for appeal has elapsed, or the
2 judgment of conviction has been affirmed on appeal or when an order granting probation is made
3 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
4 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
5 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
6 indictment.”

7 8. Section 4060 of the Code states:

8 "No person shall possess any controlled substance, except that furnished to a person upon
9 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
10 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
11 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
12 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
13 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
14 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not
15 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
16 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
17 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
18 labeled with the name and address of the supplier or producer.

19 "This section does not authorize a certified nurse-midwife, a nurse practitioner, a physician
20 assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and devices."

21 9. Section 4022 of the Code states

22 "Dangerous drug or dangerous device means any drug or device unsafe for self-use in
23 humans or animals, and includes the following:

24 "(a) Any drug that bears the legend: Caution: federal law prohibits dispensing without
25 prescription, Rx only, or words of similar import.

26 "(b) Any device that bears the statement: Caution: federal law restricts this device to sale by
27 or on the order of a _____, Rx only, or words of similar import, the blank to be filled in
28 with the designation of the practitioner licensed to use or order use of the device.

1 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
2 prescription or furnished pursuant to Section 4006.”

3 **REGULATORY PROVISIONS**

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

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

11 **COST RECOVERY**

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

18 **FACTUAL ALLEGATIONS**

19 12. On or about March 23, 2023, in Tulare County Superior Court, Case No.
20 VCM433318, Respondent was convicted, based on his plea of no contest, of willful cruelty to
21 child: possible injury/death (Penal Code § 273, subds. (a)(a)), a misdemeanor, and driving with a
22 blood alcohol concentration over .08% (Veh. Code, § 23512, subd. (b)), a misdemeanor. Also,
23 Respondent admitted to an enhancement charge of driving with a blood alcohol concentration of
24 .20% or higher (Veh. Code, § 23538). The court placed Respondent on probation for five years,
25 according to terms and conditions including, but not limited to, serving eight days in jail (credit
26 for three days; five days suspended), attending and completing a 52-week child abuse program,
27 enrolling in and completing a nine-month DUI program, completing 80 hours of community
28 service, and paying all fines and fees.

13. The circumstances that led to the conviction are that on or about July 29, 2022, at approximately 10:22 p.m., a California Highway Patrol Officer (officer) responded to a report of a possible intoxicated driver who had been observed driving erratically on the freeway. The officer located the vehicle and conducted an enforcement stop. The officer observed objective symptoms of alcohol intoxication, including red watery eyes, heavily slurred speech, and the odor of alcoholic beverage coming from Respondent's vehicle. Respondent admitted to having consumed one beer before driving. When the officer asked Respondent if he felt any effects of the alcohol he had consumed, Respondent stated, "No. Not really". The officer noted that two cups containing a fruity-smelling alcoholic beverage were located in the center console of Respondent's vehicle. Additionally, a nearly full case of "Truly" alcoholic seltzers was located in the back seat. Respondent's two children, ages 11 and 6, were passengers inside the vehicle. The officer administered a series of field sobriety tests, which Respondent failed to perform as explained and demonstrated. Respondent refused to submit to a preliminary alcohol-screening test. Subsequently, he was arrested for driving while under the influence of alcohol and willful child cruelty. At approximately 11:32 p.m., Respondent submitted to a chemical blood test, which resulted in a blood alcohol content of 0.24%. Additionally, Respondent received a presumptive positive test result for methamphetamine.

FIRST CAUSE FOR DISCIPLINE
(Dangerous Use of Alcohol)

14. Respondent has subjected his Pharmacy Technician Registration to disciplinary action in that on or about July 29, 2022, he used, and was under the influence of, alcoholic beverages to an extent dangerous or injurious to himself and the public. (Bus. & Prof. Code § 4301, subd. (h)), Respondent was arrested for driving under the influence of alcohol and willful child cruelty. The circumstances are more fully explained in paragraph 13, above.

SECOND CAUSE FOR DISCIPLINE
(Unprofessional Conduct-Conviction of a Crime)

15. Respondent has subjected his Pharmacy Technician Registration to disciplinary action in that on or about March 23, 2023, he was convicted of a crime substantially related to the

1 qualifications, functions, and duties of a pharmacy technician. (Bus. & Prof. Code § 4301, subd.
2 (l)). Specifically, Respondent was convicted of willful cruelty to child: possible injury/death and
3 driving with a blood alcohol concentration over .08 percent with an enhancement of driving with
4 a blood alcohol concentration of .20 percent or higher (Penal Code § 273, subds. (a)(a), Veh.
5 Code, §§ 23512, subd. (b), 23538, subd. (b)). The conviction and the facts underlying the
6 conviction are more fully explained in paragraphs 12 and 13, above.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
9 Accusation, and that following the hearing, the Board of Pharmacy issue a decision:

- 10 1. Revoking or suspending Pharmacy Technician License Number TCH 138228, issued
11 to Timothy L. Bradley;
- 12 2. Ordering Timothy L. Bradley to pay the Board of Pharmacy the reasonable costs of
13 the investigation and enforcement of this case, pursuant to Business and Professions Code section
14 125.3; and,
- 15 3. Taking such other and further action as deemed necessary and proper.
- 16
- 17

18 DATED: 8/31/2023

Sodergren,
Anne@DCA

Digitally signed by Sodergren,
Anne@DCA
Date: 2023.08.31 16:58:59 -07'00'

19 ANNE SODERGREN
20 Executive Officer
21 Board of Pharmacy
22 Department of Consumer Affairs
23 State of California
24 *Complainant*

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