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

11 In the Matter of the Accusation Against:

Case No. 3504

12 **CARL ROBERT PALAZOT**  
13 **1671 Parrot Street**  
**San Diego, CA 92105**

**ACCUSATION**

14 **Pharmacy Technician Registration No. TCH**  
15 **37328**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (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 December 12, 2001, the Board of Pharmacy issued Pharmacy Technician  
23 Registration No. TCH 37328 to Carl Robert Palazot (Respondent). The Pharmacy Technician  
24 Registration was in full force and effect at all times relevant to the charges brought herein and  
25 will expire on October 31, 2011, 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 118, subdivision (b), of the Code provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 4300 of the Code states:

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

STATUTORY PROVISIONS

6. Section 4301 of the Code states:

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

....

(h) The administering to oneself, of any controlled substance, or the use of any 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 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.

7. Section 492 of the Code states:

Notwithstanding any other provision of law, successful completion of any diversion program under the Penal Code, or successful completion of an alcohol and drug problem assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that division, from taking disciplinary action against a licensee or from denying a license for professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a record pertaining to an arrest.

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1 COSTS

2 8. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licentiate found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case.

6 DRUG

7 9. Methamphetamine is a Schedule II controlled substance as designated by Health  
8 and Safety Code section 11055, subdivision (d)(2), and is a dangerous drug pursuant to Business  
9 and Professions Code section 4022.

10 FACTS

11 10. On December 4, 2008, police officers responded to a call of a disturbance at a  
12 business. Upon arrival at the location, officers observed Respondent attempting to hide in some  
13 bushes. Respondent was uncooperative and kept trying to pull away from the officers and refused  
14 to respond to verbal commands. The officers had to subdue Respondent and handcuff him.  
15 Respondent admitted to officers that he was waiting for a friend to return who had left to buy  
16 drugs. Respondent exhibited symptoms consistent with being under the influence of a controlled  
17 substance. Respondent was arrested and charged with being under the influence of drugs and  
18 resisting a peace officer, misdemeanors.

19 11. As a result of the arrest, on or about February 17, 2009, a complaint was filed in  
20 the matter of *The People of the State of California v. Carl R. Palazot*, in San Diego Superior  
21 Court, case number M-071281, charging Respondent with the violation of Health and Safety  
22 Code section 11550, subdivision (a) (under the influence of a controlled substance, to wit,  
23 methamphetamine), and Penal Code section 148(a)(1) (resisting a peace officer), misdemeanors.  
24 The complaint was amended on March 26, 2009 to add a third count for a violation of Penal Code  
25 section 647(f) (drunk in public-drugs).

26 12. At a hearing on or about March 26, 2009, Respondent pled guilty to being drunk in  
27 public (drugs). Deferred entry of judgment was granted and Respondent was ordered to enter a  
28 diversion program pursuant to Penal Code section 1000 and pay fines in the amount of \$250.

1 CAUSE FOR DISCIPLINE

2 (Under the Influence of a Controlled Substance on December 4, 2008)

3 13. Respondent is subject to disciplinary action under Code section 4301(h) in that on or  
4 about December 4, 2008, Respondent was under the influence of a controlled substance,  
5 methamphetamine, an act constituting unprofessional conduct, as described in paragraphs 10 and  
6 11, above.

7 PRAYER

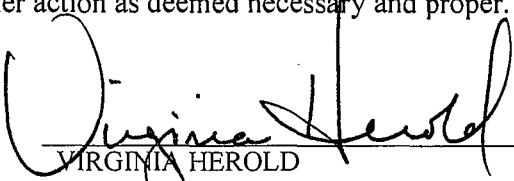
8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
9 and that following the hearing, the Board of Pharmacy issue a decision:

10 1. Revoking or suspending Pharmacy Technician Number TCH 37328, issued to Carl  
11 Robert Palazot;

12 2. Ordering Carl Robert Palazot 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 DATED: 3/18/10

  
18 VIRGINIA HEROLD  
19 Executive Officer  
20 Board of Pharmacy  
21 Department of Consumer Affairs  
22 State of California  
23 Complainant

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