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8	Attorneys for Complainant		
9	BEFORE THE		
10	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
11	STATE OF CALIFORNIA		
12	In the Matter of the Petition to Revoke Case No. 3616		
13	Probation Against: PAND DONDLY CANTERO PETITION TO REVOKE PROBATION		
14	DAVID DONNY CANTERO 1840 Amy Way Santa Maria, CA 93458		
15	Salita Maria, CA 95458		
16	Pharmacy Technician Registration No. TCH 10551		
17			
18	Respondent.		
19	Complainant alleges:		
20	PARTIES		
21	1. Virginia Herold (Complainant) brings this Petition to Revoke Probation solely in her		
22	official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer		
23	Affairs.		
24	2. On or about November 15, 1993, the Board of Pharmacy (Board) issued Pharmacy		
25	Technician Registration No. TCH 10551 to David Donny Cantero (Respondent). The Pharmacy		
26	Technician Registration was in full force and effect at all times relevant to the charges brought		
27	herein and will expire on May 31, 2011, unless renewed.		
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1	3.	In a disciplinary action entitled "In the Matter of the Accusation Against: David	
2		intero," Case No. 2048, the Board issued a Decision adopting the proposed decision of	
3		istrative law judge, effective May 23, 2002, in which Respondent's Pharmacy	
4	Technicia	n Registration was revoked. The revocation was stayed and Respondent's license was	
5	placed on	probation for a period of two (2) years subject to certain terms and conditions. A copy	
6	of that decision is attached as Exhibit A and is incorporated by reference.		
7		JURISDICTION	
8	4.	This Petition to Revoke Probation is brought before the Board under the authority of	
9	the follow	ring laws. All section references are to the Business and Professions Code unless	
10	otherwise	indicated.	
11		STATUTORY PROVISIONS	
12	5.	Section 118 provides, in pertinent part, that the suspension or expiration of a license	
13	shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period		
14	within which the license may be renewed, restored, reissued, or reinstated.		
15	6.	Section 4300 states, in pertinent part:	
16		"(a) Every license issued may be suspended or revoked.	
17			
18		"(d) The board may initiate disciplinary proceedings to revoke or suspend any	
19	probationary certificate of licensure for any violation of the terms and conditions of probation."		
20		REGULATORY PROVISIONS	
21	7.	California Code of Regulations, title 16, section 1773 states, in pertinent part:	
22		"(a) Unless otherwise directed by the Board in its sole discretion, any pharmacist who	
23	is serving	a period of probation shall comply with the following conditions:	
24			
25		"(2) Report to the Board or its designee quarterly either in person or in writing	
26	as directed	d; the report shall include the name and address of the probationer's employer. If the	
27	final prob	ation report is not made as directed, the period of probation shall be extended until such	
28	time as the	e final report is made."	
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		PETITION TO REVOKE PROBATION	

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1	PETITION TO REVOKE PROBATION
2	8. Grounds exist for revoking the probation and reimposing the order of revocation of
3	Respondent's Pharmacy Technician Registration in that Respondent has failed to comply with
4	several conditions of his probation.
5	FIRST CAUSE TO REVOKE PROBATION
6	(Failure to Report to the Board Quarterly)
7	9. At all times after the effective date of Respondent's probation, Probation Condition
8	No. 3 stated:
9	"Respondent shall report to the Board or its designee on a quarterly basis. The report shall
10	either be made in person or in writing, as directed. If the final probation report is not made as
11	directed, then probation shall be extended automatically until such time as the final report is
12	made."
13	10. Respondent's probation is subject to revocation because he failed to comply with
14	Probation Condition No. 3, referenced above, in that Respondent failed to report to the board
15	quarterly as follows:
16	On or about October 13, 2009, the Board received a Quarterly Report from Respondent for
17	the month of October 2009. This was the first Quarterly Report received by the Board since
18	March 2008. Prior to this period of time, Respondent had failed to submit Quarterly Reports on
19	the dates required between December 2, 2003 and October 19, 2004, and on the dates required
20	between February 19, 2005 and August 25, 2006.
21	SECOND CAUSE TO REVOKE PROBATION
22	(Failure to Submit Cost Recovery Payments)
23	11. At all times after the effective date of Respondent's probation, Probation Condition
24	No. 7 stated:
25	"Respondent shall pay to the Board its costs of investigation and prosecution in the amount
26	of \$5,000.00. Respondent shall make payments as follows:
27	"At least \$100.00 per month beginning thirty days after the effective date of this
28	decision, with the entire amount to be paid prior to the completion of the probation term.
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	PETITION TO REVOKE PROBATION

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1	"Failure to comply with this provision shall be deemed a violation of probation."
2	12. Respondent's probation is subject to revocation because he failed to comply with
3	Probation Condition No. 7, referenced above, in that Respondent failed to submit cost recovery
4	payments to the Board as follows:
5	Respondent has not made a payment to the Board since a partial payment was received on
6	or about March 3, 2008. Prior to the March 3, 2008 payment, Respondent failed to make monthly
7	payments between the dates February 19, 2005 and August 25, 2006 and between the dates
8	December 2, 2003 and October 19, 2004. Respondent still owes the Board \$4,165.00 and
9	indicated in his Quarterly Report for October 2009 that due to financial hardship, he was not
10	currently able to make any payments.
11	THIRD CAUSE TO REVOKE PROBATION
12	(Failure to Submit Costs Associated with Probation Monitoring)
13	13. At all times after the effective date of Respondent's probation, Probation Condition
14	No. 8 stated:
15	"Respondent shall pay the costs associated with probation monitoring as determined by the
16	Board each and every year of probation. Such costs shall be payable at the end of each year of
17	probation. Failure to pay such costs shall be considered a violation of probation."
18	14. Respondent's probation is subject to revocation because he failed to comply with
19	Probation Condition No. 8, referenced above, in that Respondent failed to submit costs associated
20	with probation monitoring as follows:
21	On or about November 15, 2004, the Board notified Respondent by letter that he owed the
22	Board \$130.00 in probation monitoring costs incurred during the probationary period, May 23,
23	2003 to May 22, 2004. The letter stated that Respondent had 15 days to remit these costs. Over
24	seven months later, on or about June 29, 2005, Respondent had still not submitted any payments
25	to the Board.
26	On or about June 23, 2009, the Board sent a letter to Respondent, via First Class mail to his
27	residential address, indicating that he owed \$650.00 in probation monitoring costs and that
28	payment was required by July 8, 2009. On or about October 13, 2009, Respondent replied in his
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PETITION TO REVOKE PROBATION

1	Quarterly Report for October 2009 that due to financial hardship, he was not currently able to
2	make any payments to the Board.
3	PRAYER
4	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5	and that following the hearing, the Board issue a decision:
6	1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 2048
7	and imposing the disciplinary order that was stayed thereby revoking Pharmacy Technician
8	Registration No. 10551, issued to Respondent;
ç	2. Revoking or suspending Pharmacy Technician Registration No. 10551, issued to
10	Respondent; and
11	3. Taking such other and further action as deemed necessary and proper.
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13	DATED: 4/6/10 homic Dud
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15	Board of Pharmacy Department of Consumer Affairs State of California
16	Complainant
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	5 PETITION TO REVOKE PROBATION

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