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

11 In the Matter of the Accusation Against:

Case No. 5054

12 **IVAN VILLALPANDO**
13 26 Paradise Valley North
14 Carson, CA 90745

ACCUSATION

15 Pharmacy Technician Registration No. TCH 117865

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board).
22 2. On or about July 2, 2012, the Board issued Pharmacy Technician Registration
23 No. TCH 117865 to Ivan Villalpando (Respondent). The Pharmacy Technician Registration was
24 in full force and effect at all times relevant to the charges brought herein and will expire on
25 June 30, 2014, 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.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct - Violating Drug Statutes)**

3 11. Respondent is subject to disciplinary action under sections 4300 and 4301,
4 subdivision (j), on the grounds of unprofessional conduct, in that Respondent was in unlawful
5 possession of marijuana. The circumstances are as follows:

6 a. On or about August 19, 2013, Police served a search warrant on Respondent's
7 residence and found marijuana, drug sales equipment, marijuana cultivating reference materials,
8 weapons and gang attire, as follows:

- 9 i. One (1) large plastic bag containing nine (9) ounces of marijuana;
10 ii. Seven (7) glass jars containing marijuana;
11 iii. Five (5) marijuana bud plants;
12 iv. One (1) glass jar containing marijuana seeds;
13 v. One (1) roll of plastic sandwich bags used to package marijuana for sales;
14 vi. One (1) narcotics scale;
15 vii. One (1) gardening supply catalog;
16 viii. Gang attire –displaying the logo for known criminal street gang;
17 ix. One (1) rifle and two (2) boxes of ammunition;
18 x. U.S. currency in the amount of \$199;
19 xi. A diagram sketch of the marijuana cultivation system; and

20 b. On or about September 18, 2013, Respondent was convicted of violating Health and
21 Safety Code section 11357(c) [possesses more than 28.5 grams of marijuana]. Respondent was
22 placed on the Deferred Entry of Judgment program for 18 months in the criminal proceeding
23 entitled *The People of the State of California v. Ivan Villalpando* (Super. Ct. L.A. County, 2013,
24 No. TA129969).

25 **SECOND CAUSE FOR DISCIPLINE**

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

27 12. Respondent is subject to disciplinary action under sections 4300 and 4301,
28 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts

1 involving moral turpitude, dishonesty, fraud, deceit and / or corruption. Complainant refers to,
2 and by this reference incorporates, the allegations set forth above in paragraph 11, subparagraphs
3 (a)(b)(c), inclusive, as though set forth fully.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct)**

6 13. Respondent is subject to disciplinary action under sections 4300 and 4301, in
7 conjunction with California Code of Regulations, title 16, section 1770, in that Respondent
8 committed substantially related acts of unprofessional conduct. Complainant refers to, and by this
9 reference incorporates the allegations set forth above in paragraphs 11 and 12, inclusive, as
10 though set forth fully.

11 **DISCIPLINE CONSIDERATIONS**

12 14. To determine the degree of discipline, Complainant alleges that:

13 a. On or about August 30, 2010, after pleading nolo contendere, Respondent was
14 convicted of one misdemeanor count of violating Vehicle Code section 23152(b) [drive with an
15 equal to or greater than 0.08% blood alcohol content (BAC)] in the criminal proceeding entitled
16 *The People of the State of California v. Ivan Villalpando* (Super. Ct. L.A. County, 2010, No.
17 0SY06990). The Court sentenced Respondent to two (2) days jail, place him on three (3) years
18 probation, ordered him to complete a Three-Month First-Offender Alcohol program, and ordered
19 him to pay restitution.

20 b. The circumstances underlying he conviction are that on or about August 28, 2010,
21 admittedly, after being “pretty drunk” from drinking a “Mike’s Hard Lemonade” alcoholic
22 beverage, Respondent drove a vehicle with four (4) passengers while under the influence of
23 alcohol, drove against a red light, and caused a traffic collision with another vehicle.
24 Respondent’s BAC tested at 0.13/0.13%.

25 **PRAYER**

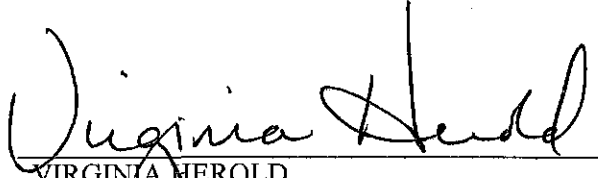
26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
27 and that following the hearing, the Board issue a decision:

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- 1 1. Revoking or suspending Pharmacy Technician Registration No. TCH117865, issued
- 2 to Ivan Villalpando;
- 3 2. Ordering Ivan Villalpando to pay the Board the reasonable costs of the investigation
- 4 and enforcement of this case, pursuant to section 125.3; and
- 5 3. Taking such other and further action as deemed necessary and proper.

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DATED: 5/3/14



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

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