

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

In the Matter of the Accusation Against:

Case No. 3238

ROMY RELINGO
266 Irvington Street
Daly City, CA 94014

Original Pharmacy Technician
Registration No. TCH 46262

Respondent.

DECISION AND ORDER

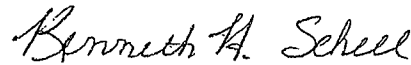
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on April 8, 2010.

It is so ORDERED on March 9, 2010.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



KENNETH H. SCHELL
Board President

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

10 In the Matter of the Accusation Against:

Case No. 3238

11 **ROMY RYAN RELINGO**
12 **266 Irvington Street**
13 **Daly City, CA 94014**

OAH No. 2009080898

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 **Pharmacy Technician License No. TCH 46262**

15 Respondent.

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

20 PARTIES

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

24 2. Romy Ryan Relingo (Respondent) is representing himself in this proceeding and has
25 chosen not to exercise his right to be represented by counsel.

26 3. On or about June 30, 2003, the Board of Pharmacy issued Pharmacy Technician
27 License No. TCH 46262 to Romy Ryan Relingo (Respondent). The Pharmacy Technician
28

1 License was in full force and effect at all times relevant to the charges brought in Accusation No.
2 3238 and will expire on July 31, 2011, unless renewed.

3 JURISDICTION

4 4. Accusation No. 3238 was filed before the Board of Pharmacy (Board), Department of
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
6 statutorily required documents were properly served on Respondent on June 1, 2009. Respondent
7 timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 3238 is
8 attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read and understands the charges and allegations in
11 Accusation No. 3238. Respondent also has carefully read and understands the effects of this
12 Stipulated Surrender of License and Order.

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

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

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 3238, agrees that cause exists for discipline and hereby surrenders his Pharmacy Technician
25 Registration No. TCH 46262 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation he enables the Board to issue
27 an order accepting the surrender of his Pharmacy Technician Registration without further process.

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ORDER

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2 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 46262, issued
3 to Respondent Romy Ryan Relingo, is surrendered and accepted by the Board of Pharmacy.

4 15. The surrender of Respondent's Pharmacy Technician License and the acceptance of
5 the surrendered license by the Board shall constitute the imposition of discipline against
6 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
7 Respondent's license history with the Board.

8 16. Respondent shall lose all rights and privileges as a Pharmacy Technician in California
9 as of the effective date of the Board's Decision and Order.

10 17. Respondent shall cause to be delivered to the Board both his wall license certificate
11 and, if one was issued, pocket license, on or before the effective date of the Decision and Order.

12 18. Respondent may not apply, reapply, or petition for any licensure or registration of the
13 Board for three (3) years from the effective date of the Decision and Order.

14 19. Respondent understands and agrees that if he ever applies for licensure or petitions
15 for reinstatement in the State of California, the Board shall treat it as a new application for
16 licensure. Respondent must comply with all the laws, regulations and procedures for licensure in
17 effect at the time the application or petition is filed, and all of the charges and allegations
18 contained in Accusation No. 3238 shall be deemed to be true, correct and admitted by Respondent
19 when the Board determines whether to grant or deny the application or petition.

20 20. Should Respondent ever apply or reapply for a new license or certification, or petition
21 for reinstatement of a license, by any other health care licensing agency in the State of California,
22 all of the charges and allegations contained in Accusation No. 3238 shall be deemed to be true,
23 correct, and admitted by Respondent for the purpose of any Statement of Issues or any other
24 proceeding seeking to deny or restrict licensure.

25 21. Respondent shall pay the Board its costs of investigation and enforcement in the
26 amount of \$3,953.75 prior to issuance of a new or reinstated license.

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Exhibit A

Accusation No. 3238

1 EDMUND G. BROWN JR., Attorney General
of the State of California
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6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 3238

11 ROMY RYAN RELINGO
12 266 Irvington Street
Daly City, CA 94014

A C C U S A T I O N

13 Pharmacy Technician License No. TCH 46262

14 Respondent.
15

16
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 June 30, 2003, the Board of Pharmacy issued Pharmacy
22 Technician Registration Number TCH 46262 to Romy Ryan Relingo (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 July 31, 2009, 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 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
2 abetting the violation of or conspiring to violate any provision or term of this chapter or of the
3 applicable federal and state laws and regulations governing pharmacy, including regulations
4 established by the board or by any other state or federal regulatory agency.

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

8 9. California Code of Regulations, title 16, section 1770, states:
9 "For the purpose of denial, suspension, or revocation of a personal or facility
10 license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions
11 Code, a crime or act shall be considered substantially related to the qualifications, functions or
12 duties of a licensee or registrant if to a substantial degree it evidences present or potential
13 unfitness of a licensee or registrant to perform the functions authorized by his license or
14 registration in a manner consistent with the public health, safety, or welfare."

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

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

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

21 13. Health and Safety Code section 11350, in pertinent part, makes it unlawful
22 to possess any controlled substance listed in Schedule II (Health and Safety Code section 11055),
23 subdivision (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

24 14. Health and Safety Code section 11357, in pertinent part, makes it unlawful
25 for any person to possess **marijuana** or concentrated cannabis.

26 15. Health and Safety Code section 11550, in pertinent part, makes it unlawful
27 for any person to use or be under the influence of any controlled substance listed in Schedule II,
28 subdivision (b) or (c), except when administered by or under direction of an authorized licensee.

1 a. On or about September 1, 2006, Respondent was contacted by officers of
2 the South San Francisco Police Department because he had parked an automobile blocking the
3 sidewalk. As officers approached, Respondent attempted to discard some small items. In what
4 was discarded and what was subsequently discovered on his person, Respondent was found to be
5 in possession of three plastic baggies containing a substance later field tested as (base) **cocaine**
6 (gross weight approximately 1.3 grams), and two plastic baggies containing **marijuana** (gross
7 weight 1.7 grams). Respondent stated that the drugs belonged to him, that he had purchased the
8 **cocaine** and **marijuana** two days prior, that his practice was to "lace" **marijuana** cigarettes with
9 the **cocaine**, that he had last had a **cocaine**-laced **marijuana** cigarette earlier that day, and that he
10 had been using "rock" **cocaine** ("crack") for seven (7) years. Respondent was placed under arrest
11 on suspicion of violating (1) Health and Safety Code section 11350, subdivision (a) (Possession
12 of Controlled Substance - **cocaine**), a felony, and (2) Health and Safety Code section 11357,
13 subdivision (b) (Possession of **marijuana** < 28.5 grams), a misdemeanor.

14 b. On or about September 29, 2006, in *People v. Romy Ryan Relingo*, Case
15 No. NF361192 and/or SC063678 in San Mateo County Superior Court, Respondent was charged
16 with (1) violating Health and Safety Code section 11350, subdivision (a) (Possession of
17 Controlled Substance - **cocaine**), a felony, and (2) violating Health and Safety Code section
18 11357, subdivision (b) (Possession of **marijuana** < 28.5 grams), a misdemeanor.

19 c. On or about December 1, 2006, Respondent pleaded *nolo contendere* to
20 the first count of violating Health and Safety Code section 11350, subdivision (a) (Possession of
21 Controlled Substance - **cocaine**), a felony. On or about May 10, 2007, imposition of sentence
22 was suspended in favor of supervised probation for three (3) years, on terms and conditions that
23 include(d) search conditions, abstention, referral to treatment, and payment of fines and fees.

24 SECOND CAUSE FOR DISCIPLINE

25 (Self-Administration of Controlled Substance)

26 22. Respondent is subject to discipline under section 4301(h) of the Code, in
27 that Respondent, as described in paragraph 21, administered one or more controlled substances to
28 himself, including **cocaine** and/or **marijuana** products.

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THIRD CAUSE FOR DISCIPLINE

(Furnishing of Controlled Substance)

23. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section 4059 of the Code in that Respondent, as described in paragraph 21 above, furnished to himself or another without a valid prescription, and/or conspired to furnish, and/or assisted or abetted furnishing of, a controlled substance.

FOURTH CAUSE FOR DISCIPLINE

(Possession of Controlled Substance)

24. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section 4060 of the Code, and/or Health and Safety Code section 11350, in that Respondent, as described in paragraph 21 above, possessed, conspired to possess, and/or assisted in or abetted possession of **cocaine**, a controlled substance, without a prescription.

FIFTH CAUSE FOR DISCIPLINE

(Possession of Controlled Substance)

25. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section 4060 of the Code, and/or Health and Safety Code section 11357, in that Respondent, as described in paragraph 21 above, possessed, conspired to possess, and/or assisted in or abetted possession of **marijuana** or concentrated cannabis, a controlled substance.

SIXTH CAUSE FOR DISCIPLINE

(Self-Administration/Use of Controlled Substance)

26. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code, and/or Health and Safety Code section(s) 11170 and/or 11550, in that Respondent, as described in paragraph 21 above, self-administered/used, conspired to self-administer/use, and/or assisted in/abetted self-administration/use, of a controlled substance, without prescription.

SEVENTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

27. Respondent is subject to discipline under section 4301 of the Code in that Respondent, as described in paragraphs 21 to 25 above, engaged in unprofessional conduct.

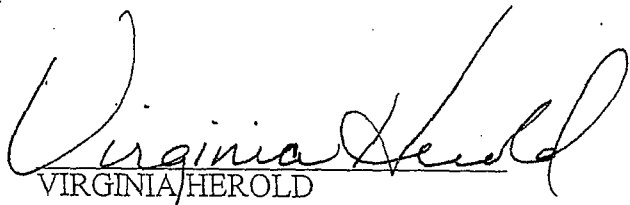
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PRAYER

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:

- A. Revoking or suspending Pharmacy Technician License No. TCH 46262, issued to Romy Ryan Relingo (Respondent);
- B. Ordering Respondent to pay the Board reasonable costs of investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
- C. Taking such other and further action as is deemed necessary and proper.

DATED: 5/14/09



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