

1 XAVIER BECERRA
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 THOMAS L. RINALDI
Supervising Deputy Attorney General
4 State Bar No. 206911
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2541
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 6027

12 **STEVEN HERNANDEZ**
2302 Larch St., Apt. 4
13 Alhambra, CA 91801
14 Pharmacy Technician Registration
No. TCH 145922

A C C U S A T I O N

15 Respondent.

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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 March 19, 2015, the Board issued Pharmacy Technician Registration No.
23 TCH 145922 to Steven Hernandez (Respondent). The Pharmacy Technician Registration was in
24 full force and effect at all times relevant to the charges brought herein and will expire on February
25 28, 2017, 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 dangerous drugs, to determine if the conviction is of an offense substantially related to the
2 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
3 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
4 of this provision. The board may take action when the time for appeal has elapsed, or the
5 judgment of conviction has been affirmed on appeal or when an order granting probation is made
6 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
7 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
8 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
9 indictment.”

10 REGULATORY PROVISIONS

11 8. California Code of Regulations, title 16, section 1770, states:

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

18 COST RECOVERY

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

25 10. CONTROLLED SUBSTANCE/DANGEROUS DRUG

26 "Methamphetamine," is a Schedule II controlled substance as designated by Health and
27 Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug pursuant to
28 section 4022.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of a Substantially Related Crime)**

3 11. Respondent is subject to disciplinary action under section 4301, subdivision (l), in
4 conjunction with California Code of Regulations, title 16, section 1770, on the grounds of
5 unprofessional conduct, in that the Respondent was convicted of a crime substantially related to
6 the qualifications, functions, and duties of a pharmacy technician, as follows: On or about August
7 17, 2016, after pleading guilty, Respondent was convicted of one felony count of violating Health
8 and Safety Code section 11379, subdivision (a) [sale/offer to sell/transportation of a controlled
9 substance] in the criminal proceeding entitled *The People of the State of California v. Steven*
10 *Hernandez* (Super. Ct. L.A. County, 2016, No. BA448793). The Court placed Respondent on 3
11 years formal probation, with terms and conditions. The circumstance surrounding the conviction
12 are that on or about July 27, 2016, Respondent replied to a Craigslist add placed by an undercover
13 detective, looking for individuals willing to transport, to furnish, or sell narcotics. Respondent
14 made arrangements with the undercover detective to meet at a specified location and time and told
15 him he would be bringing his connection/dealer with him. Respondent and another individual
16 arrived at the location where both were subsequently placed under arrest by Los Angeles Police
17 Department officers. During a search of the vehicle, officers found 24 individual baggies each
18 with crystals and another baggie with shards of crystal all resembling crystal methamphetamine.
19 Officers also found a digital scale, two cylinder glass pipes with residue resembling
20 methamphetamine, and two books with pays and owes.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Illegal Possession of a Controlled Substance/Dangerous Drug)**

23 12. Respondent is subject to disciplinary action under section 4301, subdivision (j) for
24 violating statutes of this state regulating controlled substances and dangerous drugs, in that
25 Respondent was found to be in possession of methamphetamine, a controlled
26 substance/dangerous drug. Complainant refers to, and by reference incorporates, the allegations
27 set forth above in paragraph 11, as though set forth fully.

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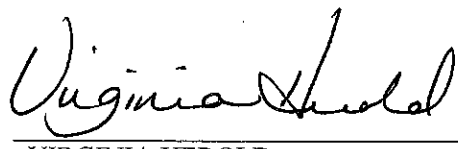
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PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration No. TCH 145922, issued to Steven Hernandez;
2. Ordering Steven Hernandez 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; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 2/21/17



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

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