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7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 3782

11 **RONALD CHACON**
12 **1141 Southgate Ave.**
13 **Daly City, CA 94015**

A C C U S A T I O N

14 **Pharmacy Technician License No. TCH 80432**

15 Respondent.

16 Complainant alleges:

17 PARTIES

18 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
19 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

20 2. On or about January 7, 2008, the Board of Pharmacy issued Pharmacy Technician
21 License Number TCH 80432 to Ronald Chacon (Respondent). The Pharmacy Technician
22 License was in full force and effect at all times relevant to the charges brought herein and will
23 expire on August 31, 2011, unless renewed.

24
25 JURISDICTION

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

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

5 8. Section 490 of the Code provides, in pertinent part, that the Board may suspend or
6 revoke a license when it finds that the licensee has been convicted of a crime substantially related
7 to the qualifications, functions or duties of the license.

8 9. California Code of Regulations, title 16, section 1770, states:

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

15 8. Section 4060 of the Code provides, in pertinent part, that no person shall possess any
16 controlled substance, except that furnished upon a valid prescription/drug order.

17 9. Health and Safety Code section 11170 provides that no person shall prescribe,
18 administer, or furnish a controlled substance for himself or herself.

19 10. Health and Safety Code section 11357, in pertinent part, makes it unlawful for any
20 person to possess **marijuana** or concentrated cannabis.

21 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
22 administrative law judge to direct a licentiate found to have committed a violation of the licensing
23 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

24
25 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

26 14. Section 4021 of the Code states:

27 "Controlled substance' means any substance listed in Chapter 2.(commencing with Section
28 11053) of Division 10 of the Health and Safety Code."

1 15. Section 4022 of the Code states, in pertinent part:

2 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self use,
3 except veterinary drugs that are labeled as such, and includes the following:

4 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without
5 prescription,’ ‘Rx only,’ or words of similar import.

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

8 16. **Marijuana** is a Schedule I controlled substance as designated by Health and Safety
9 Code section 11054(d)(13), and a dangerous drug as designated by Business and Professions
10 Code section 4022. It is a hallucinogenic drug.

11
12 FIRST CAUSE FOR DISCIPLINE

13 (Conviction of Substantially Related Crime(s))

14 11. Respondent is subject to discipline under section 4301(l) and/or section 490 of the
15 Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of
16 substantially related crime(s), in that on or about September 29, 2009, in the criminal case *People*
17 *v. Ronald Chacon, Daniell Crystal Reyes*, Case No. CC814604 in Santa Clara County Superior
18 Court, Respondent was convicted of violating Penal Code section 12034, subdivision (a) (Driver
19 or owner of vehicle permitting another to carry or bring firearm into vehicle), a misdemeanor.
20 The conviction was entered in Santa Clara County Superior Court as follows:

21 a. On or about August 11, 2008, Respondent was one of three persons in a vehicle
22 stopped by Milpitas Police for its lack of a front license plate. The driver consented to a search of
23 the vehicle. A patdown search of the other passenger’s person found two concealed firearms. A
24 third firearm was found within reach of Respondent (seated in the back seat) in the pocket on the
25 back of the front seat behind which Respondent was sitting. A further search of the vehicle found
26 methamphetamine, cocaine, and **marijuana**, a digital scale, and empty plastic bags. Respondent
27 admitted to the officer(s) that he had smoked **marijuana** earlier in the day.

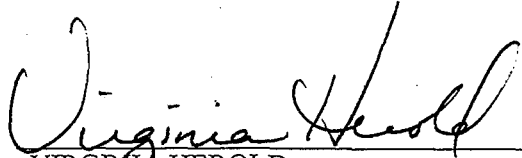
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2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as is deemed necessary and proper.

DATED: 11/2/10



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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