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7

8 Attorneys for Complainant

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**

17  
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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3. On or about March 3, 1967, the Board of Pharmacy issued Pharmacist License No. RPH 24861 to John E. Aldaz (Respondent). The License was in full force and effect at all times relevant to the charges brought in Accusation No. 2849 and will expire on September 30, 2006, unless renewed.

## JURISDICTION

4. Accusation No. 2849 was filed before the Board of Pharmacy, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 7, 2005. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 2849 is attached as Exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2849. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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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.

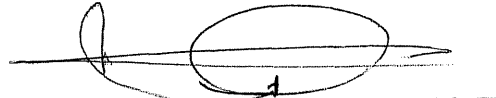
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ACCEPTANCE

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

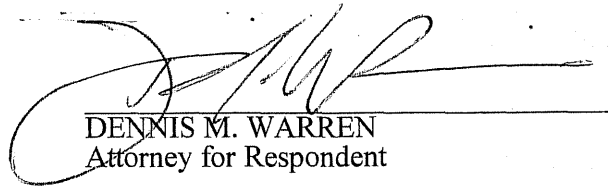


JOHN E. ALDAZ  
Respondent

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



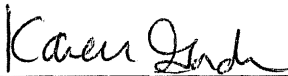
DENNIS M. WARREN  
Attorney for Respondent

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**



BILL LOCKYER, Attorney General  
of the State of California  
JENNIFER L. WECK, State Bar No. 173486  
Deputy Attorney General  
California Department of Justice  
110 West "A" Street, Suite 1100  
San Diego, CA 92101  
P.O. Box 85266  
San Diego, CA 92186-5266  
Telephone: (619) 645-2653  
Facsimile: (619) 645-2061  
Attorneys for Complainant

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

In the Matter of the Accusation Against:

Case No. 2849

JOHN E. ALDAZ  
3539 San Miguel  
Bonita, CA 91902

**ACCUSATION**

Pharmacist License No. RPH 24861

Respondent.

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

**PARTIES**

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

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

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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.

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

4                   4.       Taking such further action as is deemed necessary and proper.  
5

6 DATED: 11/28/05  
7

8 P. J. Harris

9 PATRICIA F. HARRIS  
10 Executive Officer  
California State Board of Pharmacy  
Department of Consumer Affairs

11 Attorneys for Complainant  
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