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

In the Matter of the Accusation Against:

JEREMY RUBIN GONZALES
11657 Gem Street
Norwalk, CA 90650

Pharmacy Technician Reg. No. TCH 59768

Respondent.

Case No. 3417

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about May 12, 2010, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, filed Accusation No. 3417 against Jeremy Rubin Gonzales ("Respondent") before the Board of Pharmacy, Department of Consumer Affairs ("Board").

2. On or about February 10, 2005, the Board issued Pharmacy Technician Registration No. TCH 59768 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and expired on July 31, 2010.

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1 3. On or about May 12, 2010, Respondent was served by Certified Mail copies of the
2 Accusation No. 3417, Statement to Respondent, Notice of Defense, Request for Discovery, and
3 Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's
4 address of record which, pursuant to Business and Professions Code section 136 and/or agency
5 specific statute or regulation, is required to be reported and maintained with the Board, which was
6 and is:

7 **11657 Gem Street**

8 **Norwalk, CA 90650**

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
11 124.

12 5. Government Code section 11506 states, in pertinent part:

13 (c) The respondent shall be entitled to a hearing on the merits if the respondent
14 files a notice of defense, and the notice shall be deemed a specific denial of all parts
15 of the accusation not expressly admitted. Failure to file a notice of defense shall
16 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
17 may nevertheless grant a hearing.

18 6. Respondent failed to file a Notice of Defense within 15 days after service upon him
19 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
20 3417.

21 7. California Government Code section 11520 states, in pertinent part:

22 (a) If the respondent either fails to file a notice of defense or to appear at the
23 hearing, the agency may take action based upon the respondent's express admissions
24 or upon other evidence and affidavits may be used as evidence without any notice to
25 respondent.

26 8. Pursuant to its authority under Government Code section 11520, the Board finds
27 Respondent is in default. The Board will take action without further hearing and, based on the
28 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on
file at the Board's offices regarding the allegations contained in Accusation No. 3417, finds that

1 the charges and allegations in Accusation No. 3417, are separately and severally, found to be true
2 and correct by clear and convincing evidence.

3 9. Taking official notice of its own internal records, pursuant to Business and
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
5 and Enforcement is \$2,345.00 as of September 23, 2010.

6
7 DETERMINATION OF ISSUES

8 1. Based on the foregoing findings of fact, Respondent Jeremy Rubin Gonzales has
9 subjected his Pharmacy Technician Registration No. TCH 59768 to discipline.

10 2. The agency has jurisdiction to adjudicate this case by default.

11 3. The Board is authorized to revoke Respondent's Pharmacy Technician Registration
12 based upon the following violations alleged in the Accusation which are supported by the
13 evidence contained in the Default Decision Investigatory Evidence Packet in this case:

14 a. Respondent is subject to disciplinary action under sections 4301, subdivision (l)
15 and 490, in conjunction with California Code of Regulations, title 16, section 1770, in that
16 Respondent was convicted of a crime substantially related to the qualifications, functions or
17 duties of a pharmacy technician.

18 b. Respondent is subject to disciplinary action under section 4301, subdivision (f),
19 in that Respondent committed acts involving moral turpitude, dishonesty, fraud, or deceit.

20 c. Respondent is subject to disciplinary action under section 4301, subdivision (g),
21 in that Respondent knowingly made or signed documents that falsely represented the existence or
22 nonexistence of a state of facts.

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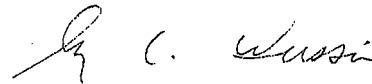
ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 59768, heretofore issued to Respondent Jeremy Rubin Gonzales, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on March 9, 2011.

It is so ORDERED February 7, 2011.



STANLEY C. WEISSER, BOARD PRESIDENT
FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

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DOJ Matter ID:LA2009603940

Exhibit A
Accusation No. 3417

1 EDMUND G. BROWN JR.
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 KIMBERLEY J. BAKER-GUILLEMET
Deputy Attorney General
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300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2533
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 3417

13 **JEREMY RUBIN GONZALES**
11657 Gem St.
Norwalk, CA 90650

A C C U S A T I O N

14 Pharmacy Technician Registration
15 No. TCH 59768

16 Respondent.

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 February 10, 2005, the Board of Pharmacy (Board) issued Pharmacy
22 Technician Registration No. TCH 59768 to Jeremy Rubin Gonzales (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, 2010, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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STATUTORY PROVISIONS

4. Section 118, subdivision (b) states, in pertinent part:

"The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

5. Section 490 states, in pertinent part:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

"(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

"(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

6. Section 4300 provides, in pertinent part, that every license issued by the Board is subject to discipline, including suspension or revocation.

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1 7. Section 4301 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 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
7 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
8 whether the act is a felony or misdemeanor or not.

9 "(g) Knowingly making or signing any certificate or other document that falsely represents
10 the existence or nonexistence of a state of facts.

11

12 "(l) The conviction of a crime substantially related to the qualifications, functions, and
13 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
14 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
15 substances or of a violation of the statutes of this state regulating controlled substances or
16 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
17 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
18 The board may inquire into the circumstances surrounding the commission of the crime, in order
19 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
20 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
21 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
22 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
23 of this provision. The board may take action when the time for appeal has elapsed, or the
24 judgment of conviction has been affirmed on appeal or when an order granting probation is made
25 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
26 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
27 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
28 indictment."

1 REGULATORY PROVISIONS

2 8. California Code of Regulations, title 16, section 1770 states, in pertinent part:

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

9 COST RECOVERY

10 9. Section 125.3 provides, in pertinent part, that the Board may request the
11 administrative law judge to direct a licentiate found to have committed a violation or violations of
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
13 enforcement of the case.

14 FIRST CAUSE FOR DISCIPLINE

15 (Conviction of Substantially Related Crimes)

16 10. Respondent is subject to disciplinary action under sections 4301, subdivision (l)
17 and 490, in conjunction with California Code of Regulations, title 16, section 1770, in that
18 Respondent was convicted of a crime substantially related to the qualifications, functions or
19 duties of a pharmacy technician. On or about May 7, 2007, after pleading nolo contendere,
20 Respondent was convicted of one felony count of violating Penal Code section 487, subdivision
21 (a) [grand theft of property] and one felony count of violating Penal Code section 530.5,
22 subdivision (a) [identity theft] in the criminal proceeding entitled *The People of the State of*
23 *California v. Jeremy Rubin Gonzalez* (Super. Ct. Los Angeles County, 2007, No. BA316852-02).
24 The Court sentenced Respondent to three (3) years and eight (8) months in California State
25 Prison. The circumstances surrounding the conviction are that on or between November 1, 2005,
26 and January 1, 2007, Respondent used credit cards embossed with his name, but encoded with
27 unauthorized Capital One credit card account numbers at casinos in Los Angeles County to
28 charge cash advances to the unauthorized Capital One accounts and to make illegal purchases at

1 retail stores. Respondent used 133 Capital One accounts in purchase attempts for a total amount
2 of \$180,999.71. Respondent successfully used 66 of these accounts for a total loss of \$32,637.35
3 to Capital One. In addition, on or about October 12, 2006, Respondent willfully and unlawfully,
4 obtained the personal identifying information of victim M.B. and used that information to obtain,
5 and attempt to obtain, credit, goods, services, real property, and/or medical information, without
6 the consent of M.B.

7 **SECOND CAUSE FOR DISCIPLINE**

8 (Acts Involving Moral Turpitude, Dishonesty, Fraud or Deceit)

9 11. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
10 that on or between November 1, 2005, and January 1, 2007, and on or about October 12, 2006,
11 Respondent committed acts involving moral turpitude, dishonesty, fraud, or deceit. Complainant
12 refers to, and by this reference incorporates, the allegations set forth above in paragraph 10, as
13 though set forth fully.

14 **THIRD CAUSE FOR DISCIPLINE**

15 (Knowingly Made or Signed Documents that Falsely Represented the Existence or
16 Nonexistence of a State of Facts)

17 12. Respondent is subject to disciplinary action under section 4301, subdivision (g), in
18 that on or between November 1, 2005, and January 1, 2007, and on or about October 12, 2006,
19 Respondent knowingly made or signed documents that falsely represented the existence or
20 nonexistence of a state of facts. Complainant refers to, and by this reference incorporates, the
21 allegations set forth above in paragraph 10, as though set forth fully.

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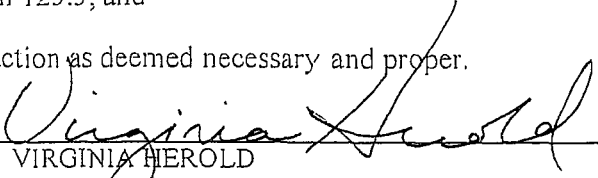
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PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration No. TCH 59768, issued to Respondent;
2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 5/6/10



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

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