

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

In the Matter of the Accusation Against:

Case No. 3907

ANTHONY ADANI KOUTROULIS
16 Sherwood Drive
Aliso Viejo, CA 92656

Pharmacy Technician Registration No. TCH
90111

Respondent.

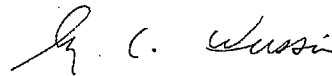
DECISION AND ORDER

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 November 23, 2011.

It is so ORDERED October 24, 2011.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STANLEY C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
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14 **16 Sherwood Drive**
Aliso Viejo, CA 92656

15 **Pharmacy Technician Registration No. TCH**
16 **90111**

17 Respondent.

Case No. 3907

OAH No. 2011020303

STIPULATED SURRENDER OF
LICENSE AND ORDER

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 Nicole R. Cook, Deputy Attorney
24 General.

25 2. Anthony Adani Koutroulis (Respondent) is representing himself in this proceeding
26 and has chosen not to exercise his right to be represented by counsel.

27 3. On or about March 27, 2009, the Board of Pharmacy issued Pharmacy Technician
28 Registration No. TCH 90111 to Anthony Adani Koutroulis (Respondent). The Pharmacy

1 Technician Registration was in full force and effect at all times relevant to the charges brought in
2 Accusation No. 3907 and will expire on October 31, 2012, unless renewed.

3 JURISDICTION

4 4. Accusation No. 3907 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 January 11, 2011.
7 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation
8 No. 3907 is attached as Exhibit A and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 3907. Respondent also has carefully read, and understands the effects of this
12 Stipulated Surrender of License and Order.

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

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

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 3907, agrees that cause exists for discipline and hereby surrenders his Pharmacy Technician
25 Registration No. TCH 90111 for the Board's formal acceptance.

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

CONTINGENCY

1
2 10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
3 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
4 communicate directly with the Board regarding this stipulation and surrender, without notice to or
5 participation by Respondent. By signing the stipulation, Respondent understands and agrees that
6 he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
7 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
8 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
9 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
10 be disqualified from further action by having considered this matter.

11 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of
12 License and Order, including facsimile signatures thereto, shall have the same force and effect as
13 the originals.

14 12. This Stipulated Surrender of License and Order is intended by the parties to be an
15 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
16 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
17 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
18 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
19 executed by an authorized representative of each of the parties.

20 13. In consideration of the foregoing admissions and stipulations, the parties agree that
21 the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

22
23 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 90111, issued
24 to Respondent Anthony Adani Koutroulis, is surrendered and accepted by the Board of Pharmacy.

25 14. The surrender of Respondent's Pharmacy Technician Registration and the acceptance
26 of the surrendered license by the Board shall constitute the imposition of discipline against
27 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
28 Respondent's license history with the Board.

1 15. Respondent shall lose all rights and privileges as a pharmacy technician in California,
2 as of the effective date of the Board's Decision and Order.

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

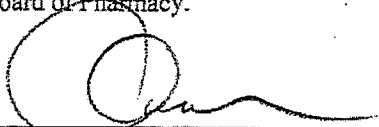
5 17. If he ever applies for licensure or petitions for reinstatement in the State of California,
6 the Board shall treat it as a new application for licensure.

7 18. Respondent may not apply for any license, permit or registration from the Board for
8 three (3) years from the effective date of this decision. Respondent stipulates that should he apply
9 for any license from the Board on or after the effective date of this decision, all allegations set
10 forth in Accusation No. 3907 shall be deemed to be true, correct and admitted by Respondent
11 when the Board determines whether to grant or deny the application or petition. Respondent must
12 comply with all the laws, regulations and procedures for licensure in effect at the time the
13 application or petition is filed. Respondent is required to report this surrender as disciplinary
14 action.

15 19. Respondent stipulates that should he apply for any license from the Board on or after
16 the effective date of this decision, investigation and prosecution costs in the amount of \$4,225.00
17 shall be paid to the Board prior to issuance of the license.

18 ACCEPTANCE

19 I have carefully read the Stipulated Surrender of License and Order. I understand the
20 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this
21 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
22 be bound by the Decision and Order of the Board of Pharmacy.

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24 DATED: 8/10/2011 
25 ANTHONY ADANI KOUTROULIS
26 Respondent
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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: 8/10/11

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JAMES LEDAKIS
Supervising Deputy Attorney General



NICOLE R. COOK
Deputy Attorney General
Attorneys for Complainant

SD2010703351
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Exhibit A

Accusation No. 3907

1 EDMUND G. BROWN JR.
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2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 NICOLE R. COOK
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A C C U S A T I O N

15 **Pharmacy Technician Registration No. TCH**
90111

16 Respondent.
17

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 March 27, 2009, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 90111 to Anthony Adani Koutroulis (Respondent). The Pharmacy
25 Technician Registration was in full force and effect at all times relevant to the charges brought
26 herein and will expire on October 31, 2012, unless renewed.

1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
3 Consumer Affairs, under the authority of the following laws. All section references are to the
4 Business and Professions Code unless otherwise indicated.

5 4. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
6 surrender, cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
7 disciplinary action during the period within which the license may be renewed, restored, reissued
8 or reinstated.

9 5. Section 4300, subdivision (a) of the Code states "Every license issued may be
10 suspended or revoked."

11 **STATUTORY PROVISIONS**

12 6. Section 482 of the Code states:

13 Each board under the provisions of this code shall develop criteria to
14 evaluate the rehabilitation of a person when:

- 15 (a) Considering the denial of a license by the board under Section 480; or
16 (b) Considering suspension or revocation of a license under Section 490.

17 Each board shall take into account all competent evidence of rehabilitation
18 furnished by the applicant or licensee.

19 7. Section 492 of the Code states:

20 Notwithstanding any other provision of law, successful completion of any
21 diversion program under the Penal Code, or successful completion of an alcohol
22 and drug problem assessment program under Article 5 (commencing with Section
23 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any
24 agency established under Division 2 (commencing with Section 500) of this code,
25 or any initiative act referred to in that division, from taking disciplinary action
26 against a licensee or from denying a license for professional misconduct,
27 notwithstanding that evidence of that misconduct may be recorded in a record
28 pertaining to an arrest.

26 This section shall not be construed to apply to any drug diversion program
27 operated by any agency established under Division 2 (commencing with Section
28 500) of this code, or any initiative act referred to in that division.

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8. Section 4060 of the Code states:

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.

Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and devices.

9. Section 4301 of the Code states:

The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

....

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

....

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

....

10. Health and Safety Code section 11350 provides that every person who possesses a controlled substance, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment in the state prison.

1 COST RECOVERY

2 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request
3 the administrative law judge to direct a licentiate found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case.

6 DRUG

7 12. Heroin is a Schedule I controlled substance as designated by Health and Safety
8 Code section 11054(c)(11), and is a dangerous drug pursuant to Business and Professions Code
9 section 4022.

10 FIRST CAUSE FOR DISCIPLINE

11 **(Unprofessional Conduct-Violating Laws Regulating Controlled Substances)**

12 13. Respondent is subject to disciplinary action under section 4301(j) of the Code in
13 that he violated the California Uniform Controlled Substances Act (Health and Safety Code
14 11000, et seq.) by possessing the controlled substance, heroin. The circumstances are as follows:

15 a. On or about September 16, 2010, officers from the Orange County Sheriff's
16 Department Special Enforcement Team observed Respondent and two friends walking in an area
17 of Laguna Hills known as a high crime area. As the officers approached the individuals, the
18 officers noticed Respondent's friend attempting to conceal something near his waistband. The
19 officer questioned Respondent's friend and he admitted that he had marijuana and a pipe in his
20 pocket.

21 b. The officer asked Respondent how he arrived at the location and Respondent
22 pointed to a nearby vehicle. Officers then looked inside the vehicle through the vehicle's window
23 and observed loose blue and white pills and a prescription container in the bottom of the open
24 glove box and a different pill on the driver's seat. The pills had markings on one side and
25 appeared to be prescription medication. Respondent said that he had a prescription for Ambien.
26 Officers searched the vehicle and located a bag in the driver's side door pocket. Inside the bag,
27 they found multiple pieces of tin foil, empty balloons, and a hollow Bic pen tube. The foil had
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1 burn marks on the bottom and a burnt substance on the top. The pen tube had a dark brown
2 substance inside.

3 c. When the officer asked Respondent's friend about the contents of the bag, she
4 began to cry and told the officer that it was used to smoke heroin. She stated that she was
5 "holding," a slang term often used to describe someone who is in possession of drugs. The
6 officer inquired how much she had and she replied, "it's a lot." She then admitted it was located
7 in her purse. Because her purse was located at the other individual's house, the officers escorted
8 her to the house to retrieve it. Inside her purse, officers discovered 22 balloons of heroin, a
9 hollow Bic pen tube and multiple pieces of foil. The foil had burn marks and the pen tube had a
10 dark brown substance inside. Respondent's friend admitted that the heroin belonged to
11 Respondent and herself. When asked how much heroin she thought she had, she replied, "I don't
12 know we bought a lot today."

13 d. When officers questioned Respondent about the heroin, Respondent denied
14 knowing to whom it belonged. When Respondent was asked about the foil and pen tubes,
15 Respondent claimed the items were for smoking heroin, but he then claimed the items were old.
16 Later, Respondent admitted to officers that some of the heroin belonged to him. Respondent
17 admitted that he was trying to get better but that almost all of his friends "smoke." Respondent
18 and his friend were arrested for possession of a controlled substance and drug paraphernalia.

19 e. On or about September 20, 2010, in a criminal proceeding entitled *People of the*
20 *State of California v. Anthony Adani Koutroulis*, in Orange County Superior Court case number
21 10SF0935, Respondent pled guilty to violation of Health and Safety Code section 11350(a),
22 possession of a controlled substance, heroin, a felony and was granted deferred entry of judgment
23 pursuant to Penal Code section 1000. On his guilty plea, Respondent admitted that he
24 "knowingly and unlawfully possessed a usable quantity of heroin, a controlled substance."

25 SECOND CAUSE FOR DISCIPLINE

26 (Unprofessional Conduct-Violations of the Chapter)

27 14. Respondent is subject to disciplinary action under Code section 4301(o) for violation
28 of the Pharmacy Act in that on or about September 16, 2010, Respondent possessed a controlled

1 substance, heroin, in violation of Code section 4060 as is more fully described in Paragraph 13
2 above.

3 PRAYER

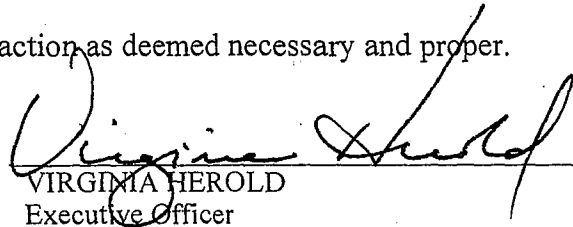
4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Pharmacy issue a decision:

6 1. Revoking or suspending Pharmacy Technician Registration Number TCH 90111,
7 issued to Anthony Adani Koutroulis;

8 2. Ordering Anthony Adani Koutroulis to pay the Board of Pharmacy the reasonable
9 costs of the investigation and enforcement of this case, pursuant to Business and Professions
10 Code section 125.3;

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

12 DATED: 1/4/11



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

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