

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 M. TRAVIS PEERY
Deputy Attorney General
4 State Bar No. 261887
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-0962
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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

10 In the Matter of the Petition to Revoke Probation
11 Against:

Case No. 4535

12 **EBER ISAI SANCHEZ**
13 **6501 Fallon Ave**
Long Beach, CA 90805
14 **Pharmacy Technician License No. TCH 56286**

PETITION TO REVOKE PROBATION

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

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

20 2. On or about April 18, 2005, the Board of Pharmacy issued Original Pharmacy
21 Technician License Number TCH 56286 to Eber Isai Sanchez (Respondent). The license was in
22 effect at all times relevant to the charges brought herein and will expire on June 30, 2013, unless
23 renewed.

24 3. In a disciplinary action entitled "In the Matter of the Accusation Against Eber Isai
25 Sanchez," Case No. 3505, the Board of Pharmacy issued a Stipulated Settlement and Disciplinary
26 Order, effective April 23, 2012, revoking Respondent's pharmacy technician license. Revocation
27 was stayed and Respondent was placed on probation for a period of three years with certain terms
28

1 and conditions. A copy of that Stipulated Settlement and Disciplinary Order is attached as
2 Exhibit A and is incorporated by reference.

3 **JURISDICTION**

4 4. This Petition to Revoke Probation is brought before the Board of Pharmacy (Board),
5 Department of Consumer Affairs, under the authority of the following laws. All section
6 references are to the Business and Professions Code unless otherwise indicated.

7 5. At all times after the effective date of the Stipulated Settlement and Disciplinary
8 Order imposing probation on Respondent's license, Term and Condition 13 of that Order stated,
9 in pertinent part:

10 "If respondent violates probation in any respect, the board, after giving respondent
11 notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order
12 that was stayed."

13 6. Section 4011 of the Code provides that the Board shall administer and enforce both
14 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
15 Act [Health & Safety Code, § 11000 et seq.].

16 7. Section 4300(a) of the Code provides that every license issued by the Board may be
17 suspended or revoked.

18 8. Section 4300(d) of the Code states:

19 "The board may initiate disciplinary proceedings to revoke or suspend any probationary
20 certificate of licensure for any violation of the terms and conditions of probation. Upon
21 satisfactory completion of probation, the board shall convert the probationary certificate to a
22 regular certificate, free of conditions."

23 **FIRST CAUSE TO REVOKE PROBATION**

24 **(Failure to Report Quarterly to the Board)**

25 7. At all times after the effective date of the Stipulated Settlement and Disciplinary
26 Order imposing probation on Respondent's license, Condition 3 of that probation stated:

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1 **Report to the Board.** Respondent shall report to the Board quarterly, on a schedule
2 as directed by the board or its designee. The report shall be made either in person or
3 in writing, as directed. Among other requirements, respondent shall state in each
4 report under penalty of perjury whether there has been compliance with all terms
5 and conditions of probation. Failure to submit timely reports in a form as directed
6 shall be considered a violation of probation.

7 8. Respondent's probation is subject to revocation because he failed to comply with
8 Condition 3 of that probation, listed above. To date, no reports have been received by the Board.

9 **SECOND CAUSE TO REVOKE PROBATION**

10 **(Failure to Submit Cost Recovery Payments)**

11 9. At all times after the effective date of the Stipulated Settlement and Disciplinary
12 Order imposing probation on Respondent's license, Condition 7 of that probation stated:

13 **Reimbursement of Board Costs.** As a condition precedent to successful
14 completion of probation, respondent shall pay to the Board its costs of investigation
15 and prosecution in the amount of \$2000.00 (two thousand dollars and no cents).
16 Respondent shall make said payments on a payment plan approved by the board.
17 There shall be no deviation from any payment schedule absent prior written
18 approval by the board or its designee. Failure to pay such costs by the deadline(s) as
19 directed shall be considered a violation of probation.

20 10. Respondent's probation is subject to revocation because he failed to comply with
21 Condition 7 of that probation, listed above. To date, no payments have been received by the
22 Board.

23 **THIRD CAUSE TO REVOKE PROBATION**

24 **(Failure to Participate in Random Drug Screening)**

25 11. At all times after the effective date of the Stipulated Settlement and Disciplinary
26 Order imposing probation on Respondent's license, Condition 17 of that probation stated:

27 **Random Drug Screening.** Respondent, at his own expense, shall participate in random
28 testing, including but not limited to biological fluid testing (urine, blood), breathalyzer,
hair follicle testing, or other drug screening program as directed by the board or its
designee. Respondent may be required to participate in testing for the entire probation
period and the frequency of testing will be determined by the board or its designee. At
all times Respondent shall fully cooperate with the Board, and shall, when directed,
submit to such tests and samples for the detection of alcohol, narcotics, hypnotics,
dangerous drugs or other controlled substances as the board or its designee may direct.
Failure to timely submit to testing as directed shall be considered a violation of
probation.

1 14. Respondent's probation is subject to revocation because he failed to comply with
2 Condition 17 of that probation, listed above. Respondent failed to participate in the random drug
3 screening program as required.

4 **FOURTH CAUSE TO REVOKE PROBATION**

5 **(Failure to Establish a Community Service Program or Anger Management Course)**

6 15. At all times after the effective date of the Stipulated Settlement and Disciplinary
7 Order imposing probation on Respondent's license, Condition 20 of that probation stated:

8 **Community Services Program.** Respondent must complete fifty (50) hours of
9 community service each year of probation for the first two (2) years of probation or
10 complete a board-approved anger management course. Within sixty (60) days of the
11 effective date of this Stipulated Settlement and Disciplinary Order, respondent shall
12 submit to the board, for prior approval, a community service program in which
13 respondent shall provide free health-care related services on a regular basis to a
14 community or charitable facility or agency for at least fifty (50) hours per year for the
15 first two (2) years of probation or information regarding an anger management course
16 in which respondent proposes enrollment. Within thirty (30) days of board approval
17 thereof, respondent shall submit documentation to the board demonstrating
18 commencement of the community service program or anger management course. A
19 record of this notification must be provided to the board upon request. Respondent
20 shall report on progress with the community service program or anger management
21 course in quarterly reports. Failure to timely submit, commence, or comply with the
22 program shall be considered a violation of probation.

23 16. Respondent's probation is subject to revocation because he failed to comply with
24 Condition 20 of that probation, listed above. Respondent has not submitted the name of a
25 community service program or anger management course for approval by the Board as required
26 prior to commencing community service or attending the course.

27 **PRAYER**

28 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
and that following the hearing, the Board of Pharmacy issue a Stipulated Settlement and
Disciplinary Order:

1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 3505
and imposing the disciplinary order that was stayed, thereby revoking pharmacy technician
License No. TCH 56286, issued to Eber Isai Sanchez; and

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

DATED: 4/10/13



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

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Exhibit A

**Stipulated Settlement and Disciplinary Order and Order
Board of Pharmacy Case No. 3505**