

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

In the Matter of the Accusation Against:

Case No. 4172

JEFFREY BRUCE CENTENO

P.O. Box 755

Mountain View, CA 94042

Pharmacy Technician License No. TCH 57287

Respondent.

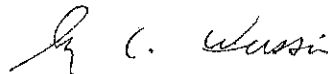
DECISION AND ORDER

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 July 11, 2013.

It is so ORDERED on June 11, 2013.

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 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM
Supervising Deputy Attorney General
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Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 4172

11 **JEFFREY BRUCE CENTENO**
12 **P.O. Box 755**
13 **Mountain View, CA 94042**

OAH No. 2013010893

14 **Pharmacy Technician License No. TCH 57287**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Respondent.

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

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21 PARTIES

22 1. Virginia Herold (Complainant), Executive Officer, Board of Pharmacy, brought this
23 action solely in her official capacity and is represented by Kamala D. Harris, Attorney General of
24 the State of California, by Joshua A. Room, Supervising Deputy Attorney General.

25 2. Respondent Jeffrey Bruce Centeno (Respondent) is represented in this proceeding by
26 attorney David W. Bonilla, whose address is: Law Office of Bonilla & Cintean, L.L.P., 901 H
27 Street, Suite 100, Sacramento, CA 95814 (telephone (916) 447-7842).

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 4172. Respondent agrees that his Pharmacy Technician Licesne is subject to discipline and
4 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.
5

6 CONTINGENCY

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

16 10. The parties understand and agree that facsimile copies of this stipulation, including
17 facsimile signatures thereto, shall have the same force and effect as the originals.

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

24 12. In consideration of the foregoing, the parties agree that the Board may, without
25 further notice or formal proceeding, issue and enter the following Disciplinary Order:

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1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 57287, issued to
3 Respondent Jeffrey Bruce Centeno (Respondent), is revoked. However, the revocation is stayed
4 and Respondent is placed on probation for five (5) years on the following terms and conditions.

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

6 Respondent shall be automatically suspended from working as a pharmacy technician until
7 he is certified as defined by Business and Professions Code section 4202(a)(4) and provides
8 satisfactory proof of certification to the board. Respondent shall not resume working as a
9 pharmacy technician until notified by the board. Failure to achieve certification within one (1)
10 year shall be considered a violation of probation.

11 During suspension, respondent shall not enter any pharmacy area or any portion of any
12 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
13 distributor of drugs), any drug manufacturer, or any other location where dangerous drugs and
14 devices or controlled substances are maintained. Respondent shall not do any act involving drug
15 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent
16 manage, administer, or assist any licensee of the board. Respondent shall not have access to or
17 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
18 substances. Respondent shall not resume work until notified by the board.

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

20 **2. Obey All Laws**

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

22 Respondent shall report any of the following occurrences to the board, in writing, within
23 seventy-two (72) hours of such occurrence:

- 24 an arrest or issuance of a criminal complaint for violation of any provision of the
25 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
26 substances laws
27 a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
28 criminal complaint, information or indictment

- 1 a conviction of any crime
- 2 discipline, citation, or other administrative action filed by any state or federal agency
- 3 which involves respondent's pharmacy technician license or which is related to the
- 4 practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing,
- 5 or charging for any drug, device or controlled substance.

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

7 **3. Report to the Board**

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

16 **4. Interview with the Board**

17 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
18 with the board or its designee, at such intervals and locations as are determined by the board or its
19 designee. Failure to appear for any scheduled interview without prior notification to board staff,
20 or failure to appear at two (2) or more scheduled interviews with the board or its designee during
21 the period of probation, shall be considered a violation of probation.

22 **5. Cooperate with Board Staff**

23 Respondent shall cooperate with the board's inspection program and with the board's
24 monitoring and investigation of respondent's compliance with the terms and conditions of his
25 probation. Failure to cooperate shall be considered a violation of probation.

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1 **6. Notice to Employers**

2 During the period of probation, respondent shall notify all present and prospective
3 employers of the decision in case number 4125 and the terms, conditions and restrictions imposed
4 on respondent by the decision, as follows:

5 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
6 respondent undertaking any new employment, respondent shall cause his direct supervisor,
7 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
8 tenure of employment) and owner to report to the board in writing acknowledging that the listed
9 individual(s) has/have read the decision in case number 4125 and the terms and conditions
10 imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or
11 supervisor(s) submit timely acknowledgement(s) to the board.

12 If respondent works for or is employed by or through a pharmacy employment service,
13 respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy
14 of the terms and conditions of the decision in case number 4125 in advance of commencing work
15 at each pharmacy. A record of this notification must be provided to the board upon request.

16 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
17 (15) days of respondent undertaking any new employment by or through a pharmacy employment
18 service, respondent shall cause his direct supervisor with the pharmacy employment service to
19 report to the board in writing acknowledging that he or she has read the decision in case number
20 3946 and the terms and conditions imposed thereby. It shall be respondent's responsibility to
21 ensure that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

22 Failure to timely notify present or prospective employer(s) or to cause employer(s) to
23 submit timely acknowledgements to the board shall be considered a violation of probation.

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

1 **7. Reimbursement of Board Costs**

2 As a condition precedent to successful completion of probation, respondent shall pay to the
3 board its costs of investigation and prosecution in the amount of \$2,080.00. Respondent shall be
4 permitted to pay this amount in a payment plan approved by the board or its designee, so long as
5 full payment is made within fifty-four (54) months. There shall be no deviation from this
6 schedule absent prior written approval by the board or its designee. Failure to pay costs by the
7 deadline(s) as directed shall be considered a violation of probation.

8 The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to
9 reimburse the board its costs of investigation and prosecution.

10 **8. Probation Monitoring Costs**

11 Respondent shall pay any costs associated with probation monitoring as determined by the
12 board each and every year of probation. Such costs shall be payable to the board on a schedule as
13 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
14 be considered a violation of probation.

15 **9. Status of License**

16 Respondent shall, at all times while on probation, maintain an active, current pharmacy
17 technician license with the board, including any period during which suspension or probation is
18 tolled. Failure to maintain an active, current license shall be considered a violation of probation.

19 If respondent's pharmacy technician license expires or is cancelled by operation of law or
20 otherwise at any time during the period of probation, including any extensions thereof due to
21 tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all
22 terms and conditions of this probation not previously satisfied.

23 **10. Notification of Departure**

24 Prior to leaving the probationary geographic area designated by the board or its designee for
25 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in
26 writing of the dates of departure and return. Failure to comply with this provision shall be
27 considered a violation of probation.

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1 **11. No Ownership of Licensed Premises**

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

9 **12. Notification of a Change in Employment, Name, Address, or Phone**

10 Respondent shall notify the board in writing within ten (10) days of any change of
11 employment. Said notification shall include the reasons for leaving, the address of the new
12 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
13 shall further notify the board in writing within ten (10) days of a change in name, residence
14 address, mailing address, or phone number. Failure to timely notify the board of any change in
15 employer, name, address, or phone number shall be considered a violation of probation.

16 **13. Tolling of Probation**

17 Except during periods of suspension, respondent shall, at all times while on probation, be
18 employed as a pharmacy technician in California for a minimum of ten (10) hours per calendar
19 month. Any month during which this minimum is not met shall toll the period of probation, i.e.,
20 the period of probation shall be extended by one month for each month during which this
21 minimum is not met. During any such period of tolling of probation, respondent must
22 nonetheless comply with all terms and conditions of probation.

23 Should respondent, regardless of residency, for any reason (including vacation) cease
24 working as a pharmacy technician for a minimum of ten (10) hours per calendar month in
25 California, respondent must notify the board in writing within ten (10) days of cessation of work
26 and must further notify the board in writing within ten (10) days of the resumption of the work.
27 Any failure to provide such notification(s) shall be considered a violation of probation.

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

4 "Cessation of work" means a calendar month during which respondent is not
5 working for at least ten (10) hours as a pharmacy technician, as defined in Business
6 and Professions Code section 4115. "Resumption of work" means any calendar
7 month during which respondent is working for at least ten (10) hours as a pharmacy
8 technician as defined by Business and Professions Code section 4115.

9 **14. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

10 Within thirty (30) days of the effective date of this decision, respondent shall begin regular
11 attendance at a recognized and established substance abuse recovery support group in California,
12 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) that has been approved by the board or
13 its designee, attending at least one group meeting per week unless otherwise directed by the board
14 or its designee. Respondent shall continue regular attendance and submit signed and dated
15 documentation confirming attendance with each quarterly report for the duration of probation.
16 Failure to attend or submit documentation thereof shall be considered a violation of probation.

17 **15. Abstain from Drugs and Alcohol Use**

18 Respondent shall completely abstain from the possession or use of alcohol, controlled
19 substances, dangerous drugs and their associated paraphernalia except when the drugs are
20 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
21 request of the board or its designee, respondent shall provide documentation from the licensed
22 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
23 treatment of the respondent. Failure to timely provide such documentation shall be considered a
24 violation of probation. Respondent shall ensure that he is not in the same physical location as
25 individuals who are using illicit substances even if respondent is not personally ingesting the
26 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
27 not supported by the documentation timely provided, and/or any physical proximity to persons
28 using illicit substances, shall be considered a violation of probation.

1 **16. Random Drug Screening**

2 Respondent, at his own expense, shall participate in random testing, including but not
3 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
4 screening program as directed by the board or its designee. Respondent may be required to
5 participate in testing for the entire probation period and the frequency of testing will be
6 determined by the board or its designee. At all times respondent shall fully cooperate with the
7 board or its designee, and shall, when directed, submit to such tests and samples for the detection
8 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its
9 designee may direct. Failure to timely submit to testing as directed shall be considered a violation
10 of probation. Upon request of the board or its designee, respondent shall provide documentation
11 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is
12 a necessary part of the treatment of the respondent. Failure to timely provide such documentation
13 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any
14 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment
15 shall be considered a violation of probation and shall result in respondent's automatic suspension.
16 Respondent may not resume work as a pharmacy technician until notified by the board in writing.

17 During any such suspension, respondent shall not enter any pharmacy area or any portion of
18 or any other board licensed premises (wholesaler, veterinary food-animal drug retailer or any
19 other distributor of drugs) any drug manufacturer, or any other location where dangerous drugs
20 and devices or controlled substances are maintained. Respondent shall not do any act involving
21 drug selection, selection of stock, manufacturing, compounding or dispensing; nor shall
22 respondent manage, administer, or assist any licensee of the board. Respondent shall not direct,
23 control or perform any aspect of the practice of pharmacy. Respondent shall not have access to or
24 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
25 substances. Respondent shall not resume work until notified by the board.

26 Failure to comply with any such suspension shall be considered a violation of probation.

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1 **17. Work Site Monitor**

2 Within ten (10) days of the effective date of this decision, respondent shall identify a work
3 site monitor, for prior approval by the board, who shall be responsible for supervising respondent
4 during working hours. Respondent shall be responsible for ensuring that the work site monitor
5 reports in writing to the board quarterly. Should the designated work site monitor determine at
6 any time during the probationary period that respondent has not maintained sobriety, he shall
7 notify the board immediately, either orally or in writing as directed. Should respondent change
8 employment, a new work site monitor must be designated, for prior approval by the board, within
9 ten (10) days of commencing new employment. Failure to identify an acceptable initial or
10 replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be
11 considered a violation of probation.

12 **18. Prescription Coordination and Monitoring of Prescription Use**

13 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
14 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
15 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's
16 history with the use of methamphetamine and who will coordinate and monitor any prescriptions
17 for respondent for dangerous drugs, controlled substances or mood-altering drugs. The approved
18 practitioner shall be provided with a copy of the board's Statement of Issues and decision.

19 A record of this notification must be provided to the board upon request. Respondent shall
20 sign a release authorizing the practitioner to communicate with the board about respondent's
21 treatment(s). The coordinating physician, nurse practitioner, physician assistant, or psychiatrist
22 shall report to the board on a quarterly basis for the duration of probation regarding respondent's
23 compliance with this condition. If any substances considered addictive have been prescribed, the
24 report shall identify a program for the time limited use of any such substances.

25 The board may require that the single coordinating physician, nurse practitioner, physician
26 assistant or psychiatrist be a specialist in addictive medicine, or consult a specialist in addictive
27 medicine. Should respondent, for any reason, cease supervision by the approved practitioner,
28 respondent shall notify the board immediately and, within thirty (30) days of ceasing, submit the

1 name of a replacement physician, nurse practitioner, physician assistant, or psychiatrist of
2 respondent's choice to the board or its designee for its prior approval. Failure to timely submit
3 the selected practitioner or replacement practitioner to the board for approval, or to ensure the
4 required reporting thereby on the quarterly reports, shall be considered a violation of probation.

5 If at any time an approved practitioner determines that respondent is unable to practice
6 safely or independently as a pharmacy technician, the practitioner shall notify the board
7 immediately by telephone and follow up by written letter within three (3) working days. Upon
8 notification by the board or its designee of this determination, respondent shall be automatically
9 suspended and shall not resume practice until notified by the board that practice may be resumed.

10 During any such suspension, respondent shall not enter any pharmacy area or any portion of
11 or any other board licensed premises (wholesaler, veterinary food-animal drug retailer or any
12 other distributor of drugs) any drug manufacturer, or any other location where dangerous drugs
13 and devices or controlled substances are maintained. Respondent shall not do any act involving
14 drug selection, selection of stock, manufacturing, compounding or dispensing; nor shall
15 respondent manage, administer, or assist any licensee of the board. Respondent shall not direct,
16 control or perform any aspect of the practice of pharmacy. Respondent shall not have access to or
17 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
18 substances. Respondent shall not resume work until notified by the board.

19 Failure to comply with any such suspension shall be considered a violation of probation.

20 **19. License Surrender While on Probation/Suspension**

21 Following the effective date of this decision, should respondent cease work due to
22 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
23 respondent may tender his pharmacy technician license to the board for surrender. The board or
24 its designee shall have the discretion whether to grant the request for surrender or take any other
25 action it deems appropriate. Upon formal acceptance of the surrender of the license, respondent
26 will no longer be subject to the terms and conditions of probation. This surrender constitutes a
27 record of discipline and shall become a part of the respondent's license history with the board.

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1 Upon acceptance of the surrender, respondent shall relinquish his pharmacy technician
2 license to the board within ten (10) days of notification by the board the surrender is accepted.
3 Respondent may not reapply for any license, permit, or registration from the board for three (3)
4 years from the effective date of the surrender. Respondent shall meet all requirements applicable
5 to the license sought as of the date the application for that license is submitted to the board.

6 **20. Violation of Probation**

7 If respondent has not complied with any term or condition of probation, the board shall
8 have continuing jurisdiction over respondent, and probation shall automatically be extended, until
9 all terms and conditions have been satisfied or the board has taken other action as deemed
10 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
11 to impose the penalty that was stayed. If respondent violates probation in any respect, the board,
12 after giving respondent notice and an opportunity to be heard, may revoke probation and carry out
13 the disciplinary order that was stayed.

14 If a petition to revoke probation or an accusation is filed against respondent during
15 probation, the board shall have continuing jurisdiction, and the period of probation shall be
16 automatically extended until the petition to revoke probation or accusation is heard and decided.

17 **21. Completion of Probation**

18 Upon written notice by the board indicating successful completion of probation,
19 respondent's pharmacy technician license will be fully restored.

20
21 ACCEPTANCE

22 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
23 discussed it with my attorney, David W. Bonilla. I understand the stipulation and the effect it will
24 have on my Pharmacy Technician License. I enter into this Stipulated Settlement and
25 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
26 Decision and Order of the Board of Pharmacy.

27 DATED: _____

28 JEFFREY BRUCE CENTENO
Respondent

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9 all terms and conditions have been satisfied or the board has taken other action as deemed
10 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
11 to impose the penalty that was stayed. If respondent violates probation in any respect, the board,
12 after giving respondent notice and an opportunity to be heard, may revoke probation and carry out
13 the disciplinary order that was stayed.

14 If a petition to revoke probation or an accusation is filed against respondent during
15 probation, the board shall have continuing jurisdiction, and the period of probation shall be
16 automatically extended until the petition to revoke probation or accusation is heard and decided.

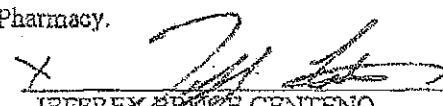
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25 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
26 Decision and Order of the Board of Pharmacy.

27 DATED: 7 4-5-13

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JEFFREY BRUCE CENTENO
Respondent

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I have read and fully discussed with Respondent Jeffrey Bruce Centeno the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 4/5/2013 
DAVID W. BONILLA
Attorney for 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: Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
FRANK H. PACOE
Supervising Deputy Attorney General

JOSHUA A. ROOM
Supervising Deputy Attorney General
Attorneys for Complainant

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1 I have read and fully discussed with Respondent Jeffrey Bruce Centeno the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
3 I approve its form and content.

4 DATED: _____

5 DAVID W. BONILLA
6 Attorney for Respondent

7 ENDORSEMENT

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

10 Dated: 4/9/2013

11 Respectfully submitted,

12 KAMALA D. HARRIS
13 Attorney General of California
14 FRANK H. PACOE
15 Supervising Deputy Attorney General

16 
17 JOSHUA A. ROOM
18 Supervising Deputy Attorney General
19 *Attorneys for Complainant*

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Exhibit A

Accusation No. 4172.

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM
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Attorneys for Complainant

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11 **JEFFREY BRUCE CENTENO**
12 **P.O. Box 755**
13 **Mountain View, CA 94042**

A C C U S A T I O N

14 **Pharmacy Technician License No. TCH 57287**

15 Respondent.

16 Complainant alleges:

17 PARTIES

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

20 2. On or about July 13, 2004, the Board of Pharmacy issued Pharmacy Technician
21 License Number TCH 57287 to Jeffrey Bruce Centeno (Respondent). The Pharmacy Technician
22 Registration was in full force and effect at all times relevant to the charges brought herein and
23 will expire on June 30, 2012, unless renewed.

24 JURISDICTION

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

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1 b. Respondent was the driver of the vehicle. The officer(s) could smell alcohol on
2 Respondent's breath and his eyes were watery. Respondent admitted to consuming two (2) beers
3 about an hour prior. The officer(s) administered Field Sobriety Tests (FSTs), which Respondent
4 was not able to perform successfully. Preliminary Alcohol Screen (PAS) testing administered at
5 the scene registered blood alcohol content (BAC) levels of 0.201 and 0.195. Respondent was
6 placed under arrest on suspicion of driving while under the influence of alcohol.

7 c. On or about August 11, 2010, Respondent was charged by criminal Complaint
8 in *People v. Jeffrey Bruce Centeno*, Case No. SM371275 in San Mateo County Superior Court,
9 with violating (1) Vehicle Code section 23152(a) (Driving Under the Influence of Alcohol or
10 Drugs), a misdemeanor, and (2) Vehicle Code section 23152(b) (Driving with Blood Alcohol of
11 0.08% or Higher), a misdemeanor, and with a special allegation that Respondent had a blood
12 alcohol content of 0.15 percent or higher within the meaning of Vehicle Code section 23578.

13 d. On or about January 3, 2011, Respondent pleaded *nolo contendere* to Count 2,
14 violation of Vehicle Code section 23152(b) (Driving with Blood Alcohol of 0.08% or Higher), a
15 misdemeanor, and admitted to driving with a blood alcohol content of 0.20% or higher. Count 1
16 was dismissed. Imposition of sentence was suspended in favor of a court probation of three (3)
17 years on terms and conditions including 15 days in county jail (2 days CTS), time to be served
18 consecutive to any other case of Respondent's, with a recommendation to the Sheriff's Work
19 Program, enrollment in a Multiple Offender Drinking Driver Program, and fines and fees.

20
21 SECOND CAUSE FOR DISCIPLINE

22 (Conviction of Substantially Related Crime(s))

23 12. Respondent is subject to discipline under section 4301(1) and/or section 490 of the
24 Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of
25 substantially related crime(s), in that on or about January 10, 2011, in the criminal case *People v.*
26 *Bruce Jeffrey Centeno*, Case No. C1076196 in Santa Clara County Superior Court, Respondent
27 was convicted of violating Vehicle Code section 23152(b) (Driving with Blood Alcohol of 0.08%
28 or Higher), a misdemeanor. The conviction was entered as follows:

1 a. On or about April 11, 2010, California Highway Patrol officer(s) responded to a
2 report of a traffic collision on Highway 880 southbound north of State Route 237, and found a car
3 sitting in a nearby drainage ditch with Respondent, the driver, still sitting inside. Officers found
4 no damage or indications of a collision, so asked Respondent why he was in the ditch. He said he
5 thought he was on the shoulder and did not realize he had driven into the drainage ditch until he
6 tried to climb up to the road. The officer(s) observed that Respondent's eyes were red and watery
7 and his speech was slurred; he also had the odor of alcohol on his breath. Respondent admitted to
8 having drunk "two or three beers." The officer(s) administered Field Sobriety Tests (FSTs), and
9 Respondent was not able to perform successfully. Preliminary Alcohol Screen (PAS) testing
10 administered at the scene registered blood alcohol content (BAC) levels of 0.238 and 0.243.
11 Respondent was placed under arrest on suspicion of driving while under the influence of alcohol.

12 c. On or about May 5, 2010, Respondent was charged by criminal Complaint in
13 *People v. Bruce Jeffrey Centeno*, Case No. C1076196 in Santa Clara County Superior Court, with
14 violating (1) Vehicle Code section 23152(a) (Driving Under the Influence of Alcohol or Drugs), a
15 misdemeanor, with a special allegation that Respondent had a BAC of 0.15 percent or higher
16 within the meaning of Vehicle Code section 23578, and (2) Vehicle Code section 23152(b)
17 (Driving with Blood Alcohol of 0.08% or Higher), a misdemeanor, with a special allegation that
18 Respondent had a BAC of 0.15 percent or higher within the meaning of section 23578.

19 d. On or about January 10, 2011, Respondent pleaded *nolo contendere* to Count 2,
20 violation of Vehicle Code section 23152(b) (Driving with Blood Alcohol of 0.08% or Higher), a
21 misdemeanor, and admitted to the special allegation. Count 1 was dismissed. Imposition of
22 sentence was suspended in favor of a court probation of three (3) years on terms and conditions
23 including 120 days in county jail (1 day CTS), concurrent to the time in Case No. B1048183 (see
24 below), enrollment in a Multiple Offender Drinking Driver Program, and fines and fees.

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1 THIRD CAUSE FOR DISCIPLINE

2 (Conviction of Substantially Related Crime(s))

3 13. Respondent is subject to discipline under section 4301(1) and/or section 490 of the
4 Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of
5 substantially related crime(s), in that on or about January 10, 2011, in the criminal case *People v.*
6 *Jeffrey Bruce Centeno*, Case No. B1048183 in Santa Clara County Superior Court, Respondent
7 was convicted of violating Vehicle Code section 23152(b) (Driving with Blood Alcohol of 0.08%
8 or Higher), a misdemeanor. The conviction was entered as follows:

9 a. On or about May 28, 2010, Mountain View Police Department officer(s) were
10 dispatched to a Safeway store parking lot on a report that there was an individual slumped over
11 the steering wheel of a car in that lot. The responding officer(s) discovered Respondent inside the
12 car, with the engine running and the vehicle in gear. The officer(s) smelled alcohol, and noticed
13 that Respondent had red, bloodshot eyes, slurred speech, and was slow to respond to questioning.
14 He admitted to having consumed "three shots about two hours ago."

15 b. The officer(s) administered Field Sobriety Tests (FSTs), which Respondent was
16 not able to perform successfully. Preliminary Alcohol Screen (PAS) testing administered at the
17 scene registered blood alcohol content (BAC) levels of 0.193 and 0.204. Respondent was placed
18 under arrest on suspicion of driving while under the influence of alcohol.

19 c. On or about June 17, 2010, Respondent was charged by criminal Complaint in
20 *People v. Jeffrey Bruce Centeno*, Case No. B1048183 in Santa Clara County Superior Court, with
21 violating (1) Vehicle Code section 23152(a) (Driving Under the Influence of Alcohol or Drugs), a
22 misdemeanor, with a special allegation that Respondent had a BAC of 0.15 percent or higher
23 within the meaning of Vehicle Code section 23578, and (2) Vehicle Code section 23152(b)
24 (Driving with Blood Alcohol of 0.08% or Higher), a misdemeanor, with a special allegation that
25 Respondent had a BAC of 0.15 percent or higher within the meaning of section 23578.

26 d. On or about January 10, 2011, Respondent pleaded *nolo contendere* to Count 2,
27 violation of Vehicle Code section 23152(b) (Driving with Blood Alcohol of 0.08% or Higher), a
28 misdemeanor, and admitted to the special allegation. Count 1 was dismissed. Imposition of

1 sentence was suspended in favor of a court probation of three (3) years on terms and conditions
2 including 120 days in county jail (1 day CTS), concurrent to the time in Case No. C1076196 (see
3 above), enrollment in a Multiple Offender Drinking Driver Program, and fines and fees.

4
5 FOURTH CAUSE FOR DISCIPLINE

6 (Dangerous or Injurious Use of Alcohol)

7 14. Respondent is subject to discipline under section 4301(h) of the Code, in that as
8 described in paragraphs 11 to 13, Respondent used alcohol in a dangerous or injurious manner.

9
10 FIFTH CAUSE FOR DISCIPLINE

11 (Conviction of Crime(s) Involving Alcohol)

12 15. Respondent is subject to discipline under section 4301 (k) of the Code, in that as
13 described in paragraphs 11 to 13, Respondent was convicted of more than one misdemeanor or
14 any felony involving the use, consumption, or self-administration of alcohol..

15
16 SIXTH CAUSE FOR DISCIPLINE

17 (Unprofessional Conduct)

18 16. Respondent is subject to discipline under section 4301 of the Code in that, as
19 described in paragraphs 11 to 15, Respondent engaged in unprofessional conduct.

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24 PRAYER

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

27 1. Revoking or suspending Pharmacy Technician License Number TCH 57287, issued
28 to Jeffrey Bruce Centeno (Respondent);

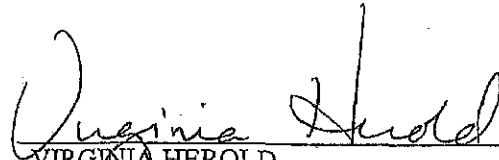
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2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED:

5/29/12



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

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