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8		RE THE	
. 9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
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11	In the Matter of the Accusation Against:	Case No. 4481	
12	JASON PEREZ 9025 Willis Avenue, Unit 112	ACCUSATION	
13	Panorama City, CA 91402		
14	Pharmacy Technician Registration No. TCH 73032		
. 15	Respondent.		
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18	Complainant alleges:		
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21	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.		
22	2. On or about November 9, 2006, the Board of Pharmacy issued Pharmacy Technician		
23	Registration No. TCH 73032 to Jason Perez (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 May 31, 2014, unless renewed.		
26	JURISD	DICTION	
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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1	STATUTORY PROVISIONS
	4. Section 118, subdivision (b), provides that the suspension/expiration/surrender/
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3	cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed
4	with a disciplinary action during the period within which the license may be renewed, restored,
5	reissued or reinstated.
6	5. Section 4300 provides, in pertinent part, that every license issued by the Board is
7	subject to disciple, including suspension or revocation.
8	6. Section 4300.1 of the Code states:
9	"The expiration, cancellation, forfeiture, or suspension of a board-issued license by
10	operation of law or by order or decision of the board or a court of law, the placement of a license
11	on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
12	of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
13	proceeding against, the licensee or to render a decision suspending or revoking the license."
14	7. Section 4301 states, in pertinent part:
15	"The board shall take action against any holder of a license who is guilty of unprofessional
16	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
17	Unprofessional conduct shall include, but is not limited to, any of the following:
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19	"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
20	corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
21	whether the act is a felony or misdemeanor or not.
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23	"(j) The violation of any of the statutes of this state, of any other state, or of the United
24	States regulating controlled substances and dangerous drugs.
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26	"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
27	violation of or conspiring to violate any provision or term of this chapter or of the applicable
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1	federal and state laws and regulations governing pharmacy, including regulations established by
2	the board or by any other state or federal regulatory agency."
3	REGULATORY PROVISIONS
4	8. California Code of Regulations, title 16, section 1770 states, in pertinent part:
5	"For the purpose of denial, suspension, or revocation of a personal or facility license
6	pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
7	crime or act shall be considered substantially related to the qualifications, functions or duties of a
8	licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
9	licensee or registrant to perform the functions authorized by his license or registration in a manner
10	consistent with the public health, safety, or welfare."
11	COST RECOVERY
12	9. Section 125.3 states, in pertinent part, that the Board may request the administrative
13	law judge to direct a licentiate found to have committed a violation or violations of the licensing
14	act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
15	case.
16	10. CONTROLLED SUBSTANCE / DANGEROUS DRUG
17	a. "Loestrin," is categorized as a dangerous drug pursuant to Business and Professions
18	Code section 4022.
19	b. "Paxil" is categorized as a dangerous drug pursuant to Business and Professions Code
20	section 4022.
21	c. "Vicodin," is a Schedule III controlled substance as defined in Health and Safety
22	Code section 11056, subdivision (e)(7) and are categorized as dangerous drugs according to
23	section 4022.
24	FIRST CAUSE FOR DISCIPLINE
25	(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)
26	11. Respondent is subject to disciplinary action under sections 4300 and 4301,
27	subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts
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	Accusation

involving moral turpitude, dishonesty, fraud, deceit, or corruption with the intent to substantially benefit himself, or substantially injure another, as follows:

a. On or about December 20, 2010, the Los Angeles Police Department responded to a call from CVS in Hollywood, California where Respondent was employed. The Loss Prevention Manager for CVS informed the officers that she had received information that Respondent was stealing drugs from the pharmacy. When asked about stealing drugs, Respondent admitted to stealing Vicodin, Paxil and Loestrin from the pharmacy. In addition, Respondent stated that he stole Vicodin about once every 2 months, an average of 40-60 pills each time, Paxil once a month for the past 7 months, and Loestrin one time. Respondent was subsequently arrested for violating Penal Code section 487, subdivision (a) [grand theft].

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct/ Violation of Licensing Chapter)

12. Respondent is subject to disciplinary action under section 4301, subdivision (j) and
(o), in that Respondent committed acts of unprofessional conduct and/ or violated provisions of
the licensing chapter. Complainant refers to, and by this reference incorporates, the allegations
set forth above in paragraph 11, subparagraph (a), as though set forth fully.

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THIRD CAUSE FOR DISCIPLINE

(Possession of a Controlled Substance Without a Prescription)

19 13. Respondent is subject to disciplinary action for unprofessional conduct under Code
20 section 4301, subdivision (j), in that Respondent stole Vicodin, Paxil and Loestrin from the
21 pharmacy while working as a pharmacy technician at CVS Pharmacy. Complainant refers to, and
22 by this reference incorporates, the allegations set forth above in paragraph 11, subparagraph (a),
23 as though set forth fully.

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FOURTH CAUSE FOR DISCIPLINE

(Substantially Related Act)

14. Respondent is subject to disciplinary action under California Code of Regulations,
title 16, section 1770, on the grounds of unprofessional conduct, in that Respondent committed an
act substantially related to the qualifications, functions, or duties of a pharmacy technician.

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Accusation

1	Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 11, subparagraph (a), as though set forth fully.	
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3	<u>PRAYER</u>	
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 or suspending Pharmacy Technician Registration No. TCH 73032, issued	
7	to Jason Perez;	
8	2. Ordering Jason Perez to pay the Board the reasonable costs of the investigation and	
9	enforcement of this case, pursuant to section 125.3; and	
10	3. Taking such other and further action as deemed necessary and proper.	
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13	DATED: 10/21/13 /100/100 VIRGINIA HEROLD	
14	Executive Officer Board of Pharmacy Department of Consumer Affairs	
15	State of California Complainant	
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