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

In the Matter of the Accusation Against:

RONALD CHACON
1141 Southgate Ave.
Daly City, CA 94015

Pharmacy Technician License No. TCH 80432

Respondent.

Case No. 3782

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about November 2, 2010, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3782 against Ronald Chacon (Respondent) before the Board of Pharmacy. A copy of the Accusation is attached as exhibit A.

2. On or about January 7, 2008, the Board of Pharmacy issued Pharmacy Technician License No. TCH 80432 to Ronald Chacon (Respondent). The license was in full force and effect at all times relevant to the charges herein and will expire on August 31, 2011, unless renewed.

3. On or about November 5, 2010, Respondent was served by Certified and First Class Mail with copies of: Accusation No. 3782; a Statement to Respondent, a Notice of Defense (2 copies); a Request for Discovery; and the Discovery Statutes (Gov. Code, §§ 11507.5, 11507.6, 11507.7) at Respondent's address of record, which was and is: 1141 Southgate Ave., Daly City, CA 94015. Pursuant to Business and Professions Code section 136 and/or 4100, and/or California Code of Regulations, title 16, section 1704, Respondent's address of record, and any changes thereto, are required to be reported and maintained with the Board of Pharmacy (Board).

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

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

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

9 6. Respondent failed to file a Notice of Defense within 15 days after service on him of
10 the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 3782.

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

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

16 8. Pursuant to its authority under Government Code section 11520, the Board finds
17 Respondent is in default. The Board will take action without further hearing and, based on the
18 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
19 as well as taking official notice of all the investigatory reports, exhibits and statements contained
20 therein on file at the Board's offices regarding the allegations contained in Accusation No. 3782,
21 finds that the charges and allegations in Accusation No. 3782, are separately and severally true
22 and correct by clear and convincing evidence.

23 9. Taking official notice of its own internal records, pursuant to Business and
24 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
25 and Enforcement is \$2,132.50 as of February 7, 2011.

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DETERMINATION OF ISSUES

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2 1. Based on the foregoing findings of fact, Respondent Ronald Chacon has subjected his
3 Pharmacy Technician License No. TCH 80432 to discipline.

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

5 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
6 License based upon the following violations alleged in the Accusation which are supported by the
7 evidence contained in the Default Decision Investigatory Evidence Packet in this case:

8 a. In violation of Business and Professions Code section(s) 4301(l) and/or 490, by
9 reference to California Code of Regulations, title 16, section 1770, Respondent was convicted of
10 a substantially related crime, in that on or about September 29, 2009, in the criminal case *People*
11 *v. Ronald Chacon, Daniell Crystal Reyes*, Case No. CC814604 in Santa Clara County Superior
12 Court, Respondent was convicted of violating Penal Code section 12034, subdivision (a) (Driver
13 or owner of vehicle permitting another to carry or bring firearm into vehicle), a misdemeanor..

14 b. In violation of Business and Professions Code section 4301(h), on or about August
15 11, 2008, during the contact with police leading to the conviction in subparagraph (a),
16 Respondent admitted that he had possessed/self-administered **marijuana**, a controlled substance;

17 c. In violation of Business and Professions Code section 4301(j), (o), and/or 4059, on
18 or about August 11, 2008 Respondent furnished to himself or another without a valid
19 prescription, and/or conspired, assisted or abetted furnishing of, a controlled substance;

20 d. In violation of Business and Professions Code section 4301(j), (o), and/or 4060,
21 and/or Health and Safety Code section 11357, on or about August 11, 2008 Respondent
22 possessed, conspired and/or assisted in or abetted possession of, a controlled substance;

23 e. In violation of Business and Professions Code section 4301(j) and/or (o), and/or
24 Health and Safety Code section 11170, on or about August 11, 2008 Respondent self-
25 administered/used, conspired to self-administer/use, and/or assisted in/abetted self-
26 administration/use, of a controlled substance, without prescription.

27 f. In violation of Business and Professions Code section 4301, Respondent, as described
28 above, engaged in unprofessional conduct.

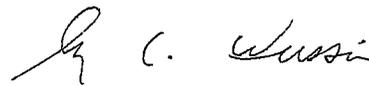
1 ORDER

2 IT IS SO ORDERED that Pharmacy Technician License No. TCH 80432, heretofore issued
3 to Respondent Ronald Chacon, is revoked.

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

8 This Decision shall become effective on May 11, 2011.

9 It is so ORDERED April 11, 2011.

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

15 20403552.DOC
16 DOJ Matter ID:SF2010202078

17 Attachment:
18 Exhibit A: Accusation

Exhibit A

Accusation

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2 FRANK H. PACOE
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3 JOSHUA A. ROOM
Deputy Attorney General
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Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 3782

11 **RONALD CHACON**
12 **1141 Southgate Ave.**
13 **Daly City, CA 94015**

A C C U S A T I O N

14 **Pharmacy Technician License No. TCH 80432**

15 Respondent.

16 Complainant alleges:

17 PARTIES

18 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
19 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

20 2. On or about January 7, 2008, the Board of Pharmacy issued Pharmacy Technician
21 License Number TCH 80432 to Ronald Chacon (Respondent). The Pharmacy Technician
22 License was in full force and effect at all times relevant to the charges brought herein and will
23 expire on August 31, 2011, unless renewed.

24
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 (Code) unless otherwise indicated.

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

5 8. Section 490 of the Code provides, in pertinent part, that the Board may suspend or
6 revoke a license when it finds that the licensee has been convicted of a crime substantially related
7 to the qualifications, functions or duties of the license.

8 9. California Code of Regulations, title 16, section 1770, states:

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

15 8. Section 4060 of the Code provides, in pertinent part, that no person shall possess any
16 controlled substance, except that furnished upon a valid prescription/drug order.

17 9. Health and Safety Code section 11170 provides that no person shall prescribe,
18 administer, or furnish a controlled substance for himself or herself.

19 10. Health and Safety Code section 11357, in pertinent part, makes it unlawful for any
20 person to possess **marijuana** or concentrated cannabis.

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

24
25 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

26 14. Section 4021 of the Code states:

27 "Controlled substance' means any substance listed in Chapter 2 (commencing with Section
28 11053) of Division 10 of the Health and Safety Code."

1 15. Section 4022 of the Code states, in pertinent part:

2 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self use,
3 except veterinary drugs that are labeled as such, and includes the following:

4 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without
5 prescription,’ ‘Rx only,’ or words of similar import.

6 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
7 prescription or furnished pursuant to Section 4006.

8 16. **Marijuana** is a Schedule I controlled substance as designated by Health and Safety
9 Code section 11054(d)(13), and a dangerous drug as designated by Business and Professions
10 Code section 4022. It is a hallucinogenic drug.

11
12 FIRST CAUSE FOR DISCIPLINE

13 (Conviction of Substantially Related Crime(s))

14 11. Respondent is subject to discipline under section 4301(l) and/or section 490 of the
15 Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of
16 substantially related crime(s), in that on or about September 29, 2009, in the criminal case *People*
17 *v. Ronald Chacon, Daniell Crystal Reyes*, Case No. CC814604 in Santa Clara County Superior
18 Court, Respondent was convicted of violating Penal Code section 12034, subdivision (a) (Driver
19 or owner of vehicle permitting another to carry or bring firearm into vehicle), a misdemeanor.
20 The conviction was entered in Santa Clara County Superior Court as follows:

21 a. On or about August 11, 2008, Respondent was one of three persons in a vehicle
22 stopped by Milpitas Police for its lack of a front license plate. The driver consented to a search of
23 the vehicle. A patdown search of the other passenger’s person found two concealed firearms. A
24 third firearm was found within reach of Respondent (seated in the back seat) in the pocket on the
25 back of the front seat behind which Respondent was sitting. A further search of the vehicle found
26 methamphetamine, cocaine, and **marijuana**, a digital scale, and empty plastic bags. Respondent
27 admitted to the officer(s) that he had smoked **marijuana** earlier in the day.

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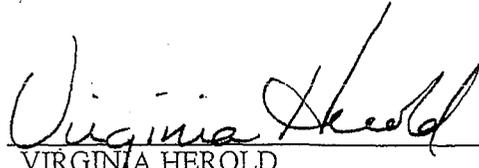
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2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED:

11/2/10



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

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