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

11 In the Matter of the Accusation Against:

Case No. 5908

12 **CESAR SANCHEZ**  
13 **aka CESAR ISAAC SANCHEZ**  
12700 Elliott Ave., #522  
14 El Monte, CA 91732

**A C C U S A T I O N**

15 **Pharmacy Technician Registration No.**  
**TCH 129029**

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 ("Board"), Department of Consumer Affairs.

22 2. On or about February 4, 2013, the Board issued Pharmacy Technician Registration  
23 No. TCH 129029 to Cesar Sanchez, aka Cesar Isaac Sanchez ("Respondent"). The Pharmacy  
24 Technician Registration expired on September 30, 2016, and has not been renewed.

25 **JURISDICTION**

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

1           4.     Section 4011 of the Code provides that “[t]he board shall administer and enforce this  
2 chapter [Pharmacy Law, (Business and Professions Code, Sec 4000 et seq.)] and the Uniform  
3 Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and  
4 Safety Code).”

5           5.     Section 4300, subdivision (a), of the Code states, in pertinent part, that “[e]very  
6 license issued may be suspended or revoked.”

7           6.     Section 4300.1 of the Code states:

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

14                                     **STATUTORY AND REGULATORY PROVISIONS**

15           7.     Section 4301 of the Code states:

16                     The board shall take action against any holder of a license who is guilty of  
17 unprofessional conduct or whose license has been issued by mistake. Unprofessional  
18 conduct shall include, but is not limited to, any of the following:

19                     ....

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

23                     ....

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

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

                   ....

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

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1 (l) The conviction of a crime substantially related to the qualifications,  
2 functions, and duties of a licensee under this chapter. The record of conviction of a  
3 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
4 States Code regulating controlled substances or of a violation of the statutes of this  
5 state regulating controlled substances or dangerous drugs shall be conclusive evidence  
6 of unprofessional conduct. In all other cases, the record of conviction shall be  
7 conclusive evidence only of the fact that the conviction occurred. The board may  
8 inquire into the circumstances surrounding the commission of the crime, in order to  
9 fix the degree of discipline or, in the case of a conviction not involving controlled  
10 substances or dangerous drugs, to determine if the conviction is of an offense  
11 substantially related to the qualifications, functions, and duties of a licensee under this  
12 chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
13 contendere is deemed to be a conviction within the meaning of this provision. The  
14 board may take action when the time for appeal has elapsed, or the judgment of  
15 conviction has been affirmed on appeal or when an order granting probation is made  
16 suspending the imposition of sentence, irrespective of a subsequent order under  
17 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
18 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
19 dismissing the accusation, information, or indictment.

11 . . . .

12 (o) Violating or attempting to violate, directly or indirectly, or assisting in or  
13 abetting the violation of or conspiring to violate any provision or term of this chapter  
14 or of the applicable federal and state laws and regulations governing pharmacy,  
15 including regulations established by the board or by any other state or federal  
16 regulatory agency.

15 (p) Actions or conduct that would have warranted denial of a license. . . .

16 8. California Code of Regulations, title 16, section 1770, states, in pertinent part:

17 For the purpose of denial, suspension, or revocation of a personal or facility  
18 license pursuant to Division 1.5 (commencing with Section 475) of the Business and  
19 Professions Code, a crime or act shall be considered substantially related to the  
20 qualifications, functions or duties of a licensee or registrant if to a substantial degree it  
21 evidences present or potential unfitness of a licensee or registrant to perform the  
22 functions authorized by his license or registration in a manner consistent with the  
23 public health, safety, or welfare.

### 21 COST RECOVERY

22 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
23 administrative law judge to direct a licentiate found to have committed a violation or violations of  
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
25 enforcement of the case, with failure of the licentiate to comply subjecting the license to not  
26 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs  
27 may be included in a stipulated settlement.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of a Substantially Related Crime)

3 10. Respondent is subject to disciplinary action under Code section 4301, subdivision (I),  
4 in conjunction with California Code of Regulations, title 16, section 1770, in that Respondent was  
5 convicted of a crime substantially related to qualifications, functions, or duties of a registered  
6 pharmacy technician which to a substantial degree evidence his present or potential unfitness to  
7 perform the functions authorized by his registration in a manner consistent with the public health,  
8 safety, or welfare, as follow:

9 a. On or about April 15, 2016, Respondent was convicted of one misdemeanor count of  
10 violating Vehicle Code sections 23152, subdivision (b) and 23540 [drive while having a blood  
11 alcohol content ("BAC") of 0.08% or higher by weight with a prior conviction within ten years],  
12 in the criminal proceeding entitled *The People of the State of California v Cesar Isaac Sanchez*  
13 (Super. Ct. L.A. County, 2016, No. 5PS27089). Respondent admitted to a BAC of 0.15% or  
14 greater. The court sentenced Respondent to 96 hours in jail, placed him on 48 months probation,  
15 ordered him to complete a 18-month second-offender alcohol and other drug education and  
16 counseling program, a hospital and morgue program, a victim impact program of mothers against  
17 drunk driving, and pay fines.

18 b. The circumstances surrounding the conviction are that on or about November 13,  
19 2015, Monrovia Police Department officers observed a vehicle stopped in the #3 lane of a traffic  
20 and found Respondent sleeping in the driver seat. An officer knocked on the window several  
21 times to wake Respondent. When Respondent finally woke up, the vehicle began to roll forward.  
22 The officer pounded the window and commanded Respondent to stop the vehicle. The vehicle  
23 picked up speed running the red signal and continued toward other vehicles that were stopped at a  
24 red signal. Respondent almost collided with other vehicles and sped away. The officer  
25 subsequently located Respondent and upon contact, Respondent admitted to drinking alcoholic  
26 beverages. Respondent had a strong odor of alcohol emitting from his breath, slurred and slow  
27 speech, and watery and bloodshot eyes. Respondent's breath test revealed a BAC of 0.18%.

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1 SECOND CAUSE FOR DISCIPLINE

2 (Conviction of a Substantially Related Crime)

3 11. Respondent is subject to disciplinary action under Code section 4301, subdivision (1),  
4 in conjunction with California Code of Regulations; title 16, section 1770, in that Respondent was  
5 convicted of a crime substantially related to qualifications, functions, or duties of a registered  
6 pharmacy technician which to a substantial degree evidence his present or potential unfitness to  
7 perform the functions authorized by his registration in a manner consistent with the public health,  
8 safety, or welfare, as follow:

9 a. On or about April 6, 2015, Respondent was convicted of one misdemeanor count of  
10 violating Penal Code section 273.5, subdivision (a) [inflict corporal injury to spouse, cohabitant,  
11 girlfriend, etc.], in the criminal proceeding entitled *The People of the State of California v Cesar*  
12 *Sanchez* (Super. Ct. L.A. County, 2015, No. 4DV00295). The court sentenced Respondent to one  
13 (1) day in jail, placed him on three (3) years probation, ordered him to perform 24 hours of  
14 community service, a 52-week domestic violence treatment program, stay at least 100 yards away  
15 from and have no contact with the victim, and pay fines.

16 b. The circumstances surrounding the conviction are that on or about June 27, 2014, El  
17 Monte Police Department officers responded to a report of a family disturbance. Upon arrival,  
18 the victim, Respondent's wife, informed an officer that Respondent dragged her out of bed and  
19 started a fight. When the victim exited the residence and got in her car attempting to get away,  
20 Respondent fought and tried to take away the car key. When the victim exited the car to walk  
21 away from Respondent, he grabbed an empty vodka bottle and threw it at her head causing a large  
22 bump. The victim sustained scratches to her neck from Respondent while fighting over the car  
23 keys. Respondent admitted to consuming alcohol prior to the fight.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Dangerous Use of Alcohol)**

3 12. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),  
4 in that on or about November 13, 2015 and June 27, 2014, Respondent used alcohol in a manner  
5 as to be dangerous or injurious to himself, any person of the public, or to the extent that the use  
6 impaired his ability to conduct with safety to the public the practice authorized by his license.  
7 Complainant refers to and by this reference incorporates the allegations set forth above in  
8 paragraphs 10, subparagraph b, and 11, subparagraph b, inclusive, as though set forth fully.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 **(Multiple Convictions Involving Alcohol-Use)**

11 13. Respondent is subject to disciplinary action under Code section 4301, subdivision (k),  
12 in that Respondent had convictions of more than one misdemeanor or any felony involving the  
13 use, consumption or self-administration of alcoholic beverages, as follows:

14 a. On or about April 15, 2016, Respondent was convicted of one misdemeanor count of  
15 violating Vehicle Code sections 23152, subdivision (b) and 23540 [drive while having a blood  
16 alcohol content ("BAC") of 0.08% or higher by weight with a prior conviction within ten years],  
17 in the criminal proceeding entitled *The People of the State of California v Cesar Isaac Sanchez*  
18 (Super. Ct. L.A. County, 2016, No. 5PS27089). Complainant refers to and by this reference  
19 incorporates the allegations set forth above in paragraph 10, inclusive, as though set forth fully.

20 b. On or about September 17, 2014, Respondent was convicted of one misdemeanor  
21 count of violating Vehicle Code section 23152, subdivision (b) [drive while having a BAC of  
22 0.08% or higher by weight], in the criminal proceeding entitled *The People of the State of*  
23 *California v Cesar Isaac Sanchez* (Super. Ct. L.A. County, 2014, No. 4RI03315). The court  
24 placed Respondent on 36 months probation, ordered him to complete a 9-month driving under the  
25 influence program, a hospital and morgue program, a victim impact program of mothers against  
26 drunk driving, and pay fines. The circumstances surrounding the conviction are that on or around  
27 May 1, 2014, El Monte Police Department officers responded to a report of a vehicle driving  
28 recklessly through a mobile home park. The police air unit observed a vehicle almost crashing

1 into mobile homes several times. An officer made contact with the driver, Respondent, and  
2 Respondent admitted to drinking alcoholic beverages. The officer noticed several empty and full  
3 beer cans located inside of Respondent's vehicle. Respondent was unable to satisfactorily  
4 complete the field sobriety tests as explained and demonstrated by the officer.

5 **FIFTH CAUSE FOR DISCIPLINE**

6 **(Violating Pharmacy Law / Acts Warranting Denial of Licensure)**

7 14. Respondent is subject to disciplinary action under Code section 4301, subdivisions  
8 (o) and (p), on the grounds of unprofessional conduct, in that Respondent committed acts  
9 violating the Pharmacy Law and/or federal and state laws that would have warranted denial of a  
10 license. Complainant refers to and by this reference incorporates the allegations set forth above  
11 in paragraphs 10 through 13, inclusive, as though set forth fully.

12 **DISCIPLINE CONSIDERATIONS**

13 15. To determine the degree of discipline, Complainant further alleges that on or about  
14 October 24, 2014, the Board issued Citation Number CI 2013 61346 with a \$1,200.00 fine to  
15 Respondent. Respondent has an outstanding balance of \$1,200.00. The Citation alleged  
16 violations as follows:

17 a. Code section 4301, subdivision (l), in that Respondent was convicted of a crime  
18 substantially related to qualifications, functions, or duties of a registered pharmacy technician,  
19 specifically, on or about September 17, 2014, Respondent was convicted of one misdemeanor  
20 count of violating Vehicle Code section 23152, subdivision (b) [drive while having a BAC of  
21 0.08% or higher by weight], in the criminal proceeding entitled *The People of the State of*  
22 *California v Cesar Isaac Sanchez* (Super. Ct. L.A. County, 2014, No. 4RI03315). Complainant  
23 refers to and by this reference incorporates the allegations set forth above in paragraph 13,  
24 subparagraph (a), inclusive, as though set forth fully.

25 b. Code section 4301, subdivision (k), in that Respondent had convictions of more than  
26 one misdemeanor or any felony involving the use, consumption or self-administration of  
27 alcoholic beverages:

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1 i. On or about April 24, 2001, Respondent was convicted of one misdemeanor of  
2 violating Vehicle Code section 23152, subdivision (b) [drive while having a BAC of  
3 0.08% or higher by weight], in the criminal proceeding entitled *The People of the*  
4 *State of California v Cesar Sanchez* (Super. Ct. L.A. County, 2001, No. 1RH01744).  
5 The court placed Respondent on three (3) years probation, ordered him to complete a  
6 3-month first-offender alcohol and other drug education and counseling program, 40  
7 hours of community service, suspended his driver's license for 12 months, and  
8 ordered him to pay fines.

9 ii. On or about September 17, 2014, Respondent was convicted of one misdemeanor  
10 count of violating Vehicle Code section 23152, subdivision (b) [drive while having a  
11 BAC of 0.08% or higher by weight], in the criminal proceeding entitled *The People*  
12 *of the State of California v Cesar Isaac Sanchez* (Super. Ct. L.A. County, 2014, No.  
13 4RI03315). Complainant refers to and by this reference incorporates the allegations  
14 set forth above in paragraph 13, subparagraph (a), inclusive, as though set forth fully.

15 c. Code section 4301, subdivision (h), in that on or about May 1, 2014, Respondent used  
16 alcohol in a manner as to be dangerous or injuries to himself, any person of the public, or to the  
17 extent that the use impaired his ability to conduct with safety to the public the practice authorized  
18 by his license. Complainant refers to and by this reference incorporates the allegations set forth  
19 above in paragraph 13, subparagraph (a), inclusive, as though set forth fully.

20 d. Code section 4301, subdivision (f), in that on or about June 27, 2014, Respondent  
21 committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption, specifically.  
22 Complainant refers to and by this reference incorporates the allegations set forth above in  
23 paragraph 11, subparagraph (b), inclusive, as though set forth fully.

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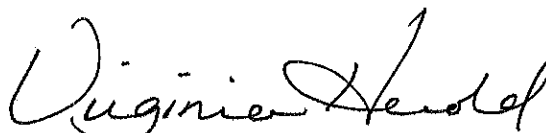
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PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration No. TCH 139029, issued to Cesar Sanchez, aka Cesar Isaac Sanchez
2. Ordering Cesar Sanchez to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 3/3/17



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

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