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7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

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

Case No. 5332

12 **RAMIRO CHRISTOPHER NAVA**
20 Canterbury Court
13 Brentwood, CA 94513

**PETITION TO REVOKE
PROBATION**

14 **Pharmacy Technician License No. TCH 37457**

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 the Executive Officer, Board of Pharmacy, Department of Consumer Affairs.

20 2. On or about May 3, 2001, the Board of Pharmacy issued Pharmacy Technician
21 License Number TCH 37457 to Ramiro Christopher Nava (Respondent). The License was in
22 effect at all times relevant herein and will expire on February 28, 2015, unless renewed.

23 3. In a disciplinary action titled "In the Matter of the Accusation Against Ramiro
24 Christopher Nava," Case No. 4924, the Board of Pharmacy issued a decision, effective May 28,
25 2014, in which Respondent's Pharmacy Technician License was revoked. However, the
26 revocation was stayed and Respondent's Pharmacy Technician License was placed on probation
27 for a period of five (5) years with certain terms and conditions. A copy of that decision is
28 attached as Exhibit A and is incorporated by reference.

1 JURISDICTION AND STATUTORY PROVISIONS

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

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

8 6. Section 4300(a) of the Code provides that every license issued by the Board may be
9 suspended or revoked.

10 7. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or
11 suspension of a Board-issued license, the placement of a license on a retired status, or the
12 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to
13 commence or proceed with any investigation of, or action or disciplinary proceeding against, the
14 licensee or to render a decision suspending or revoking the license.

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17 FIRST CAUSE TO REVOKE PROBATION

18 (Working As Technician While License Suspended)

19 8. At all times after the effective date (May 28, 2014) of the Decision and Order
20 imposing probation on Respondent's License, Term and Condition 1 of that Order required that
21 Respondent be suspended from working as a pharmacy technician until he is certified by the
22 Pharmacy Technician Certification Board (PTCB) and provides satisfactory proof of certification
23 to the Board. Respondent has never submitted satisfactory proof of certification to the Board, and
24 as a result his license has remained in suspended status since the onset of probation. On or about
25 May 29, 2014, Respondent was sent notice that his license was in suspended status. Respondent
26 continued to work as a pharmacy technician until on or about June 26, 2014. This failure to abide
27 by the suspension of his license subjects Respondent's License to revocation.

1 breathalyzer, hair follicle testing, or other drug screening program as directed by the Board or its
2 designee, at Respondent's expense, for the entire probation period with the frequency of testing
3 determined by the Board or its designee, required Respondent to fully cooperate with the Board or
4 its designee and submit to testing as directed, and stated that any confirmed positive test for
5 alcohol or any drug not lawfully prescribed as part of a documented medical treatment would be
6 considered a violation of probation and would also result in Respondent's automatic suspension.

7 13. Respondent failed to fully participate in and/or cooperate with drug testing protocols
8 established by the Board or its designee in that: Respondent failed to check in to determine if he
9 was required to test on or about July 17, 29, and 31, and August 1-5, 2014; and Respondent failed
10 to test (submit a sample) as required on or about July 15 and 23, 2014. This failure to fully
11 participate in and/or cooperate with drug testing subjects Respondent's License to revocation.

12 13 FIFTH CAUSE TO REVOKE PROBATION

14 (Failure to Cooperate with Board Staff)

15 14. At all times after the effective date (May 28, 2014) of the Decision and Order
16 imposing probation on Respondent's License, Term and Condition 5 of that Order required that
17 Respondent cooperate with the Board's inspection program and with the Board's monitoring and
18 investigation of Respondent's compliance with terms and conditions of his probation. As detailed
19 in paragraphs 8-13 above, Respondent failed to timely cooperate on one or more occasions.
20 These failure(s) to timely cooperate as required subject Respondent's License to revocation.

21 22 23 OTHER MATTERS – EXTENSION OF PROBATION

24 15. At all times after the effective date (May 28, 2014) of the Decision and Order
25 imposing probation on Respondent's License, Term and Condition 20 of that Order provided:

26 **20. Violation of Probation.**

27 If respondent has not complied with any term or condition of probation, the board
28 shall have continuing jurisdiction over respondent, and probation shall automatically be
extended, until all terms and conditions have been satisfied or the board has taken other

1 action as deemed appropriate to treat the failure to comply as a violation of probation, to
2 terminate probation, and to impose the penalty that was stayed. If respondent violates
3 probation in any respect, the board, after giving respondent notice and an opportunity to be
4 heard, may revoke probation and carry out the disciplinary order that was stayed.

5 If a petition to revoke probation or an accusation is filed against respondent during
6 probation, the Board shall have continuing jurisdiction, and the period of probation shall be
7 extended until the petition to revoke probation or accusation is heard and decided.

8 16. Pursuant to the operation of Term and Condition 20 of the probation order applicable
9 to Respondent's License, probation is automatically extended by the filing hereof, and/or by
10 Respondent's failure to comply with the terms and conditions of probation, until such time as this
11 Petition to Revoke Probation is heard and decided, or until the Board has taken other action as
12 deemed appropriate to treat the failure to comply as a violation of probation.

13 PRAYER

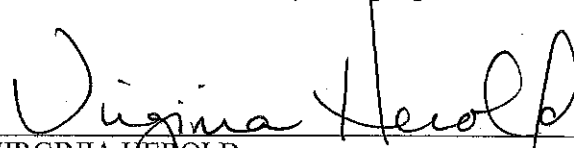
14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board of Pharmacy issue a decision:

16 1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 4924
17 and imposing the disciplinary order that was stayed, thereby revoking Pharmacy Technician
18 License No. TCH 37457, issued to Ramiro Christopher Nava;

19 2. Revoking or suspending Pharmacy Technician License No. TCH 37457, issued to
20 Ramiro Christopher Nava;

21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: 12/2/14


23 VIRGINIA HEROLD
24 Executive Officer
25 Board of Pharmacy
26 Department of Consumer Affairs
27 State of California
28 Complainant

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Exhibit A

Accusation

Board of Pharmacy Case No. 4924

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10 In the Matter of the Accusation Against:	Case No. 4924
11 RAMIRO CHRISTOPHER NAVA	
12 20 Canterbury Court	
13 Brentwood, CA 94513	A C C U S A T I O N
14 Pharmacy Technician License No. TCH 37457	
15 Respondent.	

16 Complainant alleges:

17 PARTIES

- 18 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
19 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 20 2. On or about May 3, 2001, the Board of Pharmacy issued Pharmacy Technician
21 License No. TCH 37457 to Ramiro Christopher Nava (Respondent). The License was in force
22 and effect at all times relevant to the charges brought herein and will expire on February 28,
23 2015, unless renewed.

24
25 JURISDICTION

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

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

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

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COST RECOVERY

10 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
11 administrative law judge to direct a licentiate found to have committed a violation of the licensing
12 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

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FIRST CAUSE FOR DISCIPLINE

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(Conviction of Substantially Related Crime(s))

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11. Respondent is subject to discipline under section 4301(l) and/or section 490 of the
Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of
substantially related crime(s), in that on or about December 4, 2006, in the criminal case *People*
v. Ramiro Christopher Nava, Case No. 04-150677-3 in Contra Costa County Superior Court,
Respondent was convicted of violating Vehicle Code section 23152(b) (Driving with Blood
Alcohol of 0.08% or Higher), a misdemeanor. The conviction was entered as follows:

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a. On or about September 7, 2006, in *People v. Ramiro Christopher Nava*, Case
No. 04-150677-3 in Contra Costa County Superior Court, based on an incident that was alleged to
have taken place on or about April 14, 2006, Respondent was charged by Misdemeanor
Complaint with violating (1) Vehicle Code section 23152, subdivision (a) (Driving Under
Influence of Alcohol or Drugs), a misdemeanor; and (2) Vehicle Code section 23152, subdivision
(b) (Driving With Blood Alcohol of 0.08% or Higher), a misdemeanor.

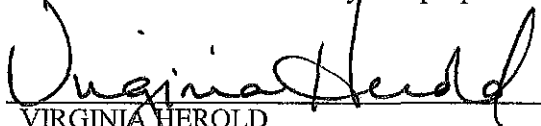
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PRAYER

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 License No. TCH 37457, issued to Ramiro Christopher Nava (Respondent);
2. Ordering Respondent to pay the Board 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 is deemed necessary and proper.

DATED: 2/19/14



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

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