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

11 In the Matter of the Accusation Against:
12 JOHN E. ALDAZ
3539 San Miguel
13 Bonita, CA 91902
14 Pharmacist License No. RPH 24861
15
16 Respondent.

Case No. 2849
OAH No. L-2006020439
**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 PARTIES

21 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of
22 Pharmacy. Complainant brought this action solely in her official capacity and is represented in
23 this matter by Bill Lockyer, Attorney General of the State of California, by Karen L. Gordon,
24 Deputy Attorney General.

25 2. John E. Aldaz (Respondent) is represented in this proceeding by attorney
26 Dennis M. Warren, whose address is 725 30th Street, Suite 102, Sacramento, California 95816.

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ORDER

IT IS HEREBY ORDERED that Pharmacist License No. RPH 24861, issued to Respondent John E. Aldaz is surrendered and accepted by the Board.

1. The surrender of Respondent's Pharmacist License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a Pharmacist in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board both his wall and pocket license certificate on or before the effective date of the Decision and Order.

4. Respondent understands and agrees that if he ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 2849 shall be deemed to be true, correct, and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

5. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 2849 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

6. Should Respondent ever apply for a new license, Respondent shall pay the Board its costs of investigation and enforcement in this case in the amount of \$5,323.25, upon application for a new license.

7. Respondent shall not apply for licensure for three (3) years from the effective date of the Board of Pharmacy's Decision and Order.

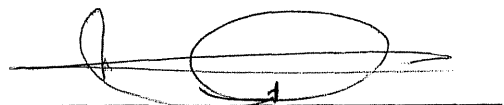
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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Dennis M. Warren. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board.

DATED: 5-22-06

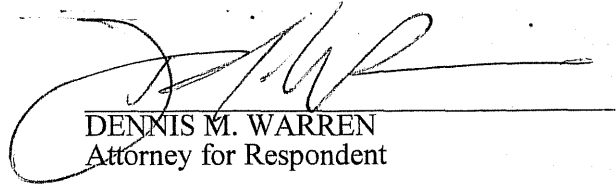


JOHN E. ALDAZ
Respondent

APPROVAL

I have read and fully discussed with Respondent John E. Aldaz the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 05-22-2006



DENNIS M. WARREN
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board.

DATED: 5-23-06

BILL LOCKYER, Attorney General
of the State of California



KAREN L. GORDON
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SD2005700944
Aldaz.Stipulated Surrender.wpd

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

In the Matter of the Accusation Against:

JOHN E. ALDAZ
3539 San Miguel
Bonita, CA 91902

Pharmacist License No. RPH 24861

Respondent.

Case No. 2849

OAH No. L-2006020439

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board, as its Decision in this matter.

This Decision shall become effective on August 24, 2006.

It is so ORDERED July 25, 2006.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



WILLIAM POWERS
Board President

Exhibit A
Accusation No. 2849

1 BILL LOCKYER, Attorney General
of the State of California
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3 California Department of Justice
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9 **BEFORE THE**
CALIFORNIA STATE BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2849

13 JOHN E. ALDAZ
3539 San Miguel
14 Bonita, CA 91902

ACCUSATION

15 Pharmacist License No. RPH 24861

16 Respondent.

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18 The Complainant, Patricia F. Harris, for cause of Accusation against JOHN E.
19 ALDAZ, alleges as follows:

20 **PARTIES**

21 1. The Complainant, Patricia F. Harris, is the Executive Officer of the
22 California State Board of Pharmacy (hereinafter the "Board") and makes this Accusation solely
23 in her official capacity.

24 2. On or about March 3, 1967, the Board issued Original Pharmacist License
25 Number RPH 24861 to respondent JOHN E. ALDAZ (hereinafter respondent "ALDAZ"). At all
26 times material herein, respondent ALDAZ was and currently is licensed
27 by the Board as a registered pharmacist. The license expires on September 30, 2006, unless
28 renewed.

1 JURISDICTION

2 3. Complainant brings this Accusation under the power vested in the Board
3 in Business and Professions Code section 4300(a) to suspend or revoke licenses issued by the
4 Board pursuant to the California Pharmacy Act, Chapter 9, Division 2, section 4000 et seq. of the
5 Business and Professions Code.

6 FACTS

7 4. On or about August 24, 2004, in the United States District Court, Southern
8 District of California, an information was filed against respondent ALDAZ. The case is entitled
9 *United States of America v. John Eloy Aldaz*, Case No. 04CR2252-JM. On or about August 24,
10 2004, respondent ALDEZ was convicted upon his plea of guilty of violating Title 18, United
11 States Code (U.S.C.), Section 371, conspiracy to smuggle pharmaceuticals, a felony.

12 5. The facts and circumstances of the convictions under Title 18, U.S.C.,
13 section 371 are that as early as December 18, 2003, and continuing up to and including May 10,
14 2004, respondent ALDAZ did knowingly combine, conspire and agree together with Jose
15 Gustave Garcia Uriza and others to knowingly and willfully with intent to defraud the United
16 States, smuggle pharmaceuticals into the United States in violation of Title 18, USC, section 545.
17 Viagra has been identified as a dangerous drug pursuant to Business and Professions Code
18 section 4022.

19 6. Respondent ALDAZ agreed with Jose Gustave Garcia Uriza to supply Mark
20 Kolowich with pharmaceuticals from Mexico containing the active ingredient found in Viagra,
21 believing that Kolowich intended to sell the "Viagra" to customers via his internet pharmacy.
22 Respondent ALDEZ also agreed with Garcia to supply Kolowich with 5,000 "Viagra" tablets on
23 three separate occasions. Kolowich paid respondent and Garcia collectively \$25,000 for each
24 shipment of 5,000 "Viagra" tablets. Respondent and Garcia delivered two out of the three
25 shipments to Kolowich. Respondent knew that at the time the "Viagra" supplied to Kolowich
26 entered the United States, it was not declared to Customs inspectors. Respondent admits that the
27 fair market value of the "Viagra" he conspired to smuggle and deliver to Kolowich was \$75,000.

28 7. On or about January 7, 2005, respondent ALDAZ was sentenced to serve 6

1 months custody time, placed on 3 years probation, and ordered to pay a \$2,000 fine.

2 **FIRST CAUSE FOR DISCIPLINE**

3 (Substantially Related Conviction)

4 8. Complainant incorporates herein by this reference the preamble and each
5 of the allegations set forth in paragraphs 1 through 7 hereinabove.

6 9. Business and Professions Code section 4301 provides, in part, that the
7 Board shall take action against any holder of a license who is guilty of unprofessional conduct.

8 10. Business and Professions Code section 4301(l) provides that
9 unprofessional conduct for a licensed pharmacist includes the conviction of a crime that is
10 substantially related to the qualifications, functions and duties of a licensee under the Pharmacy
11 Act.

12 11. The pharmacist license held by respondent ALDAZ is subject to discipline
13 under Business and Professions Code section 4300, in that respondent was guilty
14 of unprofessional conduct within the meaning of Business and Professions Code section 4301(l),
15 through the criminal conviction for conspiring to smuggle pharmaceuticals into the United
16 States, as described in paragraphs 4 through 7 hereinabove.

17 **SECOND CAUSE FOR DISCIPLINE**

18 (Violation of Statutes Pertaining to Dangerous Drugs)

19 12. Complainant incorporates herein by this reference the preamble and each
20 of the allegations set forth in paragraphs 1 through 11 hereinabove.

21 13. Business and Professions Code section 4301(j) provides that
22 unprofessional conduct for a licensed pharmacist includes the violation of any of the statutes of
23 this state or of the United States regulating controlled substances or dangerous drugs.

24 14. The pharmacist license held by respondent ALDAZ is subject to discipline
25 under Business and Professions Code section 4300, for unprofessional conduct within the
26 meaning of Business and Professions Code section 4301(j), in that he conspired to smuggle
27 pharmaceuticals classified as dangerous drugs into the United States, knowing that such drugs
28 had failed to be declared to United States Custom inspectors, as described in paragraph 6.

1 **OWNERSHIP PROHIBITION**

2 15. Business and Professions Code section 4307(a) provides, in pertinent part,
3 that any person whose license has been revoked or is under suspension shall be prohibited from
4 serving as a manager, administrator, owner, member, officer, director, associate or partner of a
5 licensee.

6 16. Pursuant to Business and Professions Code section 4307(a), in the event
7 the license issued to respondent ALDAZ is revoked or placed on suspension, respondent ALDAZ
8 shall be prohibited from serving as a manager, administrator, owner, member, officer, director,
9 associate or partner of any licensee with rights issued by the Board.

10 **COST RECOVERY**

11 17. Business and Professions Code section 125.3 provides that, in any order
12 issued in resolution of a disciplinary proceeding before any board within the Department of
13 Consumer Affairs, the board may request the Administrative Law Judge to direct a licentiate
14 found to have committed a violation or violations of the licensing act to pay a sum not to exceed
15 the reasonable costs of the investigation and enforcement of the case.

16 18. Under Business and Professions Code section 101(d), the California State
17 Board of Pharmacy was and is a board within the Department of Consumer Affairs of the State of
18 California. Pursuant to Business and Professions Code section 125.3, the Board hereby requests
19 the Administrative Law Judge who issues a proposed decision in this matter to include an order
20 which provides for the recovery by the Board of the costs of investigation and enforcement of
21 this case against respondent ALDAZ, according to proof.

22 **WHEREFORE**, Complainant prays that a hearing be had and that the California
23 State Board of Pharmacy make its order:

24 1. Revoking or suspending Pharmacist License Number RPH 24861 issued to
25 respondent JOHN E. ALDAZ.

26 2. Prohibiting respondent JOHN E. ALDAZ from serving as a manager,
27 administrator, owner, member, officer, director, associate, or partner of a licensee, pursuant to
28 the provisions of Business and Professions Code section 4307(a).

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3. Directing respondent JOHN E. ALDAZ to pay the California State Board of Pharmacy the reasonable costs of the investigation and prosecution of this matter pursuant to Business and Professions Code section 125.3, according to proof.

4. Taking such further action as is deemed necessary and proper.

DATED: 11/28/05

P. J. Harris
PATRICIA F. HARRIS
Executive Officer
California State Board of Pharmacy
Department of Consumer Affairs

Attorneys for Complainant

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