

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

In the Matter of the Accusation Against:

VINCENT RAYMOND HUTCHISON, Respondent

Pharmacy Technician License No. TCH 100749

Agency Case No. 7861

OAH No. 2024100483

DECISION AND ORDER

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on June 4, 2025.

It is so ORDERED on May 5, 2025.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.
Board President

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PROPOSED DECISION

Jennevee H. de Guzman, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter by videoconference on March 6, 2025, from Sacramento, California.

Stephanie Alamo-Latif, Deputy Attorney General, represented Anne Sodergren (complainant), Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, State of California.

Respondent Vincent Raymond Hutchison appeared without an attorney.

Evidence was received, the record was closed, and the matter was submitted for decision on March 6, 2025.

FACTUAL FINDINGS

Jurisdictional Matters

1. On May 17, 2010, the Board issued respondent Pharmacy Technician License Number TCH 100749 (license). The license will expire on October 31, 2025, unless renewed. Respondent has no history of license discipline from the Board.

2. On July 26, 2024, complainant, acting in her official capacity, signed and filed an accusation (Accusation) seeking to discipline respondent's license based upon his April 2024 conviction for driving with an excessive blood alcohol content (BAC), his dangerous use of alcohol underlying the conviction, and a separate incident in March 2023 involving his dangerous use of alcohol. Respondent filed a Notice of Defense, and this hearing followed.

2024 Criminal Conviction and Dangerous Use of Alcohol

3. On April 3, 2024, in the Superior Court of California, County of Fresno, Case No. M239015259, respondent was convicted on his no contest plea of driving with a BAC of 0.08 percent or more (DUI), a misdemeanor. (Veh. Code, § 23152, subd. (b).) Respondent stipulated his BAC was 0.19 percent. The court suspended imposition of sentencing and placed respondent on three years of summary probation subject to terms that required him, among other things, to attend and complete DUI-offender programs, serve 15 days in county jail, and pay fines and fees.

4. The circumstances underlying the conviction occurred on September 25, 2023. At approximately 2:43 a.m., a California Highway Patrol officer stopped respondent for speeding. The officer smelled alcohol coming from inside the car and observed visible signs of intoxication. Respondent explained he had consumed a "tall"

can of beer at 1:00 p.m. while watching a football game at his cousin's house and was on his way home. Respondent further explained he took 300 milligrams of Lexapro three times daily, 100 milligrams of Gabapentin once per day, and his last dose of Lexapro and Gabapentin prior to the traffic stop was at 6:00 p.m. and 12:00 p.m., respectively. The officer determined respondent drove under the influence of alcohol and drugs, was "unable to continue driving," and placed him under arrest.

2023 Arrest for Resisting, Delaying, or Obstructing a Peace Officer

5. On March 31, 2023, at approximately 2:37 p.m., a Kingsburg police officer contacted respondent, who was visibly intoxicated, at a bar in response to a call regarding a disturbance. The officer asked respondent to leave and to find a ride home. Respondent was initially cooperative, but he became defensive when asked for his identification. He loudly stated he had done nothing wrong, demanded to speak with a sergeant, and refused to provide identification and find a ride home. Respondent told the officer to "fuck off" and resisted the officer's attempt to place him in handcuffs. With the assistance of two other officers, the officer detained respondent and placed him in the patrol car. While en route to the Fresno County jail, respondent screamed profanities, told the officers they "would be dead soon," and threatened to spit on them. He spat "all over" the rear seat and partition of the patrol car.

Impact of Alcohol Use with the Consumption of Prescription

Medications

6. Marc Gasca, a Board inspector, testified on complainant's behalf. Inspector Gasca joined the Board in 2021 and has worked as an inspector for approximately three and one-half years. Inspector Gasca has a Ph.D. in pharmacy, has

been a licensed pharmacist for over 20 years, and has practiced retail pharmacy, including supervising technicians and staff, since 2004.

7. Inspector Gasca testified that the functions and duties of a pharmacy technician include the direct handling, preparation, and packaging of prescription medications, including controlled substances. Lexapro is commonly prescribed for depression and Gabapentin for pain due to either nerve damage or seizure disorder. Neither are scheduled controlled substances, but they can affect a pharmacy technician's ability to appropriately perform his job if combined with alcohol due to increased drowsiness, as well as poor coordination and judgment, resulting in potential public harm. Good judgment is an important characteristic for pharmacy technicians because it allows them to correctly do their job and build trust with the pharmacists.

Respondent's Evidence

8. Respondent testified he worked as a pharmacy technician at St. Agnes Hospital for 12 years until December 2021, when he stopped working due to shoulder and back injuries. He has been unemployed since then, but hopes to have surgery and return to work by the end of the year. He loved working at St. Agnes Hospital and never received any complaints about his work performance. He was a team player and worked "through COVID." He is a "good guy," but 2023 was the "worst year of his life" because his wife left him and took their daughter with her. He was "sorry," stated he "messed up two times in the same year," and understood his troubles did not excuse his behavior.

9. Respondent admitted he was at a bar on March 31, 2023. After ordering a hamburger and beer, respondent realized he had left his wallet at home. He told the

waitress he would return and did so with \$500 in cash. He drank two beers, finished his meal, and paid the waitress "double." Respondent testified the officers arrived after he paid for his meal, but also testified that the officers arrived before he finished eating his meal. He did not know why the officers were there, refused to provide his identification, and asked them what was happening.

10. Respondent believed the officers were there merely to speak with him, but instead they embarrassed him by slamming him against a window and dragging him to the patrol car. He denied refusing to call for a ride home, telling the officer to "fuck off," and resisting arrest. He stated the officer's version of events was "wrong." He further stated the police report contained "false accusations" because he neither threatened the officers nor spat in the patrol car. Rather, his medication caused him to foam at the mouth.

11. Respondent acknowledged telling the officer during his September 2023 arrest that he had prescriptions for Lexapro and Gabapentin but he denied providing any additional information about the medications or stating he had recently taken them. When asked why the arrest report contained detailed information about the medications, respondent replied an "officer can write whatever he wants." Respondent could not recall how long he has been taking Lexapro and Gabapentin, but admitted he is currently still taking them. Respondent believed the reported BAC was correct, but he only drank one 24-ounce can of beer before driving. He also testified, however, that he could not recall how much he drank and at what time.

12. Prior to the 2023 DUI, respondent voluntarily attended substance abuse programs because he had an alcohol addiction and the programs were good for having friends, talking, and inspiration. He also voluntarily submitted weekly urine samples for alcohol testing and "always came out clean." He also explained, however,

that he “wasn’t addicted” to alcohol and did not believe he had a problem. He only attended these programs to “slow down” his weekend drinking and explained the alcohol-related arrests and DUI conviction resulted from “hanging out with addicted people.”

13. Respondent testified he no longer drinks alcohol, alcoholism “runs in his family,” and is aware of “where it will lead.” He used to drink on the weekends with his cousins, but he has since cut ties with them and is instead surrounded by people with “good inspiration.” He also testified, however, that he drank alcohol on Superbowl Sunday, which was approximately three weeks prior to the hearing.

14. Respondent is currently on criminal probation through April 2027. He has completed serving his county jail time and the DUI offender programs. He is currently paying the imposed fines and fees pursuant to an installment plan.

Analysis

CAUSES FOR DISCIPLINE

15. Respondent’s version of the March 2023 arrest greatly differs from the version contained in the arrest report. Respondent struggled throughout his testimony, often appearing confused and unable to provide coherent responses. For example, respondent provided contradictory versions of when he first spoke to the officer. Respondent initially testified the officer arrived after he paid for his meal, but a short time later he testified the officer arrived before he finished eating. In addition, respondent emphatically denied most of the statements and actions attributed to him and accused the officer of making false accusations. Respondent’s contradictory testimony, together with his self-serving statements, severely undermined his credibility. (Evid. Code, § 780, subds. (b) [character of testimony], (f) [existence of bias,

interest, or other motive], (h) [inconsistent statements].) Accordingly, based on respondent's impaired credibility, the officer's version of events chronicled in the March 2023 arrest report is more credible.

16. Respondent's use of alcohol on March 31, 2023, endangered both himself and the arresting officers. Respondent was "heavily intoxicated" and incapable of driving home, yet refused to find a ride home. He resisted the officer's attempt to detain him, and it took the efforts of three officers to place respondent in handcuffs. While acting in a belligerent manner, he threatened to spit on the officers and spat "all over" the back seat of the patrol car.

17. Similarly, respondent's version of the September 2023 arrest also greatly differs from the version contained in the arrest report. Respondent accused the CHP officer of fabricating all the statements regarding his use of Lexapro and Gabapentin. Respondent's denial of consuming Lexapro and Gabapentin with alcohol prior to driving lacked credibility. During cross-examination, respondent exhibited a stark contrast in his demeanor when questioned about these prescription medications. (Evid. Code, § 780, subd. (a) [demeanor].) He visibly displayed a more defensive stance and suddenly and inexplicably failed to recall information related to the length of his medication usage. Respondent ultimately confirmed, however, his current usage of these medications is consistent with what was contained in the arrest report.

18. Although respondent did not dispute the BAC of 0.19 percent, his attempt to minimize the amount of alcohol he consumed further negatively affected his credibility. Respondent offered conflicting testimony regarding how much he had to drink prior to driving. (Evid. Code, § 780, subd. (h).) Although his initial explanation of having had one beer prior to driving is consistent with the version he gave to the officer, a BAC level of 0.19 percent due to consuming one 24-ounce can of beer nearly

13 hours prior to driving strains credulity. (Evid. Code, § 780, subds. (b), (h), (j) [attitude toward the action in which he testifies].) Accordingly, again based on respondent's impaired credibility, the officer's version of events contained in the September 2023 arrest report is more credible.

19. Respondent's alcohol use on September 25, 2023, endangered himself and the public. Respondent drove his car at a high rate of speed with a BAC of 0.19 percent. Furthermore, his use of alcohol was combined with the consumption of prescription medications which, as Inspector Gasca credibly explained, could have resulted in increased drowsiness, poor coordination, and poor judgment.

APPROPRIATE LEVEL OF DISCIPLINE

20. The Board has adopted disciplinary guidelines (Guidelines) (effective April 2024) for use in reaching a decision in disciplinary actions. (Cal. Code Regs., tit. 16, § 1760.) Under the Guidelines, the recommended discipline based on a licensee's criminal conviction involving alcohol ranges from revocation to revocation stayed with three-to-five years' probation under appropriate terms and conditions. It is only appropriate to deviate from these guidelines when the Board determines that the circumstances of a particular case warrant it.

21. The Board has also adopted criteria to evaluate the rehabilitation of licensees convicted of crimes substantially related to their qualifications, functions, and duties. The criteria relevant to this matter include the nature and gravity of the acts or offenses, time that has elapsed since commission of the acts or offenses, whether the licensee has complied with all terms of probation, and any other evidence of rehabilitation. (Cal. Code Regs., tit. 16, § 1769, subd. (c)(1), (3)-(4), (6).)

22. Although respondent has completed the DUI-offender programs, the DUI with an excessive BAC was serious because it occurred just six months after the March 2023 arrest and occurred only 18 months ago. Even more problematic is the complete lack of persuasive evidence of respondent's rehabilitation. His testimony that he is sober is simply not credible given his other testimony of having had an alcoholic beverage approximately three weeks prior to the hearing. His further testimony regarding voluntary biological fluid testing and participation in other alcohol-addiction programs, while maintaining that he did not have an addiction to alcohol, were self-serving and thus also not credible.

23. Respondent's lack of remorse is equally problematic. His testimony that he was twice the victim of police misconduct within a six-month period of time and his exposure to "addicted people" was to blame for his two alcohol-related arrests is unbelievable. Respondent refuses to acknowledge the excessive nature of his alcohol consumption, which poses a real public safety concern given his current medication usage, as explained by Inspector Gasca. Additionally, fully acknowledging the wrongfulness of one's past actions is an essential step towards rehabilitation. (*Seide v. Comm. of Bar Examiners* (1989) 49 Cal.3d 933, 940.) As explained above, respondent has not yet achieved this step.

24. When the evidence and rehabilitation factors are considered as a whole, respondent failed to establish that he is on any path towards rehabilitation. His registration as a pharmacy technician must be revoked to protect the public interest, safety, and welfare.

Costs

25. Pursuant to Business and Professions Code section 125.3, complainant requested respondent be ordered to reimburse the Board its costs for the investigation and prosecution of this matter. Complainant submitted a Certification of Prosecution Costs and Declaration of Stephanie Alamo-Latif that indicates she and her colleagues billed the Board \$4,264.75 in costs for 18.25 hours of time enforcing this matter through March 3, 2025, and includes a daily itemization of the tasks performed and time consumed.

26. Respondent testified he is currently unemployed. He receives a monthly welfare assistance check in the amount of \$800. The reasonableness of the costs is addressed below.

LEGAL CONCLUSIONS

Burden and Standard of Proof

1. Complainant has the burden of proving the grounds for discipline alleged in the accusation by clear and convincing evidence to a reasonable certainty. (*Ettinger v. Bd. of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 855-856.) Clear and convincing evidence is evidence that leaves "no substantial doubt" and is "sufficiently strong to command the unhesitating assent of every reasonable mind." (*In re Marriage of Weaver* (1990) 224 Cal.App.3d 478, 487, quoting *Sheehan v. Sullivan* (1899) 126 Cal. 189, 193.) If complainant meets this burden, respondent must establish rehabilitation. Rehabilitation is akin to an affirmative defense. Consequently, the burden of proof of establishing rehabilitation is on respondent. (*Whetstone v. Bd. of Dental Examiners* (1927) 87 Cal.App. 156, 164.) The burden of proof for rehabilitation is

a preponderance of the evidence (Evid. Code, § 115), which means “more likely than not.” (*Sandoval v. Bank of America* (2002) 94 Cal.App.4th 1378, 1388.)

Causes for Discipline

2. The Board may discipline a license if the licensee has been convicted of a crime that is substantially related to the qualifications, functions, or duties of a pharmacy technician. (Bus. & Prof. Code, §§ 490, subd. (a), 4301, subd. (l).) A crime is substantially related to the qualifications, duties, and functions of a pharmacy technician if, to a substantial degree, “it evidences present or potential unfitness of an applicant or licensee to perform the functions authorized by the license in a manner consistent with the public health, safety, or welfare.” (Cal. Code Regs. tit. 16, § 1770, subd. (a).) A conviction for driving under the influence of alcohol shall be considered a substantially related crime. (Cal. Code Regs. tit. 16, § 1770, subd. (c)(5).) Respondent was convicted of DUI on April 3, 2024. Cause exists to discipline respondent’s license pursuant to Business and Professions Code sections 490 and 4301, subdivision (l).

3. The Board may discipline a license if the licensee has engaged in unprofessional conduct, which includes using alcoholic beverages to an extent or in a manner dangerous or injurious to oneself and 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.” (Bus. & Prof. Code, § 4301, subd. (h).) As discussed above, respondent was involved in two incidents involving the dangerous use of alcohol in 2023. At the time of the March 2023 arrest, respondent resisted the officers, threatened to spit on them, and spat “all over” the back seat of the patrol car. Six months later, respondent was arrested for DUI and had an excessive BAC. Cause exists to discipline respondent’s license pursuant to Business and Professions Code sections 4301, subdivision (h).

Level of Discipline

4. For the reasons discussed above, respondent failed to establish rehabilitation. Respondent's lack of remorse and insight denies the Board of any assurances that the misconduct will not happen again. When all the evidence is considered, revoking respondent's license is necessary to protect the public. (Cal. Code Regs., tit. 16, § 1760.)

Costs of Prosecution

5. The Board may request the administrative law judge to direct a licensee found to have violated the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case. (Bus. & Prof. Code, § 125.3.) In *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, the California Supreme Court set forth guidelines for determining whether the costs should be assessed in the particular circumstances of each case. These factors include whether the licensee has been successful at hearing in getting charges dismissed or reduced, the licensee's subjective good faith belief in the merits of his position, whether the licensee has raised a colorable challenge to the proposed discipline, the financial ability of the licensee to pay, and whether the scope of the investigation was appropriate to the alleged misconduct.

6. The total cost of prosecution, \$4,264.75, is reasonable given the allegations in the Accusation. Respondent was unsuccessful at hearing in having the charges dismissed or reduced and had no colorable challenge to license revocation. Respondent credibly testified that he is currently unemployed and his only source of income is \$800 per month. Respondent should be permitted to repay the costs if and when he successfully reinstates his pharmacy technician license.


ORDER

Pharmacy Technician License number TCH 100749, issued to respondent Vincent Raymond Hutchinson, is revoked.

Respondent shall relinquish his license, including any indicia of licensure issued by the Board, to the Board within 10 days of the effective date of this decision. Respondent may not reapply or petition the Board for reinstatement of his revoked license for three years from the effective date of this decision.

As a condition precedent to reinstatement of his revoked license, respondent shall reimburse the Board for its costs of prosecution in the amount of \$4,264.75. Said amount shall be paid in full prior to the reinstatement of his license unless otherwise ordered by the Board.

DATE: April 1, 2025


[Jennevee H. de Guzman \(Apr 1, 2025 13:15 PDT\)](#)

JENNEVEE H. DE GUZMAN

Administrative Law Judge

Office of Administrative Hearings

1 ROB BONTA
Attorney General of California
2 KAREN R. DENVER
Supervising Deputy Attorney General
3 STEPHANIE ALAMO-LATIF
Deputy Attorney General
4 State Bar No. 283580
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-6112
Facsimile: (916) 327-8643
7 E-mail: Stephanie.AlamoLatif@doj.ca.gov
Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

Case No. 7861

14 **VINCENT RAYMOND HUTCHISON**
15 **990 Ahronian Ave.**
Fowler, CA 93625

ACCUSATION

16 **Pharmacy Technician License No. TCH**
17 **100749**

Respondent.

18
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 May 17, 2010, the Board issued Pharmacy Technician License Number
24 TCH 100749 to Vincent Raymond Hutchison (Respondent). The Pharmacy Technician License
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 October 31, 2025, unless renewed.

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28 \\\

JURISDICTION

1
2 3. This Accusation is brought before the Board of Pharmacy (Board), under the
3 authority of the following laws. All section references are to the Business and Professions Code
4 (Code) unless otherwise indicated.

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

7 5. Code section 4300.1 states:

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

14 6. Code section 4307 states:

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

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

 (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.

 (c) The provisions of subdivision (a) may be alleged in any pleading filed
pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of
the Government Code. However, no order may be issued in that case except as to a
person who is named in the caption, as to whom the pleading alleges the applicability
of this section, and where the person has been given notice of the proceeding as
required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of

1 the Government Code. The authority to proceed as provided by this subdivision shall
2 be in addition to the board's authority to proceed under Section 4339 or any other
3 provision of law.

4 **STATUTORY PROVISIONS**

5 7. Code section 490 provides, in pertinent part, that a board may suspend or revoke a
6 license on the ground that the licensee has been convicted of a crime substantially related to the
7 qualifications, functions, or duties of the business or profession for which the license was issued.

8 8. Code section 4301 states, in pertinent part:

9 The board shall take action against any holder of a license who is guilty of
10 unprofessional conduct. Unprofessional conduct shall include, but is not limited to,
11 any of the following:

12 ...

13 (h) The use alcoholic beverages to the extent or in a manner as to be
14 dangerous or injurious to oneself, or to any other person or to the public, or to the
15 extent that the use impairs the ability of the person to conduct with safety to the
16 public the practice authorized by the license.

17 ...

18 (l) The conviction of a crime substantially related to the qualifications,
19 functions, and duties of a licensee under this chapter.

20 ...

21 9. California Code of Regulations (Cal. Code Regs.), title 16, section 1770 states:

22 (a) For the purpose of denial, suspension, or revocation of a personal or
23 facility license pursuant to Section 141 or Division 1.5 (commencing with Section
24 475) of the Business and Professions Code, a crime, professional misconduct, or
25 act shall be considered substantially related to the qualifications, functions or
26 duties of the practice, profession, or occupation that may be performed under the
27 license type sought or held if to a substantial degree it evidences present or
28 potential unfitness of an applicant or licensee to perform the functions authorized
by the license in a manner consistent with the public health, safety, or welfare.

(c) For purposes of subdivision (a), substantially related crimes, professional
misconduct, or acts shall include, but are not limited to, those which:

...

(5) Involve a conviction for driving under the influence of drugs or alcohol.

4 **COST RECOVERY**

10 10. Code section 125.3 provides, in pertinent part, that the Board may request the
11 administrative law judge to direct a licentiate found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
3 renewed or reinstated.

4 **COST RECOVERY**

5 11. Code section 125.3 provides, in pertinent part, that the Board may request the
6 administrative law judge to direct a licentiate 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, with failure of the licentiate to comply subjecting the license to not being
9 renewed or reinstated.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Conviction of Crime)**

12 12. Respondent is subject to disciplinary action for unprofessional conduct under Code
13 sections 490, subdivision (a), and 4301, subdivision (l), in that Respondent was convicted of a
14 crime substantially related the qualifications, functions, and duties of a pharmacy technician, as
15 defined by Cal. Code Regs., title 16, section 1770, subdivisions (a) and (c)(5) as follows:

16 a. On or about April 3, 2024, in the case of *People v. Vincent Raymond Hutchison*
17 (Fresno County Superior Court Case No. M239015259), Respondent was convicted on his plea of
18 nolo contendere to violation of Vehicle Code section 23152, subdivision (b) (driving with a
19 0.08% or higher blood alcohol level (BAC)), a misdemeanor, with an admission to an
20 enhancement of violation of Vehicle Code section 23578 (.15% or higher BAC). Respondent
21 stipulated that his BAC was .19%. Respondent was placed on probation for three years,
22 sentenced to serve 15 days in custody of the Sheriff through the Adult Offender Work program,
23 and ordered to complete a three month level 1 alcohol program, to submit to alcohol testing, to
24 attend and complete Decisions for Life, and to pay fines and fees. The circumstances are as
25 follows: On or about September 25, 2023, an officer with the California Highway Patrol
26 observed the vehicle which Respondent was driving pass the officer at a high rate of speed. The
27 officer performed an enforcement stop on the vehicle. Upon contact with Respondent, the officer
28 could smell the odor of an alcoholic beverage emitting from within the vehicle. The officer

1 observed Respondent's skin appeared to be moist, his speech was slurred, and his eyes were red
2 and watery. Respondent admitted to drinking beer that afternoon. Respondent also admitted that
3 he had taken prescription medication. The officer administered field sobriety tests, which
4 Respondent failed to satisfactorily perform.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Dangerous Use of Alcohol)**

7 13. Respondent is subject to disciplinary action for unprofessional conduct under Code
8 section 4301, subdivision (h), on the grounds of unprofessional conduct, in that Respondent used
9 alcoholic beverages to an extent or in a manner dangerous or injurious to himself and the public
10 as follows:

11 a. On or about September 25, 2023, Respondent drove a vehicle with a BAC of .19%.
12 The facts and circumstances are more fully set forth above in paragraph 12 and its subpart.

13 b. On or about March 31, 2023, an officer with the Kingsbury Police Department was
14 dispatched to a bar and grill located in the city of Kingsburg regarding an intoxicated patron who
15 was refusing to leave. Upon contact with Respondent, the officer observed that Respondent was
16 displaying objective signs of intoxication. The officer could smell the odor of an alcoholic
17 beverage emitting from Respondent's breath, his eyes were red and watery, and he had an
18 unsteady gait. While walking, Respondent struggled to maintain his balance and stumbled
19 several times. The officer requested that Respondent call for a ride home, and Respondent
20 refused and told the officer to "fuck off." Respondent also refused to provide any identification
21 or name. Due to Respondent being heavily intoxicated, his unpredictable belligerent behavior,
22 his inability to care for himself, and his refusal to cooperate by calling for a ride or identifying
23 himself, the officer attempted to detain Respondent in handcuffs. Respondent immediately pulled
24 away and resisted arrest after being told not to do so. After arriving at the police department,
25 Respondent refused to exit the police vehicle. After the officer got Respondent out of the vehicle
26 by assisting him, Respondent went limp. The officers sat Respondent on the ground and
27 encouraged him to walk but Respondent refused to do so. Respondent repeatedly made
28 derogatory statements towards the officers. As Respondent was being transported to jail, he

1 continuously screamed, yelled profanities, told the officers they would be dead soon, and
2 threatened to spit on them. Respondent also spit all over the rear seat of the patrol vehicle and the
3 partition of the vehicle.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct)**

6 14. Respondent is subject to disciplinary action under Code section 4301, in that
7 Respondent engaged in acts constituting unprofessional conduct. The facts and circumstances are
8 more fully set forth above in paragraphs 12 and 13 and their subparts.

9 **OTHER MATTERS**

10 15. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Technician
11 License Number TCH 100749, issued to Vincent Raymond Hutchison, Vincent Raymond
12 Hutchison shall be prohibited from serving as a manager, administrator, owner, member, officer,
13 director, associate, or partner of a licensee for five years if Pharmacy Technician License Number
14 TCH 100749 is placed on probation or until said license is reinstated if revoked.

15 **PRAYER**

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

18 1. Revoking or suspending Pharmacy Technician License Number TCH 100749, issued
19 to Vincent Raymond Hutchison;

20 2. Prohibiting Vincent Raymond Hutchison from serving as a manager, administrator,
21 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
22 Technician License Number TCH 100749 is placed on probation or until the license is reinstated,
23 if it is revoked;

24 3. Ordering Vincent Raymond Hutchison to pay the Board of Pharmacy the reasonable
25 costs of the investigation and enforcement of this case, pursuant to Business and Professions
26 Code section 125.3; and, if placed on probation, the costs of probation monitoring; and,

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

DATED: 7/26/2024

Sodergren,
Anne@DCA

Digitally signed by
Sodergren, Anne@DCA
Date: 2024.07.26 08:09:43
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ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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