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

12 In the Matter of the Accusation Against:

Case No. 5656

13 **JULIANO SAMUEL LEPADAT**
14 **216 Willow Creek Drive**
Folsom, CA 95630

A C C U S A T I O N

15 **Pharmacy Technician Registration No. TCH**
136098

16 Respondent.

17
18 Virginia Herold (“Complainant”) alleges:

19 **PARTIES**

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

22 2. On or about December 23, 2013, the Board issued Pharmacy Technician Registration
23 Number TCH 136098 to Juliano Samuel Lepadat (“Respondent”). The registration was in full
24 force and effect at all times relevant to the charges brought herein and will expire on August 31,
25 2017, unless renewed.

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1 **JURISDICTION**

2 3. Business and Professions Code (“Code”) section 4300 provides, in pertinent part, that
3 every license issued by the Board is subject to discipline, including suspension or revocation.

4 4. Code section 4300.1 states:

5 The expiration, cancellation, forfeiture, or suspension of a board-issued license
6 by operation of law or by order or decision of the board or a court of law, the
7 placement of a license on a retired status, or the voluntary surrender of a license by a
8 licensee shall not deprive the board of jurisdiction to commence or proceed with any
9 investigation of, or action or disciplinary proceeding against, the licensee or to render
10 a decision suspending or revoking the license.

9 **STATUTORY PROVISIONS**

10 5. Code section 4301 states, in pertinent part:

11 The board shall take action against any holder of a license who is guilty of
12 unprofessional conduct or whose license has been procured by fraud or
13 misrepresentation or issued by mistake. Unprofessional conduct shall include, but is
14 not limited to, any of the following:

14 . . .

15 (h) The administering to oneself, of any controlled substance, or the use of any
16 dangerous drug or of alcoholic beverages to the extent or in a manner as to be
17 dangerous or injurious to oneself, to a person holding a license under this chapter, or
18 to any other person or to the public, or to the extent that the use impairs the ability of
19 the person to conduct with safety to the public the practice authorized by the license.

18 . . .

19 (k) The conviction of more than one misdemeanor or any felony involving the
20 use, consumption, or self administration of any dangerous drug or alcoholic beverage,
21 or any combination of those substances.

21 (l) The conviction of a crime substantially related to the qualifications,
22 functions, and duties of a licensee under this chapter. The record of conviction of a
23 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
24 States Code regulating controlled substances or of a violation of the statutes of this
25 state regulating controlled substances or dangerous drugs shall be conclusive
26 evidence of unprofessional conduct. In all other cases, the record of conviction shall
27 be conclusive evidence only of the fact that the conviction occurred. The board may
28 inquire into the circumstances surrounding the commission of the crime, in order to
fix the degree of discipline or, in the case of a conviction not involving controlled
substances or dangerous drugs, to determine if the conviction is of an offense
substantially related to the qualifications, functions, and duties of a licensee under this
chapter. A plea or verdict of guilty or a conviction following a plea of nolo
contendere is deemed to be a conviction within the meaning of this provision. The
board may take action when the time for appeal has elapsed, or the judgment of
conviction has been affirmed on appeal or when an order granting probation is made
suspending the imposition of sentence, irrespective of a subsequent order under

1 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
2 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
3 dismissing the accusation, information, or indictment. . . .

3 **COST RECOVERY**

4 6. Code section 125.3 provides, in pertinent part, that the Board may request the
5 administrative law judge to direct a licentiate found to have committed a violation or violations of
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
7 enforcement of the case.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Conviction of a Crime)**

10 7. Respondent is subject to discipline pursuant to Code section 4301(I), on the grounds
11 of unprofessional conduct, in that on or about August 11, 2015, in the case of *People v. Juliano*
12 *Lepadat* (Super. Ct. Sacramento County, Case No. 15M08708), Respondent was convicted by the
13 Court on his plea of nolo contendere of violating Vehicle Code section 23152(b) (driving with a
14 blood alcohol level of .08% or higher), a misdemeanor, with two prior convictions of the same, as
15 set forth below in paragraph 9, and an enhancement of Vehicle Code section 23578 (having a
16 blood alcohol level of .15% or higher). The circumstances of the crime were that on or about
17 June 6, 2015, Respondent drove a vehicle while having a blood alcohol level of 0.20% and
18 collided with a fire hydrant. The crime is substantially related to the qualifications, functions, or
19 duties of a pharmacy technician.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Dangerous Use of Alcohol)**

22 8. Respondent is subject to discipline pursuant to Code section 4301(h), on the grounds
23 of unprofessional conduct, in that Respondent consumed alcohol to the extent or in a manner as to
24 be dangerous or injurious to himself and the public, in that on or about June 6, 2015, Respondent
25 drove a vehicle with a blood alcohol level of .20%, as more particularly set forth above in
26 paragraph 7.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Multiple Convictions Involving the Use of Alcohol)**

3 9. Respondent is subject to discipline pursuant to Code section 4301(k), on the grounds
4 of unprofessional conduct, in that Respondent was convicted by the Court of more than one
5 misdemeanor or any felony involving the use, consumption, and self administration of dangerous
6 drugs and/or alcohol, or any combination of those substances. On or about December 13, 2006,
7 in the case of *People v. Juliano Lepadat* (Super. Ct. Santa Barbara County, Case No. 1215115),
8 Respondent was convicted by the court of violating Vehicle Code section 23152(a) (driving a
9 vehicle while under the influence of alcohol), a misdemeanor. On or about June 28, 2007, in the
10 case of *People v. Juliano Lepadat* (Super. Ct. San Diego County, Case No. M022306),
11 Respondent was convicted by the court on his plea of no contest of violating Vehicle Code
12 section 23152(b) (driving a vehicle with a blood alcohol level of .08% or higher), a misdemeanor,
13 with a prior conviction of the same, as set forth herein. The circumstances of the crime were that
14 on or about May 13, 2007, Respondent drove a vehicle while having a blood alcohol level of
15 .08% or higher. On or about August 11, 2015, in the case of *People v. Juliano Lepadat* (Super.
16 Ct. Sacramento County, Case No. 15M08708), Respondent was convicted by the Court on his
17 plea of nolo contendere of violating Vehicle Code section 23152(b) (driving with a blood alcohol
18 level of .08% or higher), a misdemeanor with two prior convictions of the same, as set forth
19 above in paragraph 7.

20 **PRAYER**

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

23 1. Revoking or suspending Pharmacy Technician Registration Number TCH 136098,
24 issued to Juliano Samuel Lepadat;

25 2. Ordering Juliano Samuel Lepadat to pay the Board of Pharmacy the reasonable costs
26 of the investigation and enforcement of this case, pursuant to Business and Professions Code
27 section 125.3; and,

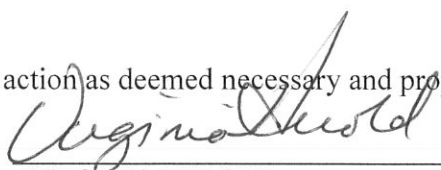
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3. Taking such other and further action as deemed necessary and proper.

DATED:

01/13/16



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

SA2015105688

Accusation Against Juliano Lepadat; Case No. 5656.docx