

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

In the Matter of the Accusation Against:

**ADRIAN ESPINOZA**

Pharmacy Technician Registration  
No. TCH 89302,

Respondent.

Case No. 3882

OAH No. 2012080945

**DECISION AFTER NONADOPTION**

Jennifer M. Russell, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter in Los Angeles, California on February 14, 2013.

Susan Melton Wilson, Deputy Attorney General, represented complainant Virginia Herold, Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs. Respondent Adrian Espinoza represented himself.

Testimonial and documentary evidence was received, the case argued, and the matter submitted for decision on February 14, 2013.

The proposed decision of the Administrative Law Judge was submitted to the Board on May 15, 2013. After due consideration thereof, the Board declined to adopt said proposed decision and thereafter on July 16, 2013 issued an Order of Non-adoption and subsequently on September 13, 2013 issued an Order Fixing Date for Submission of Argument. Written argument having been received from Complainant and the time for filing written argument in this matter having expired, and the entire record, including the transcript of said hearing having been read and considered, the Board, pursuant to Section 11517 of the Government Code, hereby makes the following decision:

**FACTUAL FINDINGS**

1. Complainant made the Accusation while acting in her official capacity.

2. On February 26, 2009, the Board issued Pharmacy Technician Registration number TCH 89302 to respondent Adrian Espinoza, which was in full force and effect at all relevant times. The license has no history of discipline. The license expires September 30, 2014.

3. To qualify for licensure as a pharmacy technician under Business and Professions Code section 4202, an individual must establish that he or she is a high school graduate or possesses a general educational development certificate equivalent and: (1) holds an associate's degree in pharmacy technology; or (2) has completed a course of training specified by the Board; or (3) has graduated from a school of pharmacy recognized by the Board; or, (4) holds certification from the Pharmacy Technician Certification Board (PTCB). In addition, the applicant must not have been convicted of any crime and must not have engaged in any misconduct substantially related to the qualifications, functions, or duties of a registered pharmacy technician. Passing a competency examination is not required to become licensed as a pharmacy technician.

4. On July 30, 2010, in the Superior Court of California, County of San Bernardino, in case number FVA1000959, respondent pled guilty to and was convicted of violating Health and Safety Code section 11377, subdivision (a) (possession of a controlled substance—methamphetamine). The court deferred pronouncement of judgment for a period of 18 months on condition that, among other things, respondent completes a drug diversion program. On February 25, 2011, respondent completed a drug diversion program offered through Peace in the Valley. In a Minute Order dated July 30, 2011, the court indicates that “[o]n 03/01/2012 if proof of successful completion of Drug Program with no violations, the Court will set aside the plea of guilty and DISMISS the charges.” No evidence that the sentencing court dismissed the conviction was presented at the hearing.

5. This conviction arose from the fact that, on May 18, 2010, during a traffic stop, a Fontana police officer recovered from respondent's pocket a plastic bag containing crystal-like substances, which were later determined to be eight grams of methamphetamine. Why respondent was in possession of eight grams of methamphetamine was disputed at the hearing. Complainant offered a certified copy of the Fontana police report prepared by the arresting officer that includes the incident report prepared in conjunction with respondent's arrest. The report contains the officer's firsthand account of his observations and admissions attributable to respondent.<sup>1</sup>

According to the incident report, respondent initially denied knowing the contents of the plastic bag, but then acknowledged that the plastic bag contained methamphetamine.

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<sup>1</sup> Such reports are admissible over objection as hearsay exceptions for public employee records and admissions of a party. (Evid. Code, §§ 1280, 1220.) See also, *Jackson v. Department of Motor Vehicles* (1994) 22 Cal.App.4th 730, 740 and *Lake v. Reed* (1997) 16 Cal.4th 448, 461).

The incident report additionally indicates that, in response to the arresting officer's questioning, respondent stated variously that he got the plastic bag containing the methamphetamine from a friend, and that he found the bag. Specifically, the arresting officer's report provides:

I searched Adrian and found a clear plastic zip lock bag, containing a clear crystal like substance in his left front pocket...I asked Adrian what was in the plastic bag and he said, "I don't know." He then said, "That's not mine." I asked him where he got the bag from and he said, "I got it from a friend," I asked him his friend's name and he said, "I don't know." Adrian then said, "I found that bag." I asked Adrian if the clear crystal like substance in the plastic bag was methamphetamine and he said "yes."...I asked Adrian if he did not use methamphetamine why he had a bag of it in his pocket and he said, "I don't know." (Complainant's Ex. 4.)

6. Respondent claimed that the officer's report of the interaction between them was "taken out of context." However, respondent's testimony at hearing tended to support the officer's account of the events, particularly regarding respondent's varying reasons for possessing the drug and his knowledge regarding what the drug was. Respondent testified that upon repeated questioning about how he obtained the drug, he told the officer "you want me to tell that I got it from a friend?" (RT 43:3-5.) Respondent also testified that he first told the officer he did not know what the substance was and then later told the officer in response to questions about it being methamphetamine that "well, if that's what you think it is and I guess, yeah, it is." (RT 43:6-9.) Respondent's attempts to re-cast his statements to the officer as flip remarks that the officer "took out of context" do not appear credible in light of the serious position he was in when being questioned by a law enforcement officer.

7. Respondent's undated letter to the Board, in relevant part, states the following:

On May 18, 2010 [I] . . . was arrested for being in possession of a controlled substance . . . . I'm writing this letter to inform the board of what happened and how the substance came to be under my possession. The time was 10:00AM and I was returning home from playing/shooting around the basketball which is an exercise that I usually do in the morning to get the day started, I was walking back home through the field I found something that caught my attention it was a small plastic bag so I picked it up and there was a substance in the baggy I was curious to find out what the substance was, I had someone in mind that I thought would know what it was. So I kept it. I was on my way to show that person [when I] was pulled over for being on the phone[,] was searched and the officer found the substance. [I] found out what the substance was the hard way.

I'm not a person that abuses any substances, the only substance that I have ever used was cannabis and it has been about five years since the last time I ingested the substance and it was only socially.

I'm extremely remorseful for the asinine decision that I have made that day, but still I believe it was better me than some child finding it and possibly overdosing on it.

(Respondent's Ex J.)

8. Respondent's hearing testimony was not entirely consistent with his letter to the Board (see Factual Finding 6), casting doubt on Respondent's credibility. Respondent also variously testified, "I didn't know what it was" and then, "I was curious; it was the first time I had seen meth." (RT 52:2-4) Respondent claimed, "I put it in my pocket because I was naive." Respondent also claimed that he kept the bag despite not knowing what it was because he "kind of forgot that I put it in my pocket." (RT 52:13-14.) Respondent reiterated that he was "not a user."

9. Respondent's testimony also showed a casual indifference and attitude about compliance with state laws, specifically compliance with the Vehicle Code, as follows:

".. the officer actually pulled me over because I was on my cell phone, okay. I did not have identification on me because I forgot it, oops, okay. Ms (identifies Deputy Attorney General) I'm sure it's happened to you as well, Ms. (identifies Inspector) I'm sure it's happened to you as well, or your honor, it's happened to everyone, you know it's just, oops, I forgot my license that day." (RT 42:16-22.)

10. Board inspector Valerie Sakamura is a licensed pharmacist and experienced Board inspector. She testified at hearing that the duties of a pharmacy technician include: taking prescriptions, pulling the drugs off the shelf, filling the drugs, mixing the drugs, and labeling the drugs. She also stated that pharmacy technicians are "the ones that see the patient when they come and pick [the dangerous drugs] up and they dispense the drugs." (RT 24:11-15.) Inspector Sakamura also offered her opinion why respondent's type of conviction showed present or potential unfitness to perform the functions authorized by the license. In particular, Inspector Sakamura testified that:

"... [P]ossession doesn't usually occur by itself. Usually you're going to do something with the drugs, you're either going to take it for yourself or you're going to sell it. And in that case, I don't think that having someone who has pled guilty and convicted of that should be allowed to work in a place where there are a lot of controlled substances. To me that would be like putting a kid in a candy store." (RT 27:1-8.)

11. Respondent's criminal conviction set forth above in Factual Finding 4 is substantially related to the qualifications, functions, or duties of a pharmacy technician which includes mixing, packaging, labeling, furnishing, dispensing, and administering drug therapies as set forth below in Legal Conclusions 3 through 5, inclusive.

12. Respondent's employment history includes several contract positions at retail pharmacies. Currently, respondent works as a pharmacy benefit manager with responsibility for granting prior authorization for medications not covered by insurance. In his current employment respondent is not in a retail or hospital pharmacy setting.

13. Several of respondent's colleagues wrote letters extolling his collegiality and dedication. Members of his family wrote that respondent does not have an addictive personality, and that they have not witnessed him consuming any controlled substance.

14. Respondent testified that he was remorseful at the hearing contending that "I'm not someone with a continuous lapse of judgment." He has responsibility for his daughter. However, Respondent also characterized the acts leading to his conviction as a "small lapse in judgment." (RT 43:13-14.)

15. The Board incurred prosecution costs in the amount of \$3,662.50. The Administrative Law Judge found that these costs were reasonable pursuant to Business and Professions Code section 125.3. Pursuant to Business and Professions Code section 125.3(d), this finding is not reviewable by the Board to increase the cost award.

16. Although respondent is currently employed, no evidence regarding his financial ability to pay a cost award was presented at the hearing.

## LEGAL CONCLUSIONS

### *Standard of Proof*

1. A nonprofessional license typically is issued without the need to demonstrate any specific education or skill and upon the mere showing of good character. In contrast, an applicant for a professional license must ordinarily satisfy extensive educational and training requirements, and then pass a rigorous state-administered competency examination. The sharp distinction between professional licenses and nonprofessional licenses supports a distinction in the standards of proof needed to revoke or discipline these two different types of licenses. (*Mann v. Department of Motor Vehicles* (1999) 76 Cal.App.4th 312, 319.)

2. The standard of proof required to suspend or revoke the registration issued to a pharmacy technician is a preponderance of the evidence (see Factual

Finding 3). Thus, the preponderance of the evidence standard applies. (*Mann v. Department of Motor Vehicles* (1999) 76 Cal.App.4th 312, 320-321.).

*Qualifications, Functions, and Duties of a Pharmacy Technician*

3. Business and Professions Code<sup>2</sup> section 4038 provides that a "Pharmacy technician" means an individual who assists a pharmacist in a pharmacy in the performance of his or her pharmacy related duties, as specified in Section 4115."

4. Section 4115 provides, in part, the following:

(a) A pharmacy technician may perform packaging, manipulative, repetitive, or other nondiscretionary tasks, only while assisting, and while under the direct supervision and control of a pharmacist.

[¶] . . . [¶]

(e) No person shall act as a pharmacy technician without first being licensed by the board as a pharmacy technician.

5. Among other things, pharmacists order, furnish, dispense, and administer drug therapies. (See e.g. Bus. & Prof. Code, §§ 4052, 4052.1, 4052.2, 4052.3, 4052.5, and 4052.7.) Pursuant to section 4115, subdivision (a), a pharmacy technician may assist a pharmacist performing those functions.

*Statutory Authority to Suspend or Revoke a Pharmacy Technician License*

6. Section 490 provides, in pertinent part, the following:

(a) [A] board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

[¶] . . . [¶]

(c) A conviction . . . means a plea or verdict of guilty or a conviction following a plea of nolo contendere. . . .

7. Section 4301 authorizes the Board to take disciplinary action against any licensee who is guilty of "unprofessional conduct." Unprofessional conduct includes, but is not limited to, the following:

[¶] . . . [¶]

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<sup>2</sup> Unless otherwise specified, all statutory references are to the Business and Professions Code.

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

[11] . . . [11]

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under . . . [the Pharmacy Law].

8. It is unlawful to possess any controlled substance in California without the written prescription of a physician or other authorized prescriber. (Health & Saf. Code, § 11350, subd. (a).)

9. California Code of Regulations, title 16, section 1770 provides that “a crime or act shall be considered to be substantially related to the qualifications, functions, or duties of a licensee if to a substantial degree it evidences present or potential unfitness to perform the functions authorized by the license in a manner consistent with the public health, safety, and welfare.”

10. With respect to the First Cause for Discipline alleged in the Accusation, cause exists to suspend or revoke Pharmacy Technician Registration number TCH 89302 issued to respondent Adrian Espinoza pursuant to Business and Professions Code sections 490 and 4301, subdivision (j), and California Code of Regulations, title 16, section 1770, in that respondent has been convicted of a crime substantially related to the qualifications, functions, and duties of a pharmacy technician as set forth in Factual Findings 3, 4, 10 and 11.

11. With respect to the Second Cause for Discipline alleged in the Accusation, cause exists to suspend or revoke Pharmacy Technician Registration number TCH 89302 issued to respondent Adrian Espinoza pursuant to Business and Professions Code section 4301, subdivision (j), and Health and Safety Code section 11350, subdivision (a), in that respondent illegally possessed a control substance as set forth in Factual Findings 3-5.

12. According to the Board’s Disciplinary Guidelines, the Board believes that revocation is typically the appropriate penalty when grounds for discipline are found to exist. Grounds for discipline include, but are not limited to, violation(s) of law(s) involving possession of dangerous drugs and/or controlled substances. (See *Manual of Disciplinary Guidelines and Model Disciplinary Orders* at p.43.) However, a determination that cause exists to suspend or revoke respondent’s pharmacy technician registration does not end the inquiry. Such cause may be overcome with substantial, persuasive evidence of rehabilitation and good character. The Board has compiled a list of factors to evaluate whether a licensee has been rehabilitated from prior misconduct. That list, found in *A Manual of Disciplinary Guidelines and Model Disciplinary Orders* (Revised 10/2007), and which is incorporated by reference into the Board’s regulations,<sup>3</sup> includes the nature and severity of the act under consideration;

<sup>3</sup> Cal. Code Regs., tit 16, § 1760.

the actual or potential harm to any consumer or to the public; a licensee's prior disciplinary record; aggravating evidence; rehabilitation evidence; the licensee's compliance with the terms of any sentence, probation, or parole; the time that has elapsed since commission of the act; and evidence of dismissal of any conviction under Penal Code section 1203.4.

13. Pharmacy technicians are not independent practitioners, but work under the close supervision of registered pharmacists. Pharmacy technicians have access to controlled substances as a consequence of their employment. Pharmacy technicians hold positions of trust and are expected to practice with safety to the public. Pharmacy technicians are also expected to exercise good judgment at all times for the protection of the public. Respondent's July 30, 2010 conviction for possession of a controlled substance—methamphetamine, shows a lack of good judgment and an inability to comply with rules. However, Respondent has no prior record of discipline and three years have elapsed since his misdemeanor conviction for possession of methamphetamine, a controlled substance. He has complied with the terms of his deferred sentence by successfully completing a drug diversion program, but there is no evidence that the sentencing court has dismissed the conviction. He denies ever using methamphetamine, but in doing so he has admitted to his prior use of cannabis, for which he has not been charged. Respondent does not work as a pharmacist technician in a retail or hospital setting where he has direct contact with consumers or drug therapies. Rather, respondent works as a pharmacy benefit manager with responsibility for granting prior authorization for medications not covered by insurance.

14. However, Respondent's minimal efforts at rehabilitation and attempts to minimize his culpability as merely a "small lapse in judgment" are of concern to the Board. His varying statements regarding what happened on the day he was arrested also raise concerns about Respondent's trustworthiness and his ability to take complete responsibility for his conviction. The Board also finds his lack of understanding of the seriousness of the offense and his casual attitude about compliance with state laws disturbing. Good judgment, recognition of wrongdoing and trustworthiness are essential to safe performance of pharmacy technician duties. The Board recognizes that opportunities for dishonest and unsafe acts present themselves in all aspects of the practice of pharmacy, and the public must be protected against the licensee who takes advantage of such opportunities. Although Respondent is not currently working in a pharmacy setting, the Board has concerns that his license would allow him to work in such a setting in the future. Under these circumstances, it would not be appropriate for Respondent to continue to hold an unrestricted license in this case. It is concluded that Respondent's license should be revoked outright. This finding is based upon all Factual Findings and Legal Conclusions.

#### *Cause Exists to Award Costs*

15. Cause exists pursuant to Business and Professional Code section 125.3 to order respondent to pay the Board's reasonable costs of prosecution.



16. Under *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal. App. 4th 32, 45, the Board must exercise its discretion to reduce or eliminate cost awards so as to prevent cost award statutes from deterring licensees with potentially meritorious claims or defenses from exercising their right to a hearing. "Thus the [Board] may not assess the full costs of investigation and prosecution when to do so will unfairly penalize a [licensee] who has committed some misconduct, but who has used the hearing process to obtain dismissal of other charges or a reduction in the severity of the discipline imposed." (*Id.*) The Board, in imposing costs in such situations, must consider the licensee's subjective good faith belief in the merits of his or her position and the Board must consider whether or not the licensee has raised a colorable defense. The Board must also consider the licensee's ability to make payment.

17. Considering all the *Zuckerman* factors, including the fact that respondent is currently employed, respondent shall pay the Board its reasonable costs in the amount of \$3,662.50 at such time and in such manner as the Board may direct.

### ORDER

Pharmacy Technician Registration number TCH 89302 issued to respondent Adrian Espinoza is revoked. Respondent shall relinquish his technician license to the Board within ten (10) days of the effective date of this decision. Respondent may not reapply or petition the Board for reinstatement of his revoked technician license for three (3) years from the effective date of this decision.

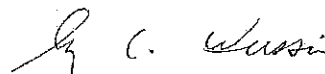
A condition of reinstatement shall be that the respondent is certified as defined in Business and Professions Code section 4202(a)(4) and provides satisfactory proof of certification to the Board.

Respondent shall pay to the Board its costs of investigation and prosecution in the amount of \$3,662.50 within fifteen (15) days of the effective date of this decision.

This decision shall become effective on December 13, 2013.

It is so ORDERED on November 13, 2013.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
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Board President

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

11 In the Matter of the Accusation Against:  
12 **ADRIAN ESPINOZA**  
13 13670 Arrow Blvd, #14  
Fontana, CA 92335  
14 Pharmacy Technician Registration  
No. TCH 89302  
15 Respondent.

Case No. 3882  
**A C C U S A T I O N**

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 26, 2009, the Board of Pharmacy (Board) issued Pharmacy  
22 Technician Registration No. TCH 89302 to Adrian Espinoza (Respondent). The Pharmacy  
23 Technician Registration was in full force and effect at all times relevant to the charges brought  
24 herein and will expire on September 30, 2012, unless renewed.

25 **JURISDICTION**

- 26 3. This Accusation is brought before the Board under the authority of the following  
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

28 ///



1           7.     Section 4060 of the Code provides in pertinent part, that no person shall possess any  
2 controlled substance, except that furnished to a person upon the prescription of a physician,  
3 dentist, podiatrist, optometrist, veterinarian, or other authorized prescriber.

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

6           9.     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 or whose license has been procured by fraud or misrepresentation or issued by mistake.

9 Unprofessional conduct shall include, but is not limited to, any of the following:

10           ....

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

13           ....

14           "(l) The conviction of a crime substantially related to the qualifications, functions, and  
15 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
16 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
17 substances or of a violation of the statutes of this state regulating controlled substances or  
18 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
19 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
20 The board may inquire into the circumstances surrounding the commission of the crime, in order  
21 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
22 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
23 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
24 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
25 of this provision. The board may take action when the time for appeal has elapsed, or the  
26 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
27 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
28 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not

1 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
2 indictment.

3 . . . .

4 10. Health and Safety Code Section 11350, subdivision (a) makes it a crime in this  
5 state to possess any controlled substance, unless upon the written prescription of a physician or  
6 other authorized prescriber.

7 **REGULATORY PROVISIONS**

8 11. California Code of Regulations, title 16, section 1770 states, in pertinent part:  
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 his license or registration in a manner  
14 consistent with the public health, safety, or welfare."

15 **COST RECOVERY**

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

20 **CONTROLLED SUBSTANCE**

21 13. "Methamphetamine," is a Schedule II controlled substance as designated by the  
22 Health and Safety Code section 11055, subdivision (d)(2) and is categorized as a dangerous drug  
23 pursuant to section 4022.

24 **FIRST CAUSE FOR DISCIPLINE**

25 **(Conviction of a Substantially Related Crime)**

26 14. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and  
27 490, in conjunction with California Code of Regulations, title 16, section 1770, in that  
28

1 Respondent has been convicted of a crime substantially related to the qualifications, functions or  
2 duties of a pharmacy technician, as follows:

3 **POSSESSION OF CONTROLLED SUBSTANCE (METHAMPHETAMINE)-2010**

4 a. On or about July 30, 2010, pursuant to a plea agreement, after pleading guilty,  
5 Respondent was convicted of one **misdemeanor** count of violating Health and Safety Code  
6 section 11377, subdivision (a) [possession of a controlled substance- methamphetamine] in the  
7 criminal case entitled *The People of the State of California v. Adrian Espinoza* (Super. Ct. Los  
8 Angeles County (San Bernardino) 2010, No. FVA1000959). The Court deferred pronouncement  
9 of sentence for 18 months pending Respondent's completion of a drug diversion program.

10 b. The circumstances of the conviction are as follows: After a routine traffic stop by  
11 Fontana Police Department officer(s), Respondent – who had no identification – consented to  
12 search of his person. During the search, officers found a clear plastic zip lock bag containing  
13 approximately 8 grams of a crystal like substance in Respondent's left front pocket. When asked  
14 what was in the bag, Respondent stated "I don't know," and "that's not mine." However, when  
15 asked if the substance in the bag was methamphetamine, Respondent stated "Yes." He was  
16 subsequently arrested and charged for possession of a controlled substance.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Illegal Possession of Controlled Substances)**

19 15. Respondent is subject to disciplinary action under section 4301, subdivision (j) for  
20 violating section 4060 and Health and Safety Code section 11350, subdivision (a) in that  
21 Respondent was found on May 18, 2010 to be in illegal possession of a controlled substance  
22 resulting in a criminal conviction, as described more fully above in paragraph 14, above.

23 **PRAYER**

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

26 1. Revoking or suspending Pharmacy Technician Registration No. TCH 89302, issued  
27 to Respondent;

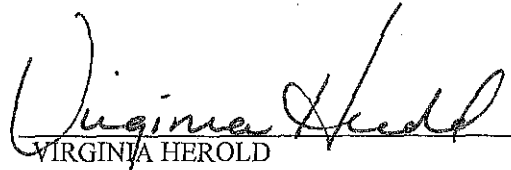
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2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and

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

DATED: 8/29/11



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

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