

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

In the Matter of the Accusation Against:

Case No. 3397

**NICHOLAS ANDREW PAPAGEORGE**  
1325 Dawn Road  
Nipomo, CA 93444

Pharmacy Technician Registration No. TCH  
48940

Respondent.

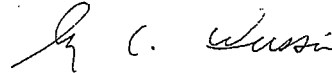
**DECISION AND ORDER**

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 May 11, 2011.

It is so ORDERED April 11, 2011.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 ANTONIO LOPEZ, JR.  
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5 Los Angeles, CA 90013  
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*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. 3397

11 **NICHOLAS ANDREW PAPAGEORGE**  
12 **243 Colt Lane**  
13 **Nipomo, CA 93444**

**STIPULATED SURRENDER OF**  
**LICENSE AND ORDER**

14 **Pharmacy Technician Reg. No. TCH 48940**

15 Respondent.

16  
17 In the interest of a prompt and speedy resolution of this matter, consistent with the public  
18 interest and the responsibility of the Board of Pharmacy of the 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 PARTIES

22 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.  
23 She brought this action solely in her official capacity and is represented in this matter by Kamala  
24 D. Harris, Attorney General of the State of California, by Antonio Lopez, Jr., Deputy Attorney  
25 General.

26 2. Nicholas Andrew Papageorge (Respondent) is represented in this proceeding by  
27 Attorney Ed Gonzalez, 1300 Clay St., Suite 600, Oakland, CA 94612.  
28





ORDER

1  
2 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. 48940, issued to  
3 Respondent Nicholas Andrew Papageorge, is surrendered and accepted by the Board of  
4 Pharmacy.

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

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

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

13 18. If Respondent ever files an application for licensure or a petition for reinstatement in  
14 the State of California, the Board shall treat it as a new application for licensure. Respondent  
15 must comply with all the laws, regulations and procedures for reinstatement of a revoked license  
16 in effect at the time the petition is filed, and all of the charges and allegations contained in  
17 Accusation No. 3397 shall be deemed to be true, correct and admitted by Respondent when the  
18 Board determines whether to grant or deny the petition.

19 19. Upon relicensure of the license, Respondent shall pay to the Board costs associated  
20 with its investigation and enforcement pursuant to Business and Professions Code section 125.3  
21 in the amount of \$6500.00.

22 20. If Respondent should ever apply or reapply for a new license or certification, or  
23 petition for reinstatement of a license, by any other health care licensing agency in the State of  
24 California, all of the charges and allegations contained in Accusation, No. 3397 shall be deemed  
25 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
26 other proceeding seeking to deny or restrict licensure.

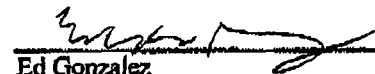
27 21. Respondent shall not apply for licensure for three (3) years from the effective date of  
28 the Board of Pharmacy's Decision and Order.

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

3 ACCEPTANCE

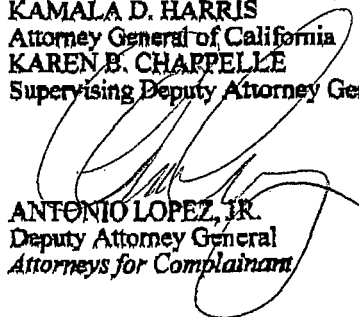
4 I have carefully read the Stipulated Surrender of License and Order and have discussed it  
5 fully with counsel. I understand the stipulation and the effect it will have on my Pharmacy  
6 Technician Registration. I enter into this Stipulated Surrender of License and Order voluntarily,  
7 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of  
8 Pharmacy.

9  
10 DATED: 2/7/11   
11 Nicholas Andrew Papageorge  
12 Respondent

13  
14 DATED: 2/8/11   
15 Ed Gonzalez  
16 Counsel for Respondent

17 ENDORSEMENT

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

20 Dated: February 3, 2011  
21 Respectfully submitted,  
22 KAMALA D. HARRIS  
23 Attorney General of California  
24 KAREN B. CHARPELLE  
25 Supervising Deputy Attorney General  
26   
27 ANTONIO LOPEZ, JR.  
28 Deputy Attorney General  
Attorneys for Complainant

LAZ009603735

**Exhibit A**

**Accusation No. 3397**

RECEIVED BY CALIF.  
BOARD OF PHARMACY  
2009 DEC 14 AM 9:55

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Attorney General of California  
2 MARC D. GREENBAUM  
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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:  
11  
12 **NICHOLAS ANDREW PAPAGEORGE**  
13 **1325 Dawn Road**  
**Nipomo, CA 93444**  
14 **Pharmacy Technician Registration**  
**No. TCH 48940**  
15  
16 Respondent.

Case No. 3397  
**ACCUSATION**

17 Complainant alleges:

18 **PARTIES**

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
21 2. On or about October 3, 2003, the Board of Pharmacy issued Pharmacy Technician  
22 Registration Number TCH 48940 to Nicholas Andrew Papageorge (Respondent). The Pharmacy  
23 Technician Registration was in full force and effect at all times relevant to the charges brought  
24 herein and will expire on December 31, 2010, unless renewed.

25 ///  
26 ///  
27 ///  
28 ///



JURISDICTION

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

4. Section 4301 of the Code states:

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

...

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

...

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

...

"(k) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.

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

...

"(p) Actions or conduct that would have warranted denial of a license."

5. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, cancellation of a license shall not deprive the Board of jurisdiction to proceed with a

1 disciplinary action during the period within which the license may be renewed, restored, reissued  
2 or reinstated.

3 6. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
4 administrative law judge to direct a licentiate found to have committed a violation or violations of  
5 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
6 enforcement of the case.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Substantially Related Convictions)**

9 7. Respondent is subject to disciplinary action under section 4301, subdivision (1) of the  
10 Code in that he was convicted of crimes substantially related to the functions, duties, and  
11 qualifications of a licensee, as follows:

12 8. On or about September 6, 2007, in the Superior Court of California, County of  
13 Santa Barbara, in the case entitled, *People of the State of California v. Nicholas Andrew*  
14 *Papageorge* (Super. Ct. Santa Barbara County, 2007, No. P436238), Respondent was convicted  
15 on his plea of nolo contendere of violating Vehicle Code section 23152, subdivision (a) (driving  
16 while under the influence of a drug with a Prior), a misdemeanor.

17 a. The circumstances of the crime are that on or about June 6, 2007, a California  
18 Highway Patrol (CHP) officer was called to the scene of a single vehicle collision. While driving  
19 his vehicle on a California freeway, Respondent veered left causing the left side of his vehicle to  
20 collide with the guardrail. The CHP officer observed that Respondent exhibited the following  
21 objective signs of intoxication: unsteady gait, slow speech, low volume speech and droopy  
22 eyelids. In addition, the officer observed that he was fidgety, sluggish and agitated.

23 b. The officer attempted to administer several Field Sobriety Tests (F.S.T.s) to  
24 Respondent, including, the Romberg test, the One Leg Stand, the Hand Pat, the Finger Count and  
25 the Horizontal Gaze Nystagmus. Respondent did not properly complete any of the F.S.T.s.  
26 Based upon the circumstances surrounding the collision, Respondent's objective signs of  
27 intoxication and inability to perform the F.S.T.s, the officer formed the opinion that he was  
28

1 driving under the influence of drugs at the time of the collision. The officer placed Respondent  
2 under arrest.

3 9. On or about April 25, 2007, in the Superior Court of California, County of San Luis  
4 Obispo, in the case entitled, *People of the State of California v. Nicholas Andrew Papageorge*  
5 (Super. Ct. San Luis Obispo County, 2007, No. M398649), Respondent was convicted on his plea  
6 of nolo contendere of violating Penal Code section 664 as it relates to Vehicle Code section  
7 23152, subdivision (b) (attempting to drive while under the influence of alcohol), a misdemeanor.

8 a. The circumstances of the crime are that on or about January 20, 2007, a California  
9 Highway Patrol ("CHP") officer was called to the scene of a single vehicle collision. When the  
10 officer arrived at the scene, he contacted Respondent. Respondent denied being the driver of the  
11 vehicle. While talking with Respondent, the officer observed that Respondent exhibited the  
12 following signs of intoxication: watery, glassy eyes, weaving while standing and an odor of an  
13 alcoholic beverage emanating from his person. The officer was unable to administer any Field  
14 Sobriety Tests (F.S.T.s) to Respondent because Respondent was unwilling to cooperate and  
15 follow the directions. Based upon the officer's observations and statements he received from  
16 witnesses, the officer arrested Respondent for violating Vehicle Code section 23152, subdivision  
17 (a).

18 10. On or about August 7, 2006, in the Superior Court of California, County of San Luis  
19 Obispo, in the case entitled, *People of the State of California v. Nicholas Andrew Papageorge*  
20 (Super. Ct. San Luis Obispo County, 2006, No. M380693), Respondent was convicted on his plea  
21 of nolo contendere of violating Penal Code section 594, subdivision (b), subsection (1)  
22 (maliciously and unlawfully defacing, damaging, and destroying real and personal property which  
23 belonged to another, in the amount of four hundred dollars (\$400.00) or more), a misdemeanor.

24 a. The circumstances of the crime are that on or about October 1, 2005, a City of Pismo  
25 Beach Department Police Officer was dispatched to a restaurant for a report of a vehicle that had  
26 been "keyed." During an interview at the Police Department on or about October 2, 2005,  
27 Respondent admitted that he damaged the vehicle using his car keys.

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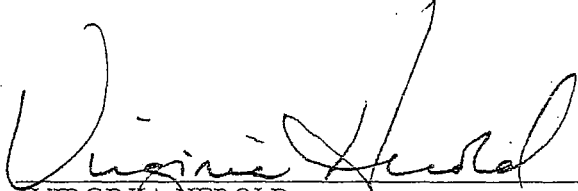


PRAYER

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:

1. Revoking or suspending Pharmacy Technician Registration Number TCH 48940, issued to Nicholas Andrew Papageorge.
2. Ordering Nicholas Andrew Papageorge to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 12/30/09



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

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accusation.rtf