

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

In the Matter of the Accusation Against:

Case No. 3650

FRANCISCO J. LEYVA
1505 Watt Avenue
Sacramento, CA 95684

Pharmacy Technician Registration No. TCH
38071

Respondent.

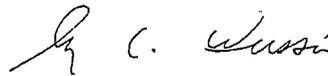
DECISION AND ORDER

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

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Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
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9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 **In the Matter of the Accusation Against:**

Case No. 3650

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13 **FRANCISCO J. LEYVA**
14 **1505 Watt Avenue**
Sacramento, CA 95684

OAH No. 2010081022

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Pharmacy Technician Registration No. TCH**
16 **38071**

17 **Respondent.**

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

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 Brian S. Turner, Deputy Attorney
25 General.

26 2. Francisco J. Leyva (Respondent) is representing himself in this proceeding and has
27 chosen not to exercise his right to be represented by counsel.

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ORDER

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2 **IT IS HEREBY ORDERED** that Pharmacy Technician Registration No. TCH 38071,
3 issued to Respondent Francisco J. Leyva, is **surrendered** and **accepted** by the Board of
4 Pharmacy.

5 14. 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 15. 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 16. Respondent shall cause to be delivered to the Board his wall license certificate, if one
12 was issued, and his pocket license on or before the effective date of the Decision and Order.

13 17. Respondent may not apply for any license, permit or registration from the Board for
14 three (3) years from the effective date of this decision. If Respondent ever files an application for
15 licensure or a petition for reinstatement in the State of California, the Board shall treat it as an
16 application for a new license. Respondent must comply with all the laws, regulations and
17 procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all
18 of the charges and allegations contained in Accusation No. 3650 shall be deemed to be true,
19 correct and admitted by Respondent when the Board determines whether to grant or deny the
20 petition.

21 18. If Respondent should ever apply or reapply for a new license or certification, or
22 petition for reinstatement of a license, by any other health care licensing agency in the State of
23 California, all of the charges and allegations contained in Accusation, No. 3650 shall be deemed
24 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
25 other proceeding seeking to deny or restrict licensure.

26 19. Respondent shall pay the Board its costs of investigation and enforcement in the
27 amount of \$1,950.00 prior to issuance of a new or reinstated license.

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Exhibit A

Accusation No. 3650

1 EDMUND G. BROWN JR.
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2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 BRIAN S. TURNER
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BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
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11

12 In the Matter of the Accusation Against:	Case No. 3650
13 FRANCISCO J. LEYVA	A C C U S A T I O N
14 1505 Watt Avenue	
15 Sacramento, CA 95684	
16 Pharmacy Technician License No. TCH 38071	
17 Respondent.	

18
19 Complainant alleges:

20 **PARTIES**

- 21 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 23 2. On or about October 10, 2001, the Board of Pharmacy issued Pharmacy Technician
24 License Number TCH 38071 to Francisco J. Leyva (Respondent). The Pharmacy Technician
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on May 31, 2011, unless renewed.

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FIRST CAUSE FOR DISCIPLINE

(Conviction of Crime)

10. Respondent has subjected his license to disciplinary action pursuant to section 4301(h) in that respondent was convicted by a plea of no contest on May 27, 2003 for Driving Under the Influence of Alcohol with a blood alcohol in excess of .20. The circumstances are as follows:

11. In or about March 8, 2002 respondent operated a motor vehicle on public roads with a blood alcohol reading of .22.

SECOND CAUSE FOR DISCIPLINE

(Conviction of Crime)

12. Respondent has subjected his license to disciplinary action pursuant to section 4301(h) in that respondent was convicted of Driving Under the Influence with prior conviction by his plea of no contest on February 29, 2008. The circumstances are as follows:

13. On or about December 23, 2007, respondent was operating a motor vehicle on or about J Street and 29th Street, Sacramento, California with a blood alcohol level of .26.

THIRD CAUSE FOR DISCIPLINE

(Conviction of Crime)

14. Respondent has subjected his license to disciplinary action pursuant to section 4301(h) in that respondent was convicted of Driving Under the Influence with two prior convictions and driving with a suspended license by his plea of no contest on July 31, 2008. The circumstances are as follows:

15. On April 12, 2008 respondent was observed by the California Highway Patrol driving eastbound on Madison Avenue, Sacramento County at 63 mph in a 45 mph zone. Respondent was observed weaving in and out of traffic until the arresting officers could reach respondent to stop him. Respondent denied drinking alcohol but subsequently was determined to have a blood alcohol of .20. At the time respondent was operating the vehicle he did not have a valid California Driver's license.

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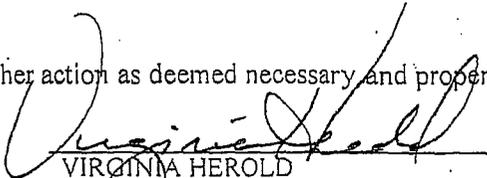
PRAYER

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 License Number TCH 38071, issued to Francisco J. Leyva.
2. Ordering Francisco J. Leyva 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:

7/16/10



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

SA2010101204