

1 XAVIER BECERRA
Attorney General of California
2 ANTOINETTE B. CINCOTTA
Supervising Deputy Attorney General
3 BRIAN WEISEL
Deputy Attorney General
4 State Bar No. 251111
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9089
7 Facsimile: (619) 645-2061
E-mail: Brian.Weisel@doj.ca.gov
8 *Attorneys for Complainant*

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

11
12 In the Matter of the Accusation Against:

Case No. 6126

13 **YOBBELY ANEL VELAZQUEZ**
15252 Washington St.
14 Lake Elsinore, CA 92530

A C C U S A T I O N

15 **Pharmacy Technician Registration No. TCH**
16 **115844**

17 Respondent.

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 October 31, 2011, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 115844 to Yobbely Anel Velazquez (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and will expire on October 31, 2017, unless renewed.

26 ///

27 ///

28 ///

1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4 4. Section 4300, subdivision (a) of the Code states "Every license issued may be
5 suspended or revoked."

6 5. Section 4300.1 of the Code states:

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

11 **STATUTORY PROVISIONS**

12 6. Section 4301 of the Code states:

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

16

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

20

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

27

26 **COSTS**

27 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
28 administrative law judge to direct a licentiate found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 DRUGS

4 8. Methamphetamine is a Schedule II controlled substance pursuant to Health and
5 Safety Code section 11055, subdivision (d)(2) and is a dangerous drug pursuant to Code section
6 4022.

7 9. Amphetamine is a Schedule II controlled substance pursuant to Health and Safety
8 Code section 11055, subdivision (d)(1) and is a dangerous drug pursuant to Code section 4022.

9 FACTUAL ALLEGATIONS

10 10. On or about February 8, 2016, Respondent called 911 to report that her boyfriend
11 pointed a gun at her during an argument, and that he had physically assaulted her. Santa Ana
12 Police Officers were dispatched to the call. Upon arrival, officers noticed that Respondent was
13 sweating heavily, speaking rapidly, and rambling incoherently. Her pulse was measured at 93 and
14 100 beats per minute. Her eyes fluttered and showed rebound dilation when tested. Officers
15 detained Respondent on suspicion of being under the influence of a stimulant drug. When
16 questioned, Respondent told officers that her boyfriend in fact did not hurt her or point a gun at
17 her. Respondent stated that she lied about the gun and assault to get her boyfriend to leave her car
18 during an argument. A blood technician at the Orange County Jail took a blood sample from
19 Respondent, which subsequently tested positive for methamphetamine and amphetamine.

20 FIRST CAUSE FOR DISCIPLINE

21 **(Unprofessional Conduct – Commission of an Act Involving Moral Turpitude, Dishonesty,
22 Fraud, Deceit, or Corruption)**

23 11. Respondent is subject to disciplinary action for unprofessional conduct under section
24 4301(f) in that Respondent committed lied to police officers during an investigation and
25 committed an act involving moral turpitude, dishonesty, fraud, deceit, or corruption, as detailed in
26 paragraph 10, above, which is incorporated herein by reference.

27 ///

28 ///

