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8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
11

12 In the Matter of the Accusation Against:

Case No. 4739

13 **JONATHAN SALINAS-SANCHEZ,**
1200 Athens Avenue
14 Modesto, CA 95350

A C C U S A T I O N

15 **Pharmacy Technician Registration Number**
TCH 116074

16 Respondent.
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19 Virginia Herold ("Complainant") alleges:

20 **PARTIES**

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

23 2. On or about November 18, 2011, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 116074 to Jonathan Salinas-Sanchez ("Respondent"). The Pharmacy
25 Technician Registration Number TCH 116074 was in full force and effect at all times relevant to
26 the charges brought herein and will expire on September 30, 2013, unless renewed.

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1 **JURISDICTION**

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

5 4. Code Section 4300 states, in pertinent part, that every license issued may be
6 suspended or revoked.

7 5. Code Section 4300.1 states, in pertinent part, that the expiration of a board-issued
8 license shall not deprive the board of jurisdiction to commence or proceed with any investigation
9 of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or
10 revoking the license.

11 **STATUTORY PROVISIONS**

12 6. Code Section 4301 states, in pertinent part:

13 The board shall take action against any holder of a license who is guilty of unprofessional
14 conduct. Unprofessional conduct shall include, but is not limited to, any of the following:

15 ...

16 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
17 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
18 whether the act is a felony or misdemeanor or not."

19 ...

20 "(j) The violation of any of the statutes of this state, or any other state, or of the United
21 States regulating controlled substances and dangerous drugs."

22 ...

23 (l) The conviction of a crime substantially related to the qualifications, functions, and duties
24 of a licensee under this chapter.

25 (o) Violating or attempting to violate, directly or indirectly, any provision or term of this
26 chapter or of the applicable federal and state laws and regulations governing pharmacy, including
27 regulations established by the board or by any other state or federal regulatory agency.

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1 DRUGS

2 11. "Cocaine" is a Schedule II controlled substance as designated by Health and Safety
3 Code section 11055, subdivision (b)(6).

4 FIRST CAUSE FOR DISCIPLINE

5 (Conviction of Crimes)

6 12. Respondent is subject to disciplinary action under Code section 4301 (I) in that he was
7 convicted of the following crimes which are substantially related to the qualifications, functions, or
8 duties of a licensed pharmacy technician: On or about January 7, 2011, in the case of *People v.*
9 *Jonathan Sanchez Salinas* (Super. Ct. Stanislaus County, Case No. 1430751), Respondent was
10 convicted on his plea of nolo contendere of violating Penal Code section 246.3, subdivision (a)
11 (Willful Discharge of a Firearm with Gross Negligence), a felony, and Health and Safety Code
12 section 11350, subdivision (a) (Possession of a Controlled Substance (Cocaine)), a felony. The
13 circumstances of the crimes are as follows:

14 a. On or about January 7, 2011, after being escorted out of the Tiki Bar by a
15 bartender/bouncer for causing a disturbance, Respondent willfully and unlawfully assaulted two
16 victims with a firearm and discharged a firearm in a grossly negligent manner, which could have
17 resulted in death. During the commission of the assault, Respondent personally inflicted great
18 bodily injury on victim G.D. After Respondent's arrest on or about January 7, 2011, a pat down
19 was conducted at the jail and a bag containing cocaine was found concealed in Respondent's hat.

20 SECOND CAUSE FOR DISCIPLINE

21 (Unlawful Possession of Controlled Substances)

22 13. Respondent is subject to disciplinary action under Code section 4060 in that
23 Respondent had possession of a controlled substance (cocaine), without authorization or a valid
24 prescription, as more fully set forth above in paragraph 12 and its subpart.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Acts involving Moral Turpitude)**

3 14. Respondent is subject to disciplinary action under Code section 4301, subdivision (f)
4 in that Respondent committed acts involving moral turpitude when he willfully discharged a
5 firearm with gross negligence, as more fully set forth above in paragraph 12 and its subpart.

6 **FOURTH CAUSE FOR DISCIPLINE**

7 **(Violation of Statutes Regulating Controlled Substances and Dangerous Drugs)**

8 15. Respondent is subject to disciplinary action for unprofessional conduct under Code
9 section 4301, subdivision (j) in that Respondent violated statutes regulating controlled substances
10 and dangerous drugs, including Code section 4060, and Health and Safety Code section 11530, as
11 set forth more fully above in paragraphs 12 and 13, and their subparts.

12 **FIFTH CAUSE FOR DISCIPLINE**

13 **(Violating laws and Regulations Governing Pharmacy)**

14 16. Respondent is subject to disciplinary action for unprofessional conduct under Code
15 section 4301, subdivision (o) in that Respondent violated the laws governing pharmacy, as more
16 fully set forth above in paragraphs 12 through 15, and their subparts.

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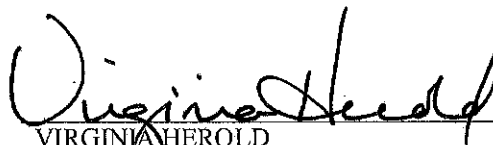
PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration TCH 116074, issued to Jonathan Salinas-Sanchez;
2. Ordering Jonathan Salinas-Sanchez to pay the Board of Pharmacy 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 deemed necessary and proper.

DATED: _____

10/21/13



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

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