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

In the Matter of the Accusation Against:

**DAMON HOUSTON**  
**206 W. 6th St., #922**  
**Los Angeles, CA 90014**

**Pharmacy Technician Registration No. TCH**  
**171185**

Respondent.

Case No. 7603

OAH No.

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about November 15, 2024, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 7603 against Damon Houston (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about May 6, 2019, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 171185 to Respondent. The Pharmacy Technician Registration expired on on June 30, 2024, and has not been renewed. This lapse in licensure, however, does

1 not deprive the Board of its authority to institute or continue this disciplinary proceeding,  
2 pursuant to Business and Professions Code sections 118(b) and 4300.1.

3 3. On or about November 26, 2024, Respondent was served by Certified and First Class  
4 Mail copies of the Accusation No. 7603, Statement to Respondent, Notice of Defense, Request  
5 for Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
6 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
7 section 4100, is required to be reported and maintained with the Board. Respondent's address of  
8 record was and is:

9 206 W. 6th St., #922

10 Los Angeles, CA 90014.

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

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

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

19 6. The Board takes official notice of its records and the fact that Respondent failed to  
20 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore  
21 waived his right to a hearing on the merits of Accusation No. 7603.

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

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

27 8. Pursuant to its authority under Government Code section 11520, the Board finds  
28 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,  
finds that the charges and allegations in Accusation No. 7603, are separately and severally, found  
to be true and correct by clear and convincing evidence.



**ORDER**

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 171185, issued to Respondent Damon Houston, is revoked.

Pursuant to Code section 4307, Respondent Damon Houston is prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee until Pharmacy Technician Registration No. TCH 171185 is reinstated.

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 at 5:00 p.m. on April 9, 2025.

It is so ORDERED on March 10, 2025.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.  
Board President

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DOJ Matter ID:LA2024604799

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

(DAMON HOUSTON)

1 ROB BONTA  
Attorney General of California  
2 NANCY A. KAISER  
Supervising Deputy Attorney General  
3 MEGAN CROSS  
Deputy Attorney General  
4 State Bar No. 251485  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6110  
6 Facsimile: (916) 731-2126  
E-mail: Megan.Cross@doj.ca.gov  
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. 7603

13 **DAMON HOUSTON**  
14 **206 W. 6th St., #922**  
**Los Angeles, CA 90014**

**ACCUSATION**

15 **Pharmacy Technician License No. TCH**  
16 **171185**

17 Respondent.

18  
19 **PARTIES**

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

22 2. On or about May 6, 2019, Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 171185 to Damon Houston. The license expired on June 30, 2024 and  
24 was canceled on September 30, 2024.

25 **JURISDICTION**

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

1           4.     Section 4011 of the Code provides that the Board shall administer and enforce both  
2 the Pharmacy Law (Bus. & Prof. Code, § 4000 *et seq.*) and the Uniform Controlled Substances  
3 Act (Health & Safety Code, § 11000 *et seq.*).

4           5.     Section 4300, subdivision (a), of the Code provides that every license issued may be  
5 suspended or revoked.

6           6.     Section 4300.1 of the Code states:

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

12          7.     Section 4307 of the Code states:

13           (a) Any person who has been denied a license or whose license has been revoked or  
14 is under suspension, or who has failed to renew his or her license while it was under  
15 suspension, or who has been a manager, administrator, owner, member, officer, director,  
16 associate, partner, or any other person with management or control of any partnership,  
17 corporation, trust, firm, or association whose application for a license has been denied or  
18 revoked, is under suspension or has been placed on probation, and while acting as the  
19 manager, administrator, owner, member, officer, director, associate, partner, or any other  
20 person with management or control had knowledge of or knowingly participated in any  
21 conduct for which the license was denied, revoked, suspended, or placed on probation, shall  
22 be prohibited from serving as a manager, administrator, owner, member, officer, director,  
23 associate, partner, or in any other position with management or control of a licensee as  
24 follows:

25           (1) Where a probationary license is issued or where an existing license is  
26 placed on probation, this prohibition shall remain in effect for a period not to exceed  
27 five years.

28           (2) Where the license is denied or revoked, the prohibition shall continue until  
the license is issued or reinstated.

          (b) “Manager, administrator, owner, member, officer, director, associate, partner, or  
any other person with management or control of a license” as used in this section and  
Section 4308, may refer to a pharmacist or to any other person who serves in such capacity  
in or for a licensee.

1 (c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to  
2 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government  
3 Code. However, no order may be issued in that case except as to a person who is named in  
4 the caption, as to whom the pleading alleges the applicability of this section, and where the  
5 person has been given notice of the proceeding as required by Chapter 5 (commencing with  
6 Section 11500) of Part 1 of Division 3 of the Government Code. The authority to proceed  
7 as provided by this subdivision shall be in addition to the board's authority to proceed under  
8 Section 4339 or any other provision of law.

### 6 STATUTORY PROVISIONS

7 8. Section 4301 of the Code states:

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

11 ...

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

15 ...

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

21 ...

22 (o) Violating or attempting to violate, directly or indirectly, or assisting in or  
23 abetting the violation of or conspiring to violate any provision or term of this chapter  
24 or of the applicable federal and state laws and regulations governing pharmacy,  
25 including regulations established by the board or by any other state or federal  
26 regulatory agency.

### 27 COST RECOVERY

28 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  
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
enforcement of the case, with failure of the licensee to comply subjecting the license to not being  
renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
included in a stipulated settlement.

1 **FACTUAL ALLEGATIONS**

2 10. Between approximately April 19, 2020, and September 10, 2021, Respondent worked  
3 as a Pharmacy Technician at a CVS Pharmacy in Los Angeles, California.

4 11. During this time, on several occasions, staff had notified the front-store manager, SH,  
5 that they smelled alcohol on Respondent. In response, SH changed the schedule to ensure SH and  
6 Respondent worked the same shifts.

7 12. On or about September 5, 2021, while Respondent and SH were working the same  
8 shift, pharmacy staff notified SH that Respondent left the pharmacy in the middle of an  
9 unfinished transaction, leaving a customer waiting at the pickup window. SH went to check on  
10 Respondent. SH observed Respondent grab his bag from the breakroom, take a bottle of Jack  
11 Daniel’s alcohol from the bag, and drink from the bottle. Respondent was immediately removed  
12 from work and sent home.

13 13. On or about September 10, 2021, Respondent was terminated for possession of  
14 alcohol at work/under the influence of alcohol at work. SH conducted Respondent’s employment  
15 termination interview. During the interview, Respondent acknowledged to SH that he was at fault  
16 and that he “messed up.”

17 **FIRST CAUSE FOR DISCIPLINE**

18 (Unprofessional Conduct - Dangerous Use of Alcohol)

19 14. Respondent is subject to disciplinary action under Code section 4300 and 4301,  
20 subdivision (h), on the grounds of unprofessional conduct, in that Respondent administered an  
21 alcoholic beverage to himself, to the extent or in a manner to be dangerous or injurious to oneself,  
22 any other person, or to the public, when Respondent drank alcohol while working a shift as a  
23 pharmacy technician. Complainant refers to, and by this reference incorporates paragraphs 10  
24 through 13, as though set forth fully.

25 **SECOND CAUSE FOR DISCIPLINE**

26 (Unprofessional Conduct - Moral Turpitude)

27 15. Respondent is subject to disciplinary action under Code sections 4300 and 4301,  
28 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed an act of

1 moral turpitude when he drank alcohol while working a shift as a pharmacy technician.

2 Complainant refers to, and by this reference incorporates paragraphs 10 through 13, as though set  
3 forth fully.

4 **THIRD CAUSE FOR DISCIPLINE**

5 (Unprofessional Conduct)

6 16. Respondent is subject to disciplinary action under Code sections 4300 and 4301, on  
7 the grounds of unprofessional conduct, in that Respondent consumed alcohol while working a  
8 shift as a pharmacy technician. Complainant refers to, and by this reference incorporates  
9 paragraphs 10 through 13, as though set forth fully.

10 **DISCIPLINE CONSIDERATIONS**

11 17. To determine the degree of discipline, if any, to be imposed on Respondent,  
12 Complainant alleges the following:

13 a) On or about July 7, 2010, Respondent was convicted of violating Vehicle Code  
14 23152, subdivision (b) [driving with a blood alcohol content of 0.08% or more], a misdemeanor,  
15 in the criminal proceeding titled *The People of the State of California vs. Damon Warrington*  
16 *Houston* (Super. Ct. Orange County, 2010, No. 10WM00171). The Court sentenced Respondent  
17 to 91 days in jail, placed him on five years of probation, and ordered him to complete an 18-  
18 month Multiple Offender Alcohol Program and Victim Impact Counseling.

19 b) On or about July 13, 2011, Respondent was convicted of violating Vehicle Code  
20 14601.2 (a) [driving when privilege suspended or revoked (DUI)], a misdemeanor, in a criminal  
21 proceeding titled *The People of the State of California vs. Damon Warrington Houston* (Super.  
22 Ct. Orange County, 2011, No. 11WM05378). Respondent was sentenced to 10 days in jail and  
23 placed on three years of probation.

24 **OTHER MATTERS**

25 18. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Technician  
26 License No. TCH 171185, issued to Damon Houston, then Damon Houston shall be prohibited  
27 from serving as a manager, administrator, owner, member, officer, director, associate, or partner  
28 of a licensee for five years if Pharmacy Technician License No. TCH 171185 is reinstated.

**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 Pharmacy Technician License Number TCH 171185, issued to Damon Houston;
- 2. Ordering Damon Houston 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: 11/15/2024

Digitally signed by  
 Sodergren, Anne@DCA  
 Date: 2024.11.15 13:27:49  
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ANNE SODERGREN  
 Executive Officer  
 Board of Pharmacy  
 Department of Consumer Affairs  
 State of California  
*Complainant*

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