

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

In the Matter of the Statement of Issues Against:

Case No. 3829

RUDY VALLES
P.O. Box 8022
Moreno Valley, CA 92552

Applicant

Respondent.

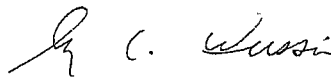
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary 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 11, 2011.

It is so ORDERED on April 11, 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
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 State Bar No. 101336
AMANDA DODDS
4 Senior Legal Analyst
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2141
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11 In the Matter of the Statement of Issues
12 Against:

Case No. 3829

13 **RUDY VALLES**
14 **P.O. Box 8022**
Moreno Valley, CA 92552

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
21 She brought this action solely in her official capacity and is represented in this matter by Kamala
22 D. Harris, Attorney General of the State of California, by Amanda Dodds, Senior Legal Analyst.

23 2. Rudy Valles (Respondent) is representing himself in this proceeding and has chosen
24 not to exercise his right to be represented by counsel.

25 3. On or about May 4, 2009, Respondent filed an application dated April 9, 2009, with
26 the Board of Pharmacy to obtain a Pharmacy Technician Registration.

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JURISDICTION

8 4. Statement of Issues No. 3829 was filed before the Board of Pharmacy (Board),
9 Department of Consumer Affairs, and is currently pending against Respondent. The Statement of
10 Issues and all other statutorily required documents were properly served on Respondent on
11 December 31, 2010. A copy of Statement of Issues No. 3829 is attached as Exhibit A and
12 incorporated herein by reference.

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ADVISEMENT AND WAIVERS

18 5. Respondent has carefully read, and understands the charges and allegations in
19 Statement of Issues No. 3829. Respondent has also carefully read, and understands the effects of
20 this Stipulated Settlement and Disciplinary Order.

21 6. Respondent is fully aware of his legal rights in this matter, including the right to a
22 hearing on the charges and allegations in the Statement of Issues; the right to be represented by
23 counsel at his own expense; the right to confront and cross-examine the witnesses against him;
24 the right to present evidence and to testify on his own behalf; the right to the issuance of
25 subpoenas to compel the attendance of witnesses and the production of documents; the right to
26 reconsideration and court review of an adverse decision; and all other rights accorded by the
27 California Administrative Procedure Act and other applicable laws.

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

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Statement of
Issues No. 3829.

9. Respondent agrees that his Pharmacy Technician Registration is subject to denial and
he agrees to be bound by the Board of Pharmacy's probationary terms as set forth in the
Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may

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

8 11. The parties understand and agree that facsimile copies of this Stipulated Settlement
9 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
10 effect as the originals.

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

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

20 **DISCIPLINARY ORDER**

21 IT IS HEREBY ORDERED that upon satisfaction of all statutory and regulatory
22 requirements for issuance of a license, a pharmacy technician registration shall be issued to
23 Respondent Rudy Valles and immediately revoked; the order of revocation is stayed, and
24 Respondent is placed on probation for two (2) years upon the following terms and conditions:

25 1. **Certification Prior to Resuming Work**

26 Respondent shall be automatically suspended from working as a pharmacy technician until
27 he is certified as defined by Business and Professions Code section 4202, subdivision (a)(4) and
28 provides satisfactory proof of certification to the Board. Respondent shall not resume working as

1 a pharmacy technician until notified by the Board. Failure to achieve certification within one (1)
2 year shall be considered a violation of probation. Respondent shall not resume working as a
3 pharmacy technician until notified by the Board.

4 During suspension, Respondent shall not enter any pharmacy area or any portion of any
5 other Board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
6 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
7 devices or controlled substances are maintained. Respondent shall not do any act involving drug
8 selection, selection of stock, manufacturing, compounding or dispensing; nor shall Respondent
9 manage, administer, or assist any licensee of the Board. Respondent shall not have access to or
10 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
11 substances. Respondent shall not resume work until notified by the Board.

12 Subject to the above restrictions, Respondent may continue to own or hold an interest in
13 any licensed premises by the Board in which he holds an interest at the time this decision
14 becomes effective unless otherwise specified in this order.

15 Failure to comply with this suspension shall be considered a violation of probation.

16 **2. Obey All Laws**

17 Respondent shall obey all state and federal laws and regulations.

18 Respondent shall report any of the following occurrences to the Board, in writing, within
19 seventy-two (72) hours of such occurrence:

- 20 an arrest or issuance of a criminal complaint for violation of any provision of the
21 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
substances laws
- 22 a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
23 criminal complaint, information or indictment
- 24 a conviction of any crime
- 25 discipline, citation, or other administrative action filed by any state or federal agency
26 which involves Respondent's pharmacy technician registration or which is related to
the practice of pharmacy or the manufacturing, obtaining, handling, distributing,
27 billing, or charging for any drug, device or controlled substance.

27 Failure to timely report any such occurrence shall be considered a violation of probation.

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1 **3. Report to the Board**

2 Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its
3 designee. The report shall be made either in person or in writing, as directed. Among other
4 requirements, Respondent shall state in each report under penalty of perjury whether there has
5 been compliance with all the terms and conditions of probation. Failure to submit timely reports
6 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
7 in submission of reports as directed may be added to the total period of probation. Moreover, if
8 the final probation report is not made as directed, probation shall be automatically extended until
9 such time as the final report is made and accepted by the Board.

10 **4. Interview with the Board**

11 Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews
12 with the Board or its designee, at such intervals and locations as are determined by the Board or
13 its designee. Failure to appear for any scheduled interview without prior notification to Board
14 staff, or failure to appear at two (2) or more scheduled interviews with the Board or its designee
15 during the period of probation, shall be considered a violation of probation.

16 **5. Cooperate with Board Staff**

17 Respondent shall cooperate with the Board's inspection program and with the Board's
18 monitoring and investigation of Respondent's compliance with the terms and conditions of his
19 probation. Failure to cooperate shall be considered a violation of probation.

20 **6. Notice to Employers**

21 During the period of probation, Respondent shall notify all present and prospective
22 employers of the decision in case number 3829 and the terms, conditions and restrictions imposed
23 on Respondent by the decision, as follows:

24 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
25 Respondent undertaking any new employment, Respondent shall cause his direct supervisor,
26 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's
27 tenure of employment) and owner to report to the Board, in writing, acknowledging that the listed
28 individual(s) has/have read the decision in case number 3829 and the terms and conditions

1 imposed thereby. It shall be Respondent's responsibility to ensure that his employer(s) and/or
2 supervisor(s) submit timely acknowledgement(s) to the Board.

3 If Respondent works for or is employed by or through a pharmacy employment service,
4 Respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy
5 of the terms and conditions of the decision in case number 3829 in advance of the respondent
6 commencing work at each pharmacy. A record of this notification must be provided to the Board
7 upon request.

8 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
9 (15) days of Respondent undertaking any new employment by or through a pharmacy
10 employment service, Respondent shall cause his direct supervisor with the pharmacy employment
11 service to report to the Board in writing acknowledging that he has read the decision in case
12 number 3829 and the terms and conditions imposed thereby. It shall be Respondent's
13 responsibility to ensure that his employer(s) and/or supervisor(s) submit timely
14 acknowledgment(s) to the Board.

15 Failure to timely notify present or prospective employer(s) or to cause that/those
16 employer(s) to submit timely acknowledgements to the Board shall be considered a violation of
17 probation.

18 "Employment" within the meaning of this provision shall include any full-time,
19 part-time, temporary or relief service or pharmacy management service as a pharmacy
20 technician or in any position for which a pharmacy technician license is a requirement
or criterion for employment, whether the respondent is considered an employee,
independent contractor or volunteer.

21 **7. Probation Monitoring Costs**

22 Respondent shall pay any costs associated with probation monitoring as determined by the
23 Board each and every year of probation. Such costs shall be payable to the Board on a schedule
24 as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed
25 shall be considered a violation of probation.

26 **8. Status of License**

27 Respondent shall, at all times while on probation, maintain an active, current pharmacy
28 technician registration with the Board, including any period during which suspension or probation

1 is tolled. Failure to maintain an active, current registration shall be considered a violation of
2 probation.

3 If Respondent's pharmacy technician registration expires or is cancelled by operation of law
4 or otherwise at any time during the period of probation, including any extensions thereof due to
5 tolling or otherwise, upon renewal or reapplication Respondent's registration shall be subject to
6 all terms and conditions of this probation not previously satisfied.

7 **9. License Surrender While on Probation/Suspension**

8 Following the effective date of this decision, should Respondent cease work due to
9 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
10 Respondent may tender his pharmacy technician registration to the Board for surrender. The
11 Board, or its designee, shall have the discretion whether to grant the request for surrender or take
12 any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of
13 the registration, Respondent will no longer be subject to the terms and conditions of probation.
14 This surrender constitutes a record of discipline and shall become a part of the Respondent's
15 license history with the Board.

16 Upon acceptance of the surrender, Respondent shall relinquish his pharmacy technician
17 registration to the Board within ten (10) days of notification by the Board that the surrender is
18 accepted. Respondent may not reapply for any license, permit, or registration from the Board for
19 three (3) years from the effective date of the surrender. Respondent shall meet all requirements
20 applicable to the license sought as of the date the application for that license is submitted to the
21 Board.

22 **10. Notification of a Change in Name, Residence Address, Mailing Address or**
23 **Employment**

24 Respondent shall notify the Board in writing within ten (10) days of any change of
25 employment. Said notification shall include the reasons for leaving, the address of the new
26 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
27 shall further notify the Board in writing within ten (10) days of a change in name, residence
28 address and mailing address, or phone number.

1 Failure to timely notify the Board of any change in employer(s), name(s), address(es), or
2 phone number(s) shall be considered a violation of probation.

3 **11. Tolling of Probation**

4 Except during periods of suspension, Respondent shall, at all times while on probation, be
5 employed as a pharmacy technician in California for a minimum of twenty (20) hours per
6 calendar month. Any month during which this minimum is not met shall toll the period of
7 probation, i.e., the period of probation shall be extended by one month for each month during
8 which this minimum is not met. During any such period of tolling of probation, Respondent must
9 nonetheless comply with all terms and conditions of probation.

10 Should Respondent, regardless of residency, for any reason (including vacation) cease
11 working as a pharmacy technician for a minimum of twenty (20) hours per calendar month in
12 California, Respondent must notify the Board in writing within ten (10) days of cessation of work
13 and must further notify the Board in writing within ten (10) days of the resumption of the work.
14 Any failure to provide such notification(s) shall be considered a violation of probation.

15 It is a violation of probation for Respondent's probation to remain tolled pursuant to the
16 provisions of this condition for a total period, counting consecutive and non-consecutive months,
17 exceeding thirty-six (36) months.

18 "Cessation of work" means calendar month during which Respondent is not
19 working for at least twenty (2) hours as a pharmacy technician, as defined in Business
20 and Professions Code section 4115. "Resumption of work" means any calendar
21 month during which Respondent is working as a pharmacy technician for at least
22 twenty (2) hours as a pharmacy technician as defined by Business and Professions
23 Code section 4115.

22 **12. Violation of Probation**

23 If Respondent has not complied with any term or condition of probation, the Board shall
24 have continuing jurisdiction over Respondent, and probation shall automatically be extended,
25 until all terms and conditions have been satisfied or the Board has taken other action as deemed
26 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
27 to impose the penalty that was stayed.

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1 If Respondent violates probation in any respect, the Board, after giving Respondent notice
2 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
3 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
4 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
5 a petition to revoke probation or an accusation is filed against Respondent during probation, the
6 Board shall have continuing jurisdiction, and the period of probation shall be automatically
7 extended until the petition to revoke probation or accusation is heard and decided.

8 **13. No Ownership of Licensed Premises**

9 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
10 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
11 partnership, or corporation currently or hereinafter licensed by the Board. Respondent shall sell
12 or transfer any legal or beneficial interest in any entity licensed by the Board within ninety (90)
13 days following the effective date of this decision and shall immediately thereafter provide written
14 proof thereof to the Board. Failure to timely divest any legal or beneficial interest(s) or provide
15 documentation thereof shall be considered a violation of probation.

16 **14. Community Services Program**

17 Within sixty (60) days of the effective date of this decision, Respondent shall submit to the
18 Board or its designee, for prior approval, a community service program in which Respondent
19 shall provide free health-care related services on a regular basis to a community or charitable
20 facility or agency for at least 100 hours per year for each year of probation. Within thirty (30)
21 days of Board approval thereof, Respondent shall submit documentation to the board
22 demonstrating commencement of the community service program. A record of this notification
23 must be provided to the Board upon request. Respondent shall report on progress with the
24 community service program in the quarterly reports. Failure to timely submit, commence, or
25 comply with the program shall be considered a violation of probation.

26 **15. Completion of Probation**

27 Upon written notice by the Board indicating successful completion of probation,
28 Respondent's pharmacy technician registration will be fully restored.

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ACCEPTANCE

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

DATED: 02/28/11 Rudy Valles
RUDY VALLES
Respondent

ENDORSEMENT

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

Dated: 3/8/2011

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General

Amanda Dodds
AMANDA DODDS
Senior Legal Analyst
Attorneys for Complainant

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Exhibit A

Statement of Issues No. 3829

1 EDMUND G. BROWN JR.
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
4 State Bar No. 101336
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-3037
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11 In the Matter of the Statement of Issues
Against:

Case No. 3829

12 **RUDY VALLES**
13 **P.O. Box 8022**
14 **Moreno Valley, CA 92552**

STATEMENT OF ISSUES

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about May 4, 2009, the Board of Pharmacy, Department of Consumer Affairs
22 received an application for a Pharmacy Technician Registration from Rudy Valles (Respondent).
23 On or about April 9, 2009, Rudy Valles certified under penalty of perjury to the truthfulness of all
24 statements, answers, and representations in the application. The Board denied the application on
25 May 3, 2010.

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JURISDICTION

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

4. Section 4300, subdivision (c) of the Code states, in pertinent part, that the Board may refuse a license to any applicant guilty of unprofessional conduct. The Board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all other requirements for licensure.

STATUTORY PROVISIONS

10 5. Section 475 of the Code states:

11 (a) Notwithstanding any other provisions of this code; the provisions of this
12 division shall govern the denial of licenses on the grounds of:

13 (1) Knowingly making a false statement of material fact, or knowingly
14 omitting to state a material fact, in an application for a license.

15 (2) Conviction of a crime.

16 (3) Commission of any act involving dishonesty, fraud or deceit with the
17 intent to substantially benefit himself or another, or substantially injure another.

18 (4) Commission of any act which, if done by a licentiate of the business or
19 profession in question, would be grounds for suspension or revocation of license.

20

21 (c) A license shall not be denied, suspended, or revoked on the grounds of a
22 lack of good moral character or any similar ground relating to an applicant's
23 character, reputation, personality, or habits.

24 6. Section 480 states, in pertinent part:

25 (a) A board may deny a license regulated by this code on the grounds that the
26 applicant has one of the following:

27 (1) Been convicted of a crime. A conviction within the meaning of this
28 section means a plea or verdict of guilty or a conviction following a plea of nolo
contendere. Any action that a board is permitted to take following the establishment
of a conviction may be taken when the time for appeal has elapsed, or the judgment
of conviction has been affirmed on appeal, or when an order granting probation is
made suspending the imposition of sentence, irrespective of a subsequent order under
the provisions of Section 1203.4 of the Penal Code.

(2) Done any act involving dishonesty, fraud or deceit with the intent to
substantially benefit himself or herself or another, or substantially injure another.

1 (3)(A) Done any act which if done by a licentiate of the business or profession
2 in question, would be grounds for suspension or revocation of license.

3 (B) The board may deny a license pursuant to this subdivision only if the
4 crime or act is substantially related to the qualifications, functions or duties of the
5 business or profession for which application is made.

6 (c) A board may deny a license regulated by this code on the ground that the
7 applicant knowingly made a false statement of fact required to be revealed in the
8 application for the license.

9 7. Section 482 of the Code states:

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

12 (a) Considering the denial of a license by the board under Section 480; or

13 (b) Considering suspension or revocation of a license under Section 490.

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

16 8. Section 4301 of the Code states:

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

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

24 (l) The conviction of a crime substantially related to the qualifications,
25 functions, and duties of a licensee under this chapter. The record of conviction of a
26 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
27 States Code regulating controlled substances or of a violation of the statutes of this
28 state regulating controlled substances or dangerous drugs shall be conclusive
evidence of unprofessional conduct. In all other cases, the record of conviction shall
be conclusive evidence only of the fact that the conviction occurred. The board may
inquire into the circumstances surrounding the commission of the crime, in order to
fix the degree of discipline or, in the case of a conviction not involving controlled
substances or dangerous drugs, to determine if the conviction is of an offense
substantially related to the qualifications, functions, and duties of a licensee under this
chapter. A plea or verdict of guilty or a conviction following a plea of nolo
contendere is deemed to be a conviction within the meaning of this provision. The
board may take action when the time for appeal has elapsed, or the judgment of

1 conviction has been affirmed on appeal or when an order granting probation is made
2 suspending the imposition of sentence, irrespective of a subsequent order under
3 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
4 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
5 dismissing the accusation, information, or indictment.

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7 REGULATORY PROVISIONS

8 9. California Code of Regulations, title 16, section 1768 states:

9 (a) Where the board has denied an application for a license, the earliest date on
10 which the applicant may reapply for a license is one year after the effective date of
11 the denial.

12 (b) All competent evidence of rehabilitation presented will be considered upon
13 a reapplication. The board shall use the criteria listed in section 1769 when
14 considering evidence of rehabilitation.

15 10. California Code of Regulations, title 16, section 1769 states:

16 (a) When considering the denial of a facility or personal license under Section
17 480 of the Business and Professions Code, the board, in evaluating the rehabilitation
18 of the applicant and his present eligibility for licensing or registration, will consider
19 the following criteria:

20 (1) The nature and severity of the act(s) or offense(s) under consideration
21 as grounds for denial.

22 (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s)
23 under consideration as grounds for denial under Section 480 of the Business and
24 Professions Code.

25 (3) The time that has elapsed since commission of the act(s) or crime(s)
26 referred to in subdivision (1) or (2).

27 (4) Whether the applicant has complied with any terms of parole,
28 probation, restitution or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

. . . .

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

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

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1 FIRST CAUSE FOR DENIAL OF APPLICATION

2 (October 5, 2006 Criminal Conviction for Grand Theft on July 25, 2006)

3 12. Respondent's application for registration as a pharmacy technician is subject to denial
4 under sections 480, subdivision (a)(1) and 4301, subdivision (l) of the Code in that Respondent
5 was convicted of a crime that is substantially related to the qualifications, duties, and functions of
6 a pharmacy technician. The circumstances are as follows:

7 a. On or about October 5, 2006, in a criminal proceeding entitled *People of the*
8 *State of California vs. Rudy Valles*, in Los Angeles County Superior Court Case number
9 GA066454, Respondent was convicted on his plea of no contest to violating Penal Code section
10 487, subdivision (a), grand theft, a felony.

11 b. As a result of the conviction, on or about October 5, 2006, Respondent was
12 sentenced to one day in the Los Angeles County Jail (with credit for one day), and placed on three
13 years formal probation. Respondent was further ordered to complete 45 days of public work
14 service, pay restitution, and comply with standard felony probation terms.

15 c. The circumstances that led to the conviction are that on or about July 25, 2006,
16 Respondent, who was employed by a broadcasting company as a security guard, was observed by
17 a coworker stealing a studio grade digital camera (with an MSRP of \$39,800 when new).
18 Respondent cut a cable and hid the camera behind a wall in the studio. The coworker confronted
19 Respondent and asked him if he intended to steal the camera. Respondent replied "yes" and that
20 no one would know anything unless the coworker said something. The coworker reported the
21 incident to management who confirmed that the camera was missing and that Respondent left
22 work several hours before his shift ended. The Burbank Police Department was notified and an
23 investigator contacted Respondent at the studio the next morning. Respondent admitted to the
24 investigator that he had taken the camera because he needed the money and that he had received
25 \$100 for it from a pawn shop. Respondent took investigators to the pawn shop where the camera
26 was recovered.

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SECOND CAUSE FOR DENIAL OF APPLICATION

(Commission of Dishonest Act)

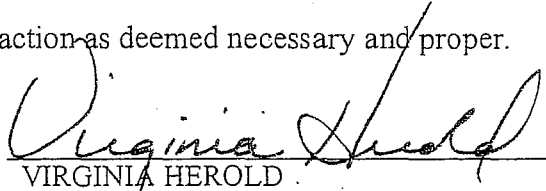
13. Respondent's application for registration as a pharmacy technician is subject to denial under sections 480, subdivision (a)(2) and 4301, subdivision (f) of the Code in that on or about July 25, 2006, Respondent committed an act of dishonesty and deceit with the intent to substantially benefit himself, as detailed in paragraph 12, above.

PRAYER

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

1. Denying the application of Rudy Valles for a Pharmacy Technician Registration;
2. Taking such other and further action as deemed necessary and proper.

DATED: 12/17/10



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

SD2010702503