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8	BEFORE THE BOARD OF PHARMACY		
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
10	STATE OF	ALIFORNIA 1	
11	In the Matter of the Accusation Against:	Case No. 4448	
12	JEFFREY BALADRO SALAMANCA 1836 West Canton Street		
13	Long Beach, CA 90810	ACCUSATION	
14	Pharmacy Technician Registration No. TCH 62189		
15	Respondent.		
16	Trosponativi		
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18	Complainant alleges:		
19	PARTIES		
20	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity		ty
21	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board).		
22	2. On or about April 26, 2005, the Board issued Pharmacy Technician Registration No.		10.
23	TCH 62189 to Jeffrey Baladro Salamanca (Respondent). The Pharmacy Technician Registration		
24	was in full force and effect at all times relevant to the charges brought herein and will expire on		
25	March 31, 2015, unless renewed.		
26	JURISDICTION		
27	3. This Accusation is brought before the Board under the authority of the following		
28	laws. All section references are to the Business and Professions Code unless otherwise indicated.		
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In the Matter of the Accusation Against: JEFFREY BALADRO SALAMANCA (Case No. 4448)

STATUTORY PROVISIONS

- 4. Section 118, subdivision (b), 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 490 provides that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.
- 6. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or revoked."
 - 7. Section 4301 states, in pertinent part:

"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:

"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and

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whether the act is a felony or misdemeanor or not.

"(I) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the

qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment. . . ."

REGULATORY PROVISION

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

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

COST RECOVERY

9. Section 125.3 provides that the Board may request the administrative law judge to direct a licentiate 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.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

10. Respondent is subject to disciplinary action under sections 490, 4300, and 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, in that on or about July 14, 2011, Respondent was convicted of a crime substantially related to the qualifications, functions or duties of a licensee which to a substantial degree evidences his present or potential unfitness to perform the functions authorized by his license in a manner consistent with the public health, safety, or welfare, as follows:

- a. On or about July 14, 2011, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of violating Penal Code section 484e, subdivision (c) [theft of access cards or account information] and one misdemeanor count of violating Penal Code section 647, subdivision (a) [disorderly lewd conduct] in the criminal proceeding entitled *The People of the State of California v. Jeffrey Balaora Salamanca* (Super. Ct. Los Angeles County, 2011, No. 1LG01085). The Court sentenced Respondent to one (1) year jail, placed him on three (3) years probation, and ordered him to complete 52 weeks of sex compulsion therapy.
- b. The circumstances underlying the conviction are that on or about February 17, 2011, while working as a pharmacy technician in the pharmacy department of California State University, Long Beach's Student Health Services, Respondent was observed by a female patient twirling his exposed penis while sitting in a chair and staring at her. Respondent was arrested, and during an inventory of his personal property, a note was found in his wallet containing five (5) debit card numbers belonging to others.

SECOND CAUSE FOR DISCIPLINE

(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

11. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision (f), on the grounds of unprofessional conduct, in that on or about February 17, 2011, Respondent engaged in acts involving moral turpitude, dishonesty, fraud, deceit or corruption. Complainant refers to and by this reference incorporates the allegations set forth above in paragraph 10, subparagraphs a and b, inclusive, as though set forth fully.

DISCIPLINE CONSIDERATIONS

- 12. To determine the degree of discipline, Complainant alleges that:
- a. On or about October 21, 2009, the Board issued Respondent administrative Citation No. CI 2007 36461 with a \$250.00 civil penalty. The citation alleged a violating of section 4301, subdivision (I) [conviction of a substantially related crime]. That citation is final and incorporated by reference as if fully set forth.

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- b. On or about July 29, 2008, after pleading guilty, Respondent was convicted of one misdemeanor count of violating Penal code section 484(a) 488 508 [embezzlement by clerk, agent, or servant] in the criminal proceeding entitled *The People of the State of California v. Jeffrey Balaoro Salamanca* (Super. Ct. Orange County, 2008, No. 08WM01695). The Court placed Respondent on three (3) years probation, ordered him to complete ten (10) days Cal Trans duty, ordered him to stay away from Target, in Seal Beach, California, and ordered him to pay victim restitution.
- c. The circumstances underlying the conviction are that on or about and between January 10, 2007 and October 11, 2007, while an employee of Target, in Seal Beach, California, Respondent took several gift cards, scanned them to activate them for money, used the cards to make personal purchases, and failed to pay for the value of the gift cards or merchandise taken.

<u>PRAYER</u>

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

- 1. Revoking or suspending Pharmacy Technician Registration No. TCH 62189, issued to Jeffrey Baladro Salamanca;
- 2. Ordering Jeffrey Baladro Salamanca to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
 - 3. Taking such other and further action as deemed necessary and proper.

DATED: 3/1/14

VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consume

Department of Consumer Affairs

State of California *Complainant*

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