

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

In the Matter of the Accusation Against:

Case No. 3562

GEORGE C. ZORRILLA
285 Peppercorn Court
Vallejo, CA 94591
Pharmacy Technician Registration No. TCH
47312

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about June 3, 2010, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3562 against George C. Zorrilla (Respondent) before the Board of Pharmacy.
2. On or about February 28, 2003, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 47312 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2010, unless renewed.
3. On or about July 8, 2010, Joan Randolph, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 3562, Statement to Respondent, Notice of Defense, and Request for Discovery to Respondent's address of record with the Board, which was and is:

285 Peppercorn Court
Vallejo, CA 94591.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

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

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

6. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 3562.

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

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

8. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the evidence contained in the Default Decision Evidence Packet, finds that the allegations in Accusation No. 2011-25 are true.

9. The total cost for investigation and enforcement in connection with the Accusation are \$5,719.50 as of July 10, 2010.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent George C. Zorrilla has subjected his Pharmacy Technician Registration No. TCH 47312 to discipline.

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

3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician Registration based upon the following violations alleged in the Accusation:

a. Respondent is subject to disciplinary action under section 4301(f) of the Code in that Respondent committed moral turpitude, dishonesty, and /or deceit. From about May 2007 until

July 14, 2009 Respondent stole Hydrocodone/APAP, Methcarbamol, and Carisoprodol from his employer Pharmica Integrative Pharmacy. .

b. Respondent is subject to disciplinary action under section 4301(j) in that respondent violated business and Professions Code section 4060 and Health and Safety Code § 11350(a), both are California statutes that regulate controlled substances and dangerous drugs. Respondent did not have a prescription for Hydrocodone, Methcarbamol, or Carisoprodol.

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Respondent.

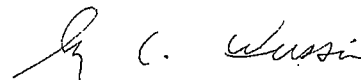
DECISION AND ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 47312, heretofore issued to Respondent George C. Zorrilla, 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 December 17, 2010.

It is so ORDERED November 17, 2010.



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

Exhibit A
Accusation No. 3562

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Supervising Deputy Attorney General
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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. 3562

11 **GEORGE C. ZORRILLA**
12 285 Peppercorn Court
Vallejo, CA 94591
13 **Pharmacy Technician Registration No. TCH**
47312

A C C U S A T I O N

14 Respondent.

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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 28, 2003, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 47312 to George C. Zorrilla (Respondent). The Pharmacy Technician
23 Registration was in full force and effect at all times relevant to the charges brought herein and
24 will expire on October 31, 2010, unless renewed.

25 **JURISDICTION**

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

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4. Section 4300(a) of the Code states:

"Every license issued may be suspended or revoked."

5. 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.

...

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

6. Section 4060 of the Code states:

"No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer.

"Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs

1 and devices."

2 7. Health and Safety Code section 11350(a) states:

3 "Except as otherwise provided in this division, every person who possesses (1) any
4 controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of
5 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or
6 specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section
7 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic
8 drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian
9 licensed to practice in this state, shall be punished by imprisonment in the state prison.

10 COSTS

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

15 DRUGS INVOLVED

16 9. Hydrocodone/APAP is a controlled substance pursuant to Health and Safety Code
17 section 11056(e)(4) and a dangerous drug pursuant to Business of Professions Code § 4022.

18 10. Methcarbamol is a dangerous drug pursuant to Business of Professions Code § 4022

19 11. Carisoprodol is a dangerous drug pursuant to Business of Professions Code § 4022

20 FACTUAL BACKGROUND

21 12. From about May 2007 until July 14, 2009 Respondent stole Hydrocodone/APAP,
22 Methcarbamol, and Carisoprodol from his employer Pharmica Integrative Pharmacy. Respondent
23 did not have a prescription for Hydrocodone, Methcarbamol, or Carisoprodol.

24 FIRST CAUSE FOR DISCIPLINE

25 (Unprofessional Conduct-Moral Turpitude, Dishonesty, or Deceit)

26 13. Respondent is subject to disciplinary action under section 4301(f) of the Code in
27 that Respondent committed moral turpitude, dishonesty, and /or deceit. The circumstances are
28 described in paragraph 12, above.

1 SECOND CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct-Violation of Drug Laws)

3 14. Respondent is subject to disciplinary action under section 4301(j) in that respondent
4 violated business and Professions Code section 4060 and Health and Safety Code § 11350(a),
5 both are California statutes that regulate controlled substances and dangerous drugs. The
6 circumstances are described in paragraph 12, above.

7 PRAYER

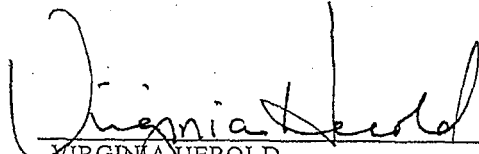
8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board of Pharmacy issue a decision:

10 1. Revoking or suspending Pharmacy Technician Registration Number TCH 47312,
11 issued to George C. Zorrilla.

12 2. Ordering George C. Zorrilla, Jr. to pay the Board of Pharmacy the reasonable costs of
13 the investigation and enforcement of this case, pursuant to Business and Professions Code section
14 125.3;

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

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18 DATED: 6/3/10



19 VIRGINIA HEROLD
20 Executive Officer
21 Board of Pharmacy
22 Department of Consumer Affairs
23 State of California
24 Complainant

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