

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

In the Matter of the Accusation Against:

Case No. 3936

JUSTIN STEVEN GRAZA
3853 N. Briarpath Ave
Covina, CA 91724

Pharmacy Technician Registration No.
TCH 99807

Respondent.

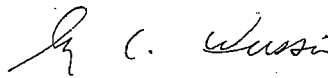
DECISION AND ORDER

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 March 16, 2012.

It is so ORDERED on February 15, 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 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 M. TRAVIS PEERY
Deputy Attorney General
4 State Bar No. 261887
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-0962
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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12 **3853 N. Briarpath Ave.**
13 **Covina, CA 91724**
14 **Pharmacy Technician License No. TCH**
15 **99807**

STIPULATED SURRENDER OF
LICENSE AND ORDER

Respondent.

16
17 In the interest of a prompt and speedy resolution of this matter, consistent with the public
18 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs
19 the parties hereby agree to the following Stipulated Surrender of License and Order which will be
20 submitted to the Board for approval and adoption as the final disposition of the Accusation.

21 PARTIES

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

26 2. Justin Steven Graza (Respondent) is representing himself in this proceeding and has
27 chosen not to exercise his right to be represented by counsel.

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ORDER

IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 99807, issued to Respondent Justin Steven Graza, is surrendered and accepted by the Board of Pharmacy.

1. The surrender of Respondent's Pharmacy Technician License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Pharmacy.

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

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

4. Respondent may not apply for any license, permit, or registration from the board for three (3) years from the effective date of this decision. If Respondent ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 3936 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

5. Respondent Stipulates that should he apply for any license from the Board on or after the effective date of this decision, investigation and prosecution costs in the amount of \$2,325.00 shall be paid to the Board prior to the issuance of the license.

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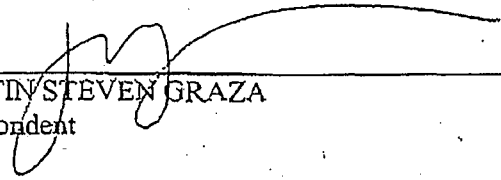
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ACCEPTANCE

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

DATED: 12/6/11



JUSTIN STEVEN GRAZA
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: 12/6/11

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General


M. TRAVIS PEERY
Deputy Attorney General
Attorneys for Complainant

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9 **DEPARTMENT OF CONSUMER AFFAIRS**
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11 In the Matter of the Accusation Against:
12 **JUSTIN STEVEN GRAZA**
3853 N. Briarpath Ave.
13 Covina, CA 91724
14 Pharmacy Technician License No. TCH 99807
15 Respondent.

Case No. 3936

ACCUSATION

16
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 (Board).
21 2. On or about April 21, 2010, the Board issued Pharmacy Technician License No. TCH
22 99807 to Justin Steven Graza (Respondent). The Pharmacy Technician License was in full force
23 and effect at all times relevant to the charges brought herein and will expire on June 30, 2011,
24 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.

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STATUTORY PROVISIONS

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

6 5. Section 490 provides that a board may suspend or revoke a license on the ground that
7 the licensee has been convicted of a crime substantially related to the qualifications, functions, or
8 duties of the business or profession for which the license was issued.

9 6. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or
10 revoked."

11 7. Section 4301 states, in pertinent part:

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

15

16 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
17 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
18 whether the act is a felony or misdemeanor or not.

19

20 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
21 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
22 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
23 to the extent that the use impairs the ability of the person to conduct with safety to the public the
24 practice authorized by the license.

25

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

28

1 "(l) The conviction of a crime substantially related to the qualifications, functions, and
2 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
3 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
4 substances or of a violation of the statutes of this state regulating controlled substances or
5 dangerous drugs shall be conclusive evidence of unprofessional conduct. . . .

6

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

11 8. Section 4060 states:

12 "No person shall possess any controlled substance, except that furnished to a person upon
13 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
14 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
15 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
16 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
17 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
18 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not
19 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
20 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
21 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
22 labeled with the name and address of the supplier or producer.

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

26 9. Section 4059 provides that a person may not furnish any dangerous drug except upon
27 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
28 pursuant to Section 3640.7. A person may not furnish any dangerous device, except upon the

1 prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
2 pursuant to Section 3640.7.

3 **REGULATORY PROVISION**

4 10. California Code of Regulations, title 16, section 1770, states:

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

11 **COST RECOVERY**

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

16 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

17 12. Diazepam, generic for the brand name Valium, a benzodiazepam derivative, is a
18 Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(8)
19 and is categorized as a dangerous drug pursuant to section 4022.

20 13. Xanax, a brand name for alprazolam, is an anti-anxiety benzodiazepin and is a
21 Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(1)
22 and is categorized as a dangerous drug pursuant to section 4022.

23 14. Marijuana is a Schedule I controlled substance as designated by Health and Safety
24 Code section 11054, subdivision (d)(13) and is categorized as a dangerous drug pursuant to
25 section 4022.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of Substantially Related Crime)

3 15. Respondent is subject to disciplinary action under sections 490, 4300, and 4301,
4 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the
5 grounds of unprofessional conduct, in that on or about May 11, 2010, Respondent was convicted
6 of a crime substantially related to the qualifications, functions or duties of a licensee or registrant
7 which to a substantial degree evidences his present or potential unfitness to perform the functions
8 authorized by his license or registration in a manner consistent with the public health, safety, or
9 welfare, as follows:

10 a. On or about May 11, 2010, after pleading guilty, Respondent was convicted of one
11 misdemeanor count of violating Business and Professions Code section 4060 [possession of un-
12 prescribed medication] in the criminal proceeding entitled *The People of the State of California v.*
13 *Justin Steven Graza* (Super. Ct. Los Angeles County, 2010, No. 0PK02460). The Court placed
14 Respondent on 12 months of probation.

15 b. The circumstances underlying the conviction are that on or about March 4, 2010,
16 Respondent admitted to stealing Xanax and Diazepam, which were in his possession, from his
17 employer CVS Pharmacy, and further, Respondent was found to be in possession of marijuana.

18 SECOND CAUSE FOR DISCIPLINE

19 (Illegal Possession of Controlled Substances)

20 16. Respondent is subject to disciplinary action under sections 4300 and 4301,
21 subdivisions (j) and (o), for violating section 4059 and 4060, on the grounds of unprofessional
22 conduct, in that Respondent stole and possessed controlled substances and dangerous drugs,
23 without valid prescriptions. Complainant refers to and by this reference incorporates the
24 allegations set forth above in paragraph 15, subparagraphs a and b, inclusive, as though set forth
25 fully.

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1 THIRD CAUSE FOR DISCIPLINE

2 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

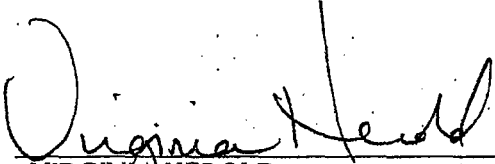
3 14. Respondent is subject to disciplinary action under sections 4300 and 4301,
4 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts
5 involving moral turpitude, dishonesty, fraud, deceit or corruption. Complainant refers to and by
6 this reference incorporates the allegations set forth above in paragraphs 14 - 16, inclusive, as
7 though set forth fully.

8 PRAYER

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

- 11 1. Revoking or suspending Pharmacy Technician License No. TCH 99807, issued to
12 Justin Steven Graza;
- 13 2. Ordering Justin Steven Graza to pay the Board the reasonable costs of the
14 investigation and enforcement of this case, pursuant to section 125.3; and
- 15 3. Taking such other and further action as deemed necessary and proper.

16
17
18 DATED: 8/16/11

19 
20 VIRGINIA HEROLD
21 Executive Officer
22 Board of Pharmacy
23 Department of Consumer Affairs
24 State of California
25 Complainant

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