

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

In the Matter of the Accusation Against:

**NELSON GRODOALDO PORTILLO**  
6616 Irvine Avenue  
North Hollywood, CA 91606

**Pharmacy Technician License No. TCH 74159**

Respondent.

Case No. 3810

OAH No. L-2011070534

**DECISION AND ORDER**

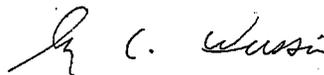
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on May 4, 2012.

It is so ORDERED on April 4, 2012.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 HEATHER HUA  
Deputy Attorney General  
4 State Bar No. 223418  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
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6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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

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11 In the Matter of the Accusation Against:

Case No. 3810

12 **NELSON GRODOALDO PORTILLO**  
13 **6616 Irvine Avenue**  
**North Hollywood, CA 91606**

OAH No. L-2011070534

14 **Pharmacy Technician Registration No. TCH**  
15 **74159**

**STIPULATED SURRENDER OF**  
**LICENSE AND ORDER**

16 Respondent.

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
19 proceeding that the following matters are true:

20 **PARTIES**

21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.  
22 She brought this action solely in her official capacity and is represented in this matter by Kamala  
23 D. Harris, Attorney General of the State of California, by Heather Hua, Deputy Attorney General.

24 2. Nelson Grodoaldo Portillo (Respondent) is represented in this proceeding by attorney  
25 Marina Turovsky, whose address is 8749 Holloway Drive, West Hollywood, CA 90069.

26 3. On or about February 16, 2007, the Board of Pharmacy issued Pharmacy Technician  
27 Registration No. TCH 74159 to Respondent. The Pharmacy Technician Registration was in full  
28

1 force and effect at all times relevant to the charges brought in Accusation No. 3810 and will  
2 expire on May 31, 2012, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 3810 was filed before the Board of Pharmacy (Board), Department of  
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other  
6 statutorily required documents were properly served on Respondent on June 22, 2011.  
7 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation  
8 No. 3810 is attached as Exhibit A and incorporated by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, fully discussed with counsel, and understands the  
11 charges and allegations in Accusation No. 3810. Respondent also has carefully read, fully  
12 discussed with counsel, and understands the effects of this Stipulated Surrender of License and  
13 Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the right to a  
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at  
16 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
17 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
18 the attendance of witnesses and the production of documents; the right to reconsideration and  
19 court review of an adverse decision; and all other rights accorded by the California  
20 Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
22 every right set forth above.

23 **CULPABILITY**

24 8. Respondent admits the truth of each and every charge and allegation in Accusation  
25 No. 3810, agrees that cause exists for discipline and hereby surrenders his Pharmacy Technician  
26 Registration No. TCH 74159 for the Board's formal acceptance.

27 9. Respondent understands that by signing this stipulation he enables the Board to issue  
28 an order accepting the surrender of his Pharmacy Technician Registration without further process.





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DATED: \_\_\_\_\_

*Signature page attached*

**NELSON GRODOALDO PORTILLO**  
Respondent

I have read and fully discussed with Respondent Nelson Grodoaldo Portillo the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: \_\_\_\_\_

*Signature page attached*

**MARINA TUROVSKY, Esq.**  
Attorney for Respondent

**ENDORSEMENT**

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

Dated:

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
GREGORY J. SALUTE  
Supervising Deputy Attorney General

HEATHER HUA  
Deputy Attorney General  
*Attorneys for Complainant*

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DATED:

1-25-12

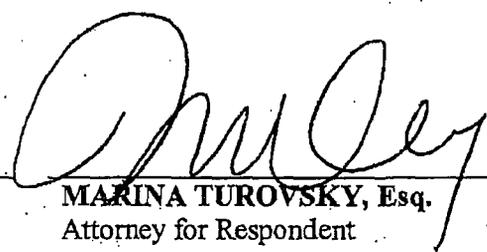


NELSON GRODOALDO PORTILLO  
Respondent

I have read and fully discussed with Respondent Nelson Grodoaldo Portillo the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED:

1/25/12



MARINA TUROVSKY, Esq.  
Attorney for Respondent

**ENDORSEMENT**

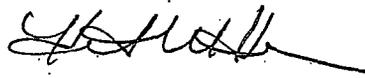
The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated:

January 25, 2012

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
GREGORY J. SALUTE  
Supervising Deputy Attorney General



HEATHER HUA  
Deputy Attorney General  
*Attorneys for Complainant*

**Exhibit A**

**Accusation No. 3810**

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 KEVIN J. RIGLEY  
Deputy Attorney General  
4 State Bar No. 131800  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2540  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
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8 **BEFORE THE**  
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9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 3810

12 **NELSON GRODOALDO PORTILLO a.k.a.,**  
13 **NELSON GROALDO PORTILLO**  
6616 Irvine Avenue  
14 North Hollywood, CA 91606

**A C C U S A T I O N**

15 Pharmacy Technician Registration No. TCH 74159

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 16, 2007, the Board of Pharmacy (Board) issued Pharmacy  
22 Technician Registration No. TCH 74159 to Nelson Grodoaldo Portillo, also known as Nelson  
23 Groaldo Portillo (Respondent). The Pharmacy Technician Registration was in full force and  
24 effect at all times relevant to the charges brought herein and will expire on May 31, 2012, unless  
25 renewed.

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1 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified  
2 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
3 labeled with the name and address of the supplier or producer.”

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

6 8. Section 4301 states, in pertinent part:

7 “The Board shall take action against any holder of a license who is guilty of unprofessional  
8 conduct ... Unprofessional conduct shall include, but is not limited to, any of the following:

9 ....

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

12 ....

13 “(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
14 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
15 federal and state laws and regulations governing pharmacy, including regulations established by  
16 the board or by any other state or federal regulatory agency.”

17 **CONTROLLED SUBSTANCE**

18 9. “Marijuana,” is a Schedule I controlled substance as designated by Health and Safety  
19 Code section 11054, subdivision (d) (13) and is categorized as dangerous drug pursuant to section  
20 4022.

21 **COST RECOVERY**

22 10. Section 125.3 states, in pertinent part, that the Board may request the administrative  
23 law judge to direct a licentiate found to have committed a violation or violations of the licensing  
24 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
25 case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (Possession of a Controlled Substance)

3 11. Respondent is subject to disciplinary action under section 4301, subdivisions (j) and  
4 (o), in conjunction with Health and Safety Code section 11054, subdivision (d)(13), for violating  
5 section 4060, in that Respondent was found to be in possession of marijuana, a controlled  
6 substance. The underlying circumstances thereof are as follows: On or about January 27, 2010,  
7 Respondent was sitting in the front passenger seat of a vehicle that was parked behind a shopping  
8 complex. Another male individual ("J.S.") was sitting in the driver's seat of that same vehicle.  
9 While on routine patrol in a black and white marked police vehicle, two officers from the Los  
10 Angeles Police Department stopped and asked Respondent and J.S. what they were doing. J.S.  
11 responded by admitting that he and Respondent were "about to smoke some weed". The officers  
12 then exited their squad car and proceeded to walk over to J.S. and Respondent, who were still  
13 seated in their vehicle. At such time, one of the officers detected a strong odor of marijuana  
14 emitting from the interior of J.S. and Respondent's vehicle. One of the officers then observed  
15 what turned out to be a considerable amount of marijuana stored in a clear plastic container and a  
16 black digital scale lying on the passenger-side floorboard next to Respondent's feet. Thereafter,  
17 Respondent admitted to the officers that the marijuana and the black digital scale belonged to  
18 him. Respondent was then arrested for violating Health and Safety Code section 11359  
19 (possession of marijuana for sale) and Health and Safety Code section 11357, subdivision (b)  
20 (possession of marijuana, less than one ounce).

21 **PRAYER**

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

24 1. Revoking or suspending Pharmacy Technician Registration Number TCH 74159,  
25 issued to Nelson Grodoaldo Portillo;

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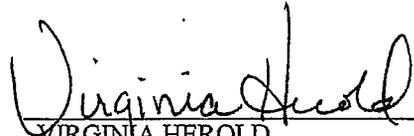
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2. Ordering Nelson Grodoaldo Portillo to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED:

5/27/11



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

LA2010600794

RECEIVED  
MAY 27 2011