

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

In the Matter of the Accusation Against:

Case No. 3400

MIGUEL ANGEL BARRAGAN

1401 Millett Ave.
South El Monte, CA 91733

Pharmacy Technician Registration No. TCH
79627

Respondent.

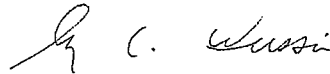
DECISION AND ORDER

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 December 31, 2010.

It is so ORDERED on December 1, 2010.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STANLEY C. WEISSER
Board President

1 EDMUND G. BROWN JR.
Attorney General of California
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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. 3400

11 **MIGUEL ANGEL BARRAGAN**
12 **1401 Millett Ave.**
13 **South El Monte, CA 91733**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 **Pharmacy Technician Registration**
No. TCH 79627

15 Respondent.
16

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

19 **PARTIES**

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
21 She brought this action solely in her official capacity and is represented in this matter by Edmund
22 G. Brown Jr., Attorney General of the State of California, by Kimberley J. Baker-Guillemet,
23 Deputy Attorney General.

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

26 3. On or about December 17, 2007, the Board of Pharmacy issued Pharmacy Technician
27 Registration No. TCH 79627 to Miguel Angel Barragan. The license will expire on July 31,
28 2011, if not renewed.

1 JURISDICTION

2 4. Accusation No. 3400 was filed before the Board of Pharmacy (Board), Department of
3 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
4 statutorily required documents were properly served on Respondent on February 10, 2010.
5 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation
6 No. 3400 is attached as exhibit A and incorporated herein by reference.

7 ADVISEMENT AND WAIVERS

8 5. Respondent has carefully read, and understands the charges and allegations in
9 Accusation No. 3400. Respondent also has carefully read, and understands the effects of this
10 Stipulated Surrender of License and Order.

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

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

20 CULPABILITY

21 8. Respondent admits the truth of each and every charge and allegation in Accusation
22 No. 3400, agrees that cause exists for discipline and hereby surrenders his Pharmacy Technician
23 Registration No. TCH 79627 for the Board's formal acceptance.

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

26 ///

27 ///

28 ///

CONTINGENCY

1
2 10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
3 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
4 communicate directly with the Board regarding this stipulation and surrender, without notice to or
5 participation by Respondent. By signing the stipulation, Respondent understands and agrees that
6 he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
7 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
8 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
9 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
10 be disqualified from further action by having considered this matter.

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

14 12. This Stipulated Surrender of License and Order is intended by the parties to be an
15 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
16 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
17 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
18 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
19 executed by an authorized representative of each of the parties.

20 13. In consideration of the foregoing admissions and stipulations, the parties agree that
21 the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

22
23 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 79627, issued
24 to Respondent Miguel Angel Barragan is surrendered and accepted by the Board of Pharmacy.

25 14. The surrender of Respondent's Pharmacy Technician Registration and the acceptance
26 of the surrendered license by the Board shall constitute the imposition of discipline against
27 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
28 Respondent's license history with the Board.

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

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

5 17. Respondent fully understands and agrees that if he ever files an application for
6 licensure or a petition for reinstatement in the State of California, the Board shall treat it as an
7 application for a new license. Respondent must comply with all the laws, regulations and
8 procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all
9 of the charges and allegations contained in Accusation No. 3400 shall be deemed to be true,
10 correct and admitted by Respondent when the Board determines whether to grant or deny the
11 petition.

12 18. Should Respondent ever apply or reapply for a new license or certification, or petition
13 for reinstatement of a license, by any other health care licensing agency in the State of California,
14 all of the charges and allegations contained in Accusation, No. 3400 shall be deemed to be true,
15 correct, and admitted by Respondent for the purpose of any Statement of Issues or any other
16 proceeding seeking to deny or restrict licensure.

17 19. The Board has accrued costs of investigation and enforcement in the amount of one
18 thousand four hundred twenty-two dollars and fifty cents (\$1,422.50). Respondent shall pay the
19 Board half or 50% of its costs of investigation and enforcement prior to issuance of a new or
20 reinstated license. The balance of the costs shall be paid within six (6) months after the date of
21 relicensure.

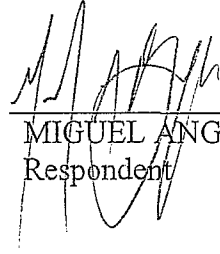
22 20. Upon acceptance of the surrender, Respondent shall relinquish his pharmacy
23 technician license to the board within ten (10) days of notification by the Board that the surrender
24 is accepted. Respondent may not reapply for any license, permit, or registration from the board
25 for three (3) years from the effective date of the surrender. Respondent shall meet all
26 requirements applicable to the license sought as of the date the application for that license is
27 submitted to the board.

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1 ACCEPTANCE

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

6
7 DATED: 9-21-10



8 MIGUEL ANGEL BARRAGAN
9 Respondent

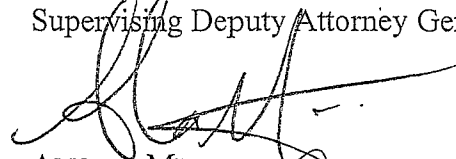
10 ENDORSEMENT

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

13 Dated: September 21, 2010

14 Respectfully submitted,

15 EDMUND G. BROWN JR.
16 Attorney General of California
17 GREGORY J. SALUTE
18 Supervising Deputy Attorney General



19 ALVARO MEJIA
20 Deputy Attorney General
21 *Attorneys for Complainant*

22 DOJ Matter ID: LA2009603938
23 60558568.doc

Exhibit A

Accusation No. 3400

1 EDMUND G. BROWN JR.
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2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 KIMBERLEY J. BAKER-GULLEMET
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Attorneys for Complainant

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13 **South El Monte, CA 91733**
Pharmacy Technician Registration
14 **No. TCH 79627**

A C C U S A T I O N

15 Respondent.

16
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 December 17, 2007, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 79627 to Miguel Angel Barragan (Respondent). The Pharmacy
23 Technician Registration will expire on July 31, 2011, unless renewed.

24 **JURISDICTION**

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

1 4. Section 4301 of the Code states, in pertinent part:

2 "The board shall take action against any holder of a license who is guilty of unprofessional
3 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

4 Unprofessional conduct shall include, but is not limited to, any of the following:

5 ...

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

8 ...

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

11 ...

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

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

17 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
18 surrender, cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
19 disciplinary action during the period within which the license may be renewed, restored, reissued
20 or reinstated.

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

25 CONTROLLED SUBSTANCES/ DANGEROUS DRUGS

26 7. Methamphetamine is a Schedule II controlled substance as designated by Health and
27 Safety Code section 11055, subdivision (d), subsection (2) and is categorized as a dangerous drug
28 pursuant to Business and Professions Code section 4022.

FIRST CAUSE FOR DISCIPLINE

(Violation of Law Regulating Controlled Substances and Dangerous Drugs)

8. Respondent is subject to disciplinary action under section 4301, subdivision (j) in that he violated the law regulating controlled substances and dangerous drugs as follows:

a. On or about August 14, 2008, in the Superior Court of California, County of Los Angeles, in the case entitled, *People of the State of California v. Miguel Angel Barragan* (Super. Ct. Los Angeles County, 2008, No. 8RI04657), Respondent was convicted on his plea of guilty of violating Health & Safety Code section 11377, subdivision (a) (possession of a controlled substance), a misdemeanor. Respondent was granted "deferred entry of judgment" for 18 months and ordered to cooperate with a probation officer in a plan for drug education treatment and awareness program. Respondent repeatedly failed to appear at subsequent court dates. On March 5, 2009, the Court received a "Notice of Termination" from Acacia Counseling/Drug Diversion Program. On March 23, 2009, Respondent's deferred entry of judgment was terminated for the final time. The criminal proceedings were reinstated and Respondent was convicted of violating Health & Safety Code section 11377, subdivision (a).

b. The circumstances are that on or about August 12, 2008, a Los Angeles County Sheriff's deputy observed Respondent driving in a car with tinted windows in violation of Vehicle Code section 26708, subdivision (a), subsection (1). The deputy conducted a traffic stop. Upon contacting Respondent, the deputy could immediately smell the odor of marijuana emanating from his person. The deputy asked Respondent if there was anything illegal in the vehicle. Respondent stated, "I have some drugs in my backpack." Respondent indicated that the drugs were methamphetamine.

c. Upon searching the backpack, the deputy recovered a piece of a plastic bag containing a white crystal like substance which Respondent later admitted was methamphetamine. The deputy also recovered a glass narcotic pipe with a white residue.

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1 PRAYER

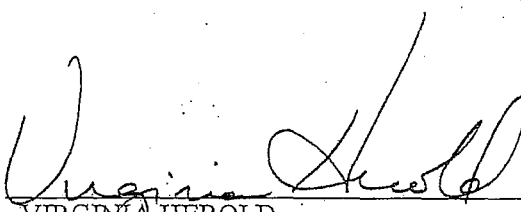
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Pharmacy issue a decision:

4 1. Revoking or suspending Pharmacy Technician Registration Number TCH 79627,
5 issued to Miguel Angel Barragan.

6 2. Ordering Miguel Angel Barragan to pay the Board of Pharmacy the reasonable costs
7 of the investigation and enforcement of this case, pursuant to Business and Professions Code
8 section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.

10
11
12 DATED: 2/3/10


13 VIRGINIA HEROLD
14 Executive Officer
15 Board of Pharmacy
16 Department of Consumer Affairs
17 State of California
18 Complainant

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