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

In the Matter of the Statement of Issues Against:

Case No. 3760

JASON ALLAN HAWES 1967 West 236th Street

Torrance, CA 90504

Applicant for Pharmacy Technician License

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary 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 April 15, 2011.

It is so ORDERED on March 16, 2011.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

(. Wusi

By

STANLEY C. WEISSER

Board President

1	EDMUND G. BROWN JR. Attorney General of California		
2	MARC D. GREENBAUM Supervising Deputy Attorney General		
3	GILLIAN E. FRIEDMAN Deputy Attorney General		
4	State Bar No. 169207 300 So. Spring Street, Suite 1702		
5	Los Angeles, CA 90013 Telephone: (213) 897-2564		
6	Facsimile: (213) 897-2804 Attorneys for Complainant		
7	BEFOI	RE THE	
8	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
9	STATE OF C	CALIFORNIA	
10	In the Matter of the Statement of Issues	Case No. 3760	
11	Against:	STIPULATED SETTLEMENT AND	
12	JASON ALLAN HAWES 1967 West 236th Street	DISCIPLINARY ORDER	
13	Torrance, CA 90504		
14	Applicant for Pharmacy Technician		
15	Registration		
16	Respondent.		
17			
18			
19			
20			
21	IT IS HEREBY STIPULATED AND AGI	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-	
22	entitled proceedings that the following matters are true:		
23	PAR	TIES	
24	1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.		
25	She brought this action solely in her official capacity and is represented in this matter by Edmund		
26	G. Brown Jr., Attorney General of the State of California, by Gillian E. Friedman, Deputy		
27	Attorney General.		
28	· · · · · · · · · · · · · · · · · · ·		
		1	
		STIPULATED SETTLEMENT (3760)	

2. On or about August 10, 2009, Respondent filed an application dated July 9, 2009 with the Board of Pharmacy to obtain Registration as a Pharmacy Technician.

JURISDICTION

3. Statement of Issues No. 3760 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on November 15, 2010. A copy of Statement of Issues No. 3760 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

- 4. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 5. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

- 6. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. 3760.
- 7. Respondent agrees that his Applicant for Pharmacy Technician Registration is subject to denial and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

8. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to

2.8

or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

- 9. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
- 10. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.
- 11. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that upon satisfaction of all statutory and regulatory requirements for issuance of Registration as a Pharmacy Technician, the Registration shall be issued to respondent Jason Allan Hawes and immediately revoked; the order of revocation is stayed and respondent is placed on probation for three (3) years upon the following terms and conditions:

1. Certification Prior to Resuming Work

Respondent shall be automatically suspended from working as a pharmacy technician until he is certified as defined by Business and Professions Code section 4202(a)(4) and provides satisfactory proof of certification to the board. Respondent shall not resume working as a

pharmacy technician until notified by the board. Failure to achieve certification within one (1) year shall be considered a violation of probation. Respondent shall not resume working as a pharmacy technician until notified by the board.

During suspension, respondent shall not enter any pharmacy area or any portion of any other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and devices or controlled substances are maintained. Respondent shall not do any act involving drug selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent manage, administer, or assist any licensee of the board. Respondent shall not have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances. Respondent shall not resume work until notified by the board.

Subject to the above restrictions, respondent may continue to own or hold an interest in any licensed premises by the board in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.

Failure to comply with this suspension shall be considered a violation of probation.

2. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the board, in writing, within seventy-two (72) hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty or nolo contendre in any state or federal criminal proceeding to any criminal complaint, information or indictment
 - a conviction of any crime
- discipline, citation, or other administrative action filed by any state or federal agency which involves respondent's registration as a pharmacy technician or which is related to the

practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

Failure to timely report any such occurrence shall be considered a violation of probation.

3. Report to the Board

Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the board.

4. Interview with the Board

Upon receipt of reasonable prior notice, respondent shall appear in person for interviews with the board or its designee, at such intervals and locations as are determined by the board or its designee. Failure to appear for any scheduled interview without prior notification to board staff, or failure to appear at two (2) or more scheduled interviews with the board or its designee during the period of probation, shall be considered a violation of probation.

5. Cooperate with Board Staff

Respondent shall cooperate with the board's inspection program and with the board's monitoring and investigation of respondent's compliance with the terms and conditions of his probation. Failure to cooperate shall be considered a violation of probation.

6. Notice to Employers

During the period of probation, respondent shall notify all present and prospective employers of the decision in case number 3760 and the terms, conditions and restrictions imposed on respondent by the decision, as follows:

28 | ///

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment, respondent shall cause his direct supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's tenure of employment) and owner to report to the board in writing acknowledging that the listed individual(s) has/have read the decision in case number 3760 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s) submit timely acknowledgement(s) to the board.

If respondent works for or is employed by or through a pharmacy employment service, respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy of the terms and conditions of the decision in case number 3760 in advance of the respondent commencing work at each pharmacy. A record of this notification must be provided to the board upon request.

Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment by or through a pharmacy employment service, respondent shall cause his direct supervisor with the pharmacy employment service to report to the board in writing acknowledging that he or she has read the decision in case number 3760 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

Failure to timely notify present or prospective employer(s) or to cause that/those employer(s) to submit timely acknowledgements to the board shall be considered a violation of probation.

"Employment" within the meaning of this provision shall include any full-time, part-time, temporary or relief service or pharmacy management service as a pharmacy technician or in any position for which a pharmacy technician license is a requirement or criterion for employment, whether the respondent is considered an employee, independent contractor or volunteer.

7. Probation Monitoring Costs

Respondent shall pay any costs associated with probation monitoring as determined by the board each and every year of probation. Such costs shall be payable to the board on a schedule as directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall be considered a violation of probation.

8. Status of License

Respondent shall, at all times while on probation, maintain an active, current pharmacy technician license with the board, including any period during which suspension or probation is tolled. Failure to maintain an active, current license shall be considered a violation of probation.

If respondent's pharmacy technician license expires or is cancelled by operation of law or otherwise at any time during the period of probation, including any extensions thereof due to tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

9. License Surrender While on Probation/Suspension

Following the effective date of this decision, should respondent cease work due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent may tender his pharmacy technician license to the board for surrender. The board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of the respondent's license history with the board.

Upon acceptance of the surrender, respondent shall relinquish his pharmacy technician license to the board within ten (10) days of notification by the board that the surrender is accepted. Respondent may not reapply for any license, permit, or registration from the board for three (3) years from the effective date of the surrender. Respondent shall meet all

requirements applicable to the license sought as of the date the application for that license is submitted to the board.

10. Notification of a Change in Name, Residence Address, Mailing Address or Employment

Respondent shall notify the board in writing within ten (10) days of any change of employment. Said notification shall include the reasons for leaving, the address of the new employer, the name of the supervisor and owner, and the work schedule if known. Respondent shall further notify the board in writing within ten (10) days of a change in name, residence address and mailing address, or phone number.

Failure to timely notify the board of any change in employer(s), name(s), address(es), or phone number(s) shall be considered a violation of probation.

11. Tolling of Probation

Except during periods of suspension, respondent shall, at all times while on probation, be employed as a pharmacy technician in California for a minimum of twenty (20) hours per calendar month. Any month during which this minimum is not met shall toll the period of probation, i.e., the period of probation shall be extended by one month for each month during which this minimum is not met. During any such period of tolling of probation, respondent must nonetheless comply with all terms and conditions of probation.

Should respondent, regardless of residency, for any reason (including vacation) cease working as a pharmacy technician for a minimum of twenty (20) hours per calendar month in California, respondent must notify the board in writing within ten (10) days of cessation of work and must further notify the board in writing within ten (10) days of the resumption of the work. Any failure to provide such notification(s) shall be considered a violation of probation.

It is a violation of probation for respondent's probation to remain tolled pursuant to the provisions of this condition for a total period, counting consecutive and non-consecutive months, exceeding thirty-six (36) months.

"Cessation of work" means calendar month during which respondent is not working for at least twenty (20) hours as a pharmacy technician, as defined in Business and Professions

2:3

///

Code section 4115. "Resumption of work" means any calendar month during which respondent is working as a pharmacy technician for at twenty (20) hours as a pharmacy technician as defined by Business and Professions Code section 4115.

12. Violation of Probation

If a respondent has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent, and probation shall automatically be extended, until all terms and conditions have been satisfied or the board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty that was stayed.

If respondent violates probation in any respect, the board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. Notice and opportunity to be heard are not required for those provisions stating that a violation thereof may lead to automatic termination of the stay and/or revocation of the license. If a petition to revoke probation or an accusation is filed against respondent during probation, the board shall have continuing jurisdiction, and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided.

13. Completion of Probation

Upon written notice by the board indicating successful completion of probation, respondent's pharmacy technician license will be fully restored.

14. No Ownership of Licensed Premises

Respondent shall not own, have any legal or beneficial interest in, or serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90) days following the effective date of this decision and shall immediately thereafter provide written proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide documentation thereof shall be considered a violation of probation.

1

11

12

13

14

10

15 16 17

19 20

18

2122

24

23

2526

27 28

15. Attend Substance Abuse Recovery Relapse Prevention and Support Groups Following Positive Drug Screening

Upon one confirmed positive drug screening, Respondent shall begin regular attendance at a recognized and established substance abuse recovery support group in California, (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board or its designee. Respondent must attend at least one group meeting per week unless otherwise directed by the board or its designee. Respondent shall continue regular attendance and submit signed and dated documentation confirming attendance with each quarterly report for the duration of probation. Failure to attend or submit documentation thereof shall be considered a violation of probation.

16. Random Drug Screening

Respondent, at his own expense, shall participate in random testing, including but not limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug screening program as directed by the board or its designee. Respondent may be required to participate in testing for the entire probation period and the frequency of testing will be determined by the board or its designee. At all times respondent shall fully cooperate with the board or its designee, and shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its designee may direct. Failure to timely submit to testing as directed shall be considered a violation of probation. Upon request of the board or its designee, respondent shall provide documentation from a licensed practitioner that the prescription for a detected drug was legitimately issued and is a necessary part of the treatment of the respondent. Failure to timely provide such documentation shall be considered a violation of probation. Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment shall be considered a violation of probation and shall result in the automatic suspension of work by respondent. Respondent may not resume work as a pharmacy technician until notified by the board in writing.

During suspension, respondent shall not enter any pharmacy area or any portion of or any other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and devices or controlled substances are maintained. Respondent shall not do any act involving drug selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent manage, administer, or assist any licensee of the board. Respondent shall not have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances. Respondent shall not resume work until notified by the board.

Respondent shall not direct, control or perform any aspect of the practice of pharmacy. Subject to the above restrictions, respondent may continue to own or hold an interest in any licensed premises in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.

Failure to comply with this suspension shall be considered a violation of probation.

17. Work Site Monitor

Within ten (10) days of the effective date of this decision, respondent shall identify a work site monitor, for prior approval by the board, who shall be responsible for supervising respondent during working hours. Respondent shall be responsible for ensuring that the work site monitor reports in writing to the board quarterly. Should the designated work site monitor determine at any time during the probationary period that respondent has not maintained sobriety, he or she shall notify the board immediately, either orally or in writing as directed. Should respondent change employment, a new work site monitor must be designated, for prior approval by the board, within ten (10) days of commencing new employment. Failure to identify an acceptable initial or replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be considered a violation of probation.

18. Abstain from Drugs and Alcohol Use

Respondent shall completely abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their associated paraphernalia except when the drugs are lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon

request of the board or its designee, respondent shall provide documentation from the licensed practitioner that the prescription for the drug was legitimately issued and is a necessary part of the treatment of the respondent. Failure to timely provide such documentation shall be considered a violation of probation. Respondent shall ensure that he or she is not in the same physical location as individuals who are using illicit substances even if respondent is not personally ingesting the drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia not supported by the documentation timely provided, and/or any physical proximity to persons using illicit substances, shall be considered a violation of probation.

19. Community Services Program

Within sixty (60) days of the effective date of this decision, respondent shall submit to the board or its designee, for prior approval, a community service program in which respondent shall provide free health-care related services to a community or charitable facility or agency for at least 100 hours per year for the first two (2) years of probation.

Within thirty (30) days of board approval thereof, respondent shall submit documentation to the board demonstrating commencement of the community service program. Respondent owner shall report on progress with the community service program in the quarterly reports.

Failure to timely submit, commence, or comply with the program shall be considered a violation of probation.

ACCEPTANCE

I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 12-08-2010

SON ALLAN HAWES

Respondent

26 | ///

///

28 [signatures continue]

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: $\frac{208-2010}{1-5-2011}$

Respectfully Submitted,

EDMUND G. BROWN JR. Attorney General of California MARC D. GREENBAUM Supervising Deputy Attorney General

GILLIAN E. FRIEDMAN
Deputy Attorney General
Attorneys for Complainant

LA2010503484 60567948.doc

Exhibit A

Statement of Issues No. 3760

1 2 3 4 5 6 7	EDMUND G. BROWN JR. Attorney General of California MARC D. GREENBAUM Supervising Deputy Attorney General GILLIAN E. FRIEDMAN Deputy Attorney General State Bar No. 169207 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-2564 Facsimile: (213) 897-2804 Attorneys for Complainant		
8	BEFORE THE		
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
10	STATE OF	ALIFORNIA	
11	I the Method of Language	Case No. 3760	
12	In the Matter of the Statement of Issues Against:	Case 140. 3700	
13	JASON ALLAN HAWES 1967 West 236th Street	STATEMENT OF ISSUES	
14	Torrance, CA 90504	STATEMENT OF ISSUES	
15	Applicant for Pharmacy Technician Registration		
16	Respondent.		
17		·	
18	Complainant alleges:		
19	PAR	TIES	
20	1. Virginia Herold (Complainant) bring	s this Statement of Issues solely in her official	
21	capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.		
22	2. On or about August 10, 2009, the Bo	oard of Pharmacy, Department of Consumer	
23	Affairs received an Application for Registration as a Pharmacy Technician from Jason Allan		
24	Hawes (Respondent). On or about July 9, 2009, Jason Allan Hawes certified under penalty of		
25	perjury to the truthfulness of all statements, answers, and representations in the application. The		
26_	Board denied the application on May 19, 2010.		
27	///		
28	///		
ļ		1	

26_

///

JURISDICTION

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

STATUTORY PROVISIONS

- 4. Section 118, subdivision (b) provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.
 - 5. Section 480(a) states, in pertinent part:
- (a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(3)(A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

6. Section 4060 states, in pertinent part:

"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."

1	7. Section 4301 states, in pertinent part:		
2	"The board shall take action against any holder of a license who is guilty of		
3	unprofessional conduct or whose license has been procured by fraud or misrepresentation or		
4	issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the		
5	following:		
6			
.7	(h) The administering to oneself, of any controlled substance, or the use of any		
8	dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or		
9	injurious to oneself, to a person holding a license under this chapter, or to any other person or to		
10	the public, or to the extent that the use impairs the ability of the person to conduct with safety to		
11	the public the practice authorized by the license.		
12	•••		
13	(j) The violation of any of the statutes of this state, or any other state, or of the United		
14	States regulating controlled substances and dangerous drugs.		
15	23		
16	REGULATORY PROVISIONS		
17	8. California Code of Regulations, title 16, section 1770, states, in pertinent part:		
18	"For the purpose of denial, suspension, or revocation of a personal or facility license		
19	pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a		
20	crime or act shall be considered substantially related to the qualifications, functions or duties of a		
21	licensee or registrant if to a substantial degree it evidences present or potential unfitness of a		
22	licensee or registrant to perform the functions authorized by his license or registration in a mann		
23	consistent with the public health, safety, or welfare."		
24	CONTROLLED SUBSTANCES		
25	9. "Ecstasy" is a controlled substance as defined in Health and Safety Code		
26	section 11377(a)), and is categorized as a dangerous drug pursuant to section 4022.		
27			
28			

1	10. "Marijuana" is a hallucinogenic Schedule I controlled substance as defined by		
2	Health and Safety Code section 11054(d)(13) and is categorized as a dangerous drug pursuant to		
3	section 4022.		
4	FIRST CAUSE FOR DISCIPLINE		
5	(Use or Self-Administration of Controlled Substances)		
6	11. Respondent is subject to disciplinary action under sections 480(a)(3) and 4301,		
7	subdivisions (h) and (j), in that, on or about January 3, 2009, Respondent was arrested by the		
8	Torrance Police Department for being in possession of esctasy and marijuana, controlled		
9	substances. Respondent had injested three ecstasy tablets at the time he was arrested.		
10	SECOND CAUSE FOR DISCIPLINE		
11	(Possession of a Controlled Substance without a Valid Prescription)		
12	12. Respondent is subject to disciplinary action under sections 4301, subdivision (j)		
13	and 4060, in that, on or about January 3, 2009, Respondent was found to be in possession of		
14	controlled substances without valid prescriptions. The facts are that on or about January 3, 2009,		
15	Respondent was arrested by the Torrance Police Department for being in possession of esctasy		
16	and marijuana, controlled substances. Respondent admitted being in possession of ecstasy		
17	tablets and marijuana.		
18	PRAYER		
19	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,		
20	and that following the hearing, the Board of Pharmacy issue a decision:		
21	1. Denying the application of Jason Allan Hawes for a Pharmacy Technician		
22	Registration; and		
23	2. Taking such other and further action as deemed necessary and proper.		
24	11/2/10 Diais		
25	DATED: 11/3/10 VIRGINIA HEROLD		
26	Executive Officer Board of Pharmacy		
2.7	Department of Consumer Affairs State of California		
28	Complainant LA2010503484/50712340.doc		