

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

In the Matter of the Accusation Against:

ISAAC JAMES MANTE
19170 Locarno Way
Salinas, CA 93906

Pharmacy Technician License No. TCH 42679

Respondent.

Case No. 3210

OAH No.

DECISION AND ORDER

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

This decision shall become effective on May 27, 2009.

It is so ORDERED on April 27, 2009.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



KENNETH H. SCHELL
Board President

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM, State Bar No. 214663
Deputy Attorney General
4 455 Golden Gate Avenue, Suite 11000
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6 Attorneys for Complainant
7

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

10 In the Matter of the Accusation Against:

Case No. 3210

11 ISAAC JAMES MANTE
19170 Locarno Way
12 Salinas, CA 93906

OAH No.

13 Pharmacy Technician Registration
14 Number TCH 42679

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Respondent.

16
17 In the interest of a prompt and speedy resolution of this matter, consistent with the
18 public interest and responsibility of the Board of Pharmacy, Department of Consumer Affairs,
19 the parties hereby agree to the following Stipulated Surrender of License and Order which will be
20 submitted to the Board for approval and adoption as the final disposition of the Accusation.
21

22 PARTIES

23 1. Virginia Herold (Complainant) is the Executive Officer of the Board of
24 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
25 by Edmund G. Brown Jr., Attorney General of the State of California, by Joshua A. Room,
26 Deputy Attorney General.

27 2. Isaac James Mante (Respondent) is representing himself in this proceeding
28 and has chosen not to exercise his right to be represented by counsel.

1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in
3 Accusation No. 3210, agrees that cause exists for discipline and hereby surrenders his Pharmacy
4 Technician Registration Number No. TCH 42679 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation he enables the
6 Board to issue an order accepting the surrender of his Pharmacy Technician Registration without
7 further process, notice, or opportunity to be heard.

8
9 CONTINGENCY

10 10. This stipulation shall be subject to approval by the Board of Pharmacy.
11 Respondent understands and agrees that counsel for Complainant and the staff of the Board may
12 communicate directly with the Board regarding this stipulation and surrender, without notice to
13 or participation by Respondent. By signing the stipulation, Respondent understands and agrees
14 that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the
15 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and
16 Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for
17 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board
18 shall not be disqualified from further action by having considered this matter.

19 11. The parties understand and agree that facsimile copies of this Stipulated
20 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
21 and effect as the originals.

22 12. In consideration of the foregoing admissions and stipulations, the parties
23 agree that the Board may, without further notice or formal proceeding, issue and enter the
24 following Order:

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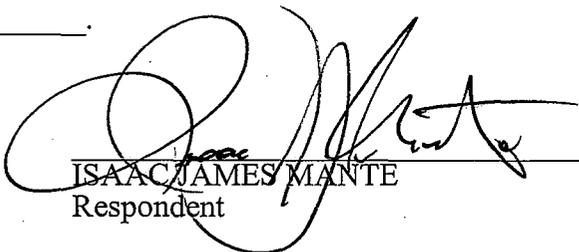
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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. 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 of Pharmacy.

DATED: 2-18-2009


ISAAC JAMES MANTE
Respondent

ENDORSEMENT

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

DATED: 2/27/09

EDMUND G. BROWN JR., Attorney General
of the State of California

FRANK H. PACOE
Supervising Deputy Attorney General


JOSHUA A. ROOM
Deputy Attorney General
Attorneys for Complainant

DOJ Matter ID: SF2008402233
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Exhibit A
Accusation No. 3210

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM, State Bar No. 214663
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9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:
11
12 ISAAC JAMES MANTE
19170 Locarno Way
Salinas, CA 93906
13
14 Pharmacy Technician Registration
Number TCH 42679
15
16 Respondent.

Case No. 3210

ACCUSATION

17 Complainant alleges:

18 PARTIES

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
21 2. On or about July 5, 2002, the Board of Pharmacy issued Pharmacy
22 Technician Registration Number Number TCH 42679 to Isaac James Mante (Respondent). The
23 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
24 brought herein and will expire on March 31, 2010, unless renewed.

25 JURISDICTION

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

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

3 (l) The conviction of a crime substantially related to the qualifications, functions,
4 and duties of a licensee under this chapter.

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

9 8. Section 490 of the Code provides, in pertinent part, that the Board may
10 suspend or revoke a license when it finds that the licensee has been convicted of a crime
11 substantially related to the qualifications, functions or duties of the license.

12 9. California Code of Regulations, title 16, section 1770, states:

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

19 10. Section 4059 of the Code, in pertinent part, prohibits furnishing of any
20 dangerous drug or dangerous device except upon the prescription of an authorized prescriber.

21 11. Section 4060 of the Code provides, in pertinent part, that no person shall
22 possess any controlled substance, except that furnished upon a valid prescription/drug order.

23 12. Health and Safety Code section 11170 provides that no person shall
24 prescribe, administer, or furnish a controlled substance for himself or herself.

25 13. Health and Safety Code section 11173, subdivision (a), provides that no
26 person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure
27 the administration of or prescription for controlled substances, (1) by fraud, deceit,
28 misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

1 a. On or about September 15, 2005 and December 27, 2005, Respondent was
2 arrested for and subsequently charged with violating (1) Health and Safety Code section 11350
3 (Possession of a Controlled Substance - **Methadone**), a felony, (2) Health and Safety Code
4 section 11350 (Possession of a Controlled Substance - **Hydrocodone**), a felony, (3) Penal Code
5 section 12021, subdivision (c) (Possession of Firearm/Previous Firearms Conviction), a felony,
6 (4) Penal Code section 508 (Embezzlement by Employee in Excess of \$400.00), a misdemeanor,
7 and (5) Health and Safety Code section 11357 (Possession of Concentrated Cannabis). Found in
8 Respondent's possession at the time of his arrest were several bottles and other containers with
9 tablets and capsules, some identifiable and some not. Three of the bottles appeared to be from
10 Respondent's place of work (Ordway Pharmacy), and contained, respectively: (i) **Methadone** 10
11 mg, 40 tablets, (ii) **Hydrocodone** 7.5 mg, 100 tablets, and (iii) **Diazepam (Valium)**, 10 mg, 100
12 tablets. Respondent stated to arresting officers that all of the drugs in his possession were for his
13 personal use. Also in Respondent's possession was a Glock .45 caliber handgun, and six bullets.

14 b. On or about May 31, 2006, Respondent pleaded guilty to the first count
15 and no contest to the fourth count. The second, third, and fifth counts were dismissed. As to the
16 first count, imposition of sentence was suspended in favor of formal probation of three (3) years,
17 on terms and conditions including 1 day in custody with credit for 1 day served, fines and fees,
18 total abstention from use of alcohol and abstention from use or possession of alcohol, drugs, or
19 controlled substances absent prescription, alcohol and drug testing on demand, search conditions,
20 registration as a narcotics offender pursuant to Health and Safety Code section 11590, treatment
21 or rehabilitation for substance abuse as required by probation, outpatient counseling and 12-step
22 meeting attendance, and other requirements. As to the fourth count, imposition of sentence was
23 likewise suspended in favor of conditional probation of three (3) years, on terms and conditions
24 including 1 day in custody with credit for 1 day served, fines and fees, and other costs.

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FOURTH CAUSE FOR DISCIPLINE

(Dangerous/Injurious Use of Alcohol and/or Drugs)

25. Respondent is subject to disciplinary action under section 4301(h) of the Code, for administering to himself a controlled substance, or using a dangerous drug or alcoholic beverage(s) to an extent or in a manner as to be dangerous or injurious to himself, to another person or to the public, in that on or about September 9, 2006, Respondent was arrested by the Monterey County Sheriff's Office on a charge of violating Penal Code section 647, subdivision (f) (Disorderly Conduct/Public Intoxication or Being Under the Influence of Drugs - Unable to Exercise Care for Own/Others' Safety and/or Blocking a Public Roadway).

FIFTH CAUSE FOR DISCIPLINE

(Unlawful Self-Furnishing and/or -Administration of Controlled Substance)

26. Respondent is subject to discipline under section 4301(h), (j), and/or (o) of the Code, section 4059 of the Code, and/or Health and Safety Code section 11170, in that Respondent, as described in paragraphs 22 and 24 above, furnished to himself without a valid prescription and/or self-administered, and/or conspired to self-furnish or self-administer, and/or assisted in or abetted self-furnishing or self-administration of, one or more controlled substances.

SIXTH CAUSE FOR DISCIPLINE

(Obtaining Controlled Substance by Fraud, Deceit or Subterfuge)

27. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code, and/or Health and Safety Code section 11173(a), in that Respondent, as described in paragraph 24 above, obtained, conspired to obtain, and/or assisted in or abetted the obtaining of, one or more controlled substances, by fraud, deceit, subterfuge, or concealment of a material fact.

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1 SEVENTH CAUSE FOR DISCIPLINE

2 (Unlawful Possession of Controlled Substance)

3 28. Respondent is subject to discipline under section 4301(j) and/or (o) of the
4 Code, section 4060 of the Code, and/or Health and Safety Code section 11350, in that
5 Respondent, as described in paragraphs 22 and 24 above, possessed, conspired to possess, and/or
6 assisted in or abetted possession of, one or more controlled substances, without a prescription.

7
8 EIGHTH CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct)

10 29. Respondent is subject to disciplinary action under section 4301 of the
11 Code in that Respondent, by way of the conduct described in paragraphs 22-28 above, engaged in
12 "unprofessional conduct" not becoming the profession of pharmacy.

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14 PRAYER

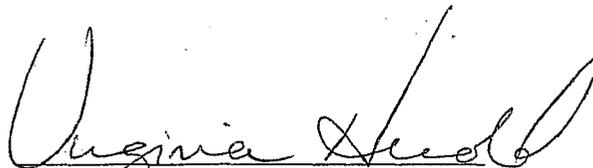
15 WHEREFORE, Complainant requests that a hearing be held on the matters herein
16 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

17 A. Revoking or suspending Pharmacy Technician Registration Number TCH
18 42679, issued to Isaac James Mante (Respondent);

19 B. Ordering Respondent to pay the Board reasonable costs of investigation
20 and enforcement of this case, pursuant to Business and Professions Code section 125.3;

21 C. Taking such other and further action as is deemed necessary and proper.

22 DATED: 9/24/08

23
24 

25 VIRGINIA HEROLD
26 Executive Officer
27 Board of Pharmacy
28 Department of Consumer Affairs
State of California
Complainant