

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

In the Matter of the Statement of Issues Against:

Case No. 4287

**RICHARD DAVID FREITAS**

1261 E. Brian Lane  
Anaheim, CA 92805

Application for Pharmacy Technician  
Registration

Respondent.

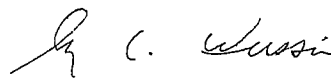
**DECISION AND ORDER**

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 December 20, 2013.

It is so ORDERED on December 13, 2013.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STAN C. WEISSER  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 RITA M. LANE  
Deputy Attorney General  
4 State Bar No. 171352  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2614  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

8  
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:  
13 **RICHARD DAVID FREITAS**  
14 **Pharmacy Technician Registration**  
15 **Applicant**  
16 Respondent.

Case No. 4287  
OAH No. 2012110774  
**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

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

20 PARTIES

- 21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.  
22 She brought this action solely in her official capacity and is represented in this matter by Kamala  
23 D. Harris, Attorney General of the State of California, by Rita M. Lane, Deputy Attorney  
24 General.  
25 2. Respondent Richard David Freitas (Respondent) is representing himself in this  
26 proceeding and has chosen not to exercise his right to be represented by counsel.  
27 3. On or about August 9, 2011, Respondent filed an application dated August 4, 2011,  
28 with the Board of Pharmacy to obtain a Pharmacy Technician Registration.

1 JURISDICTION

2 4. Statement of Issues No. 4287 was filed before the Board of Pharmacy (Board),  
3 Department of Consumer Affairs, and is currently pending against Respondent. The Statement of  
4 Issues and all other statutorily required documents were properly served on Respondent on July  
5 24, 2012.

6 5. A copy of Statement of Issues No. 4287 is attached as Exhibit A and incorporated  
7 herein by reference.

8 ADVISEMENT AND WAIVERS

9 6. Respondent has carefully read, and understands the charges and allegations in  
10 Statement of Issues No. 4287. Respondent has also carefully read, and understands the effects of  
11 this Stipulated Settlement and Disciplinary Order.

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

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

21 CULPABILITY

22 9. Respondent admits the truth of each and every charge and allegation in Statement of  
23 Issues No. 4287.

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

27 ///

28 ///

CONTINGENCY

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

11        12. The parties understand and agree that Portable Document Format (PDF) and facsimile  
12 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
13 signatures thereto, shall have the same force and effect as the originals.

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

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

DISCIPLINARY ORDER

23  
24        IT IS HEREBY ORDERED that upon satisfaction of all statutory and regulatory  
25 requirements for issuance of a license, a Pharmacy Technician Registration shall be issued to  
26 Respondent Richard David Freitas and immediately revoked. The revocation will be stayed and  
27 Respondent placed on probation for five (5) years upon the following terms and conditions.

28        ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**1. Certification Prior to Resuming Work**

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

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

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

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

**2. Obey All Laws**

Respondent shall obey all state and federal laws and regulations.

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

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

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

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

6        **3. Report to the Board**

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

15       **4. Interview with the Board**

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

21       **5. Cooperate with Board Staff**

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

25       **6. Notice to Employers**

26       During the period of probation, respondent shall notify all present and prospective  
27       employers of the decision in case number 4287 and the terms, conditions and restrictions imposed  
28       on respondent by the decision, as follows:

1           Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
2 respondent undertaking any new employment, respondent shall cause his direct supervisor,  
3 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
4 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
5 individual(s) has/have read the decision in case number 4287 and the terms and conditions  
6 imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or  
7 supervisor(s) submit timely acknowledgement(s) to the board.

8           If respondent works for or is employed by or through a pharmacy employment service,  
9 respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy  
10 of the terms and conditions of the decision in case number 4287 in advance of the respondent  
11 commencing work at each pharmacy. A record of this notification must be provided to the board  
12 upon request.

13           Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
14 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
15 service, respondent shall cause his direct supervisor with the pharmacy employment service to  
16 report to the board in writing acknowledging that he has read the decision in case number 4287  
17 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure  
18 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

19           Failure to timely notify present or prospective employer(s) or to cause that/those  
20 employer(s) to submit timely acknowledgements to the board shall be considered a violation of  
21 probation.

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

27       ///

28       ///

1           **7. Probation Monitoring Costs**

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

6           **8. Status of License**

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

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

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

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

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



1           **10. Notification of a Change in Name, Residence Address, Mailing Address or**  
2           **Employment**

3           Respondent shall notify the board in writing within ten (10) days of any change of  
4           employment. Said notification shall include the reasons for leaving, the address of the new  
5           employer, the name of the supervisor and owner, and the work schedule if known. Respondent  
6           shall further notify the board in writing within ten (10) days of a change in name, residence  
7           address and mailing address, or phone number.

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

10           **11. Tolling of Probation**

11           Except during periods of suspension, respondent shall, at all times while on probation, be  
12           employed as a pharmacy technician in California for a minimum of 40 hours per calendar month.  
13           Any month during which this minimum is not met shall toll the period of probation, i.e., the  
14           period of probation shall be extended by one month for each month during which this minimum is  
15           not met. During any such period of tolling of probation, respondent must nonetheless comply  
16           with all terms and conditions of probation.

17           Should respondent, regardless of residency, for any reason (including vacation) cease  
18           working as a pharmacy technician for a minimum of 40 hours per calendar month in California,  
19           respondent must notify the board in writing within ten (10) days of cessation of work and must  
20           further notify the board in writing within ten (10) days of the resumption of the work. Any failure  
21           to provide such notification(s) shall be considered a violation of probation.

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

25           "Cessation of work" means calendar month during which respondent is not  
26           working for at least 40 hours as a pharmacy technician, as defined in Business and  
27           Professions Code section 4115. "Resumption of work" means any calendar month  
28           during which respondent is working as a pharmacy technician for at least 40 hours as  
            a pharmacy technician as defined by Business and Professions Code section 4115.

1           **12. Violation of Probation**

2           If respondent has not complied with any term or condition of probation, the board shall  
3 have continuing jurisdiction over respondent, and probation shall automatically be extended, until  
4 all terms and conditions have been satisfied or the board has taken other action as deemed  
5 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and  
6 to impose the penalty that was stayed.

7           If respondent violates probation in any respect, the board, after giving respondent notice  
8 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
9 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a  
10 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If  
11 a petition to revoke probation or an accusation is filed against respondent during probation, the  
12 board shall have continuing jurisdiction, and the period of probation shall be automatically  
13 extended until the petition to revoke probation or accusation is heard and decided.

14           **13. Completion of Probation**

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

17           **14. No Ownership of Licensed Premises**

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

25           Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a  
26 manager, administrator, member, officer, director, trustee, associate, or partner of any additional  
27 business, firm, partnership, or corporation licensed by the board. If respondent currently owns or  
28 has any legal or beneficial interest in, or serve as a manager, administrator, member, officer,

1 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently  
2 or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold  
3 that interest, but only to the extent of that position or interest as of the effective of this decision.  
4 Violation of this restriction shall be considered a violation of probation.

5 **15. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

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

14 **16. Random Drug Screening**

15 Respondent, at his own expense, shall participate in random testing, including but not  
16 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug  
17 screening program as directed by the board or its designee. Respondent may be required to  
18 participate in testing for the entire probation period and the frequency of testing will be  
19 determined by the board or its designee. At all times respondent shall fully cooperate with the  
20 board or its designee, and shall, when directed, submit to such tests and samples for the detection  
21 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its  
22 designee may direct. Failure to timely submit to testing as directed shall be considered a violation  
23 of probation. Upon request of the board or its designee, respondent shall provide documentation  
24 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is  
25 a necessary part of the treatment of the respondent. Failure to timely provide such documentation  
26 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any  
27 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment  
28 shall be considered a violation of probation and shall result in the automatic suspension of work

1 by respondent. Respondent may not resume work as a pharmacy technician until notified by the  
2 board in writing.

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

11 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.  
12 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
13 licensed premises in which he holds an interest at the time this decision becomes effective unless  
14 otherwise specified in this order.

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

16 **17. Notification of Departure**

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

21 **18. Abstain from Drugs and Alcohol Use**

22 Respondent shall completely abstain from the possession or use of alcohol, controlled  
23 substances, dangerous drugs and their associated paraphernalia except when the drugs are  
24 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon  
25 request of the board or its designee, respondent shall provide documentation from the licensed  
26 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the  
27 treatment of the respondent. Failure to timely provide such documentation shall be considered a  
28 violation of probation. Respondent shall ensure that he is not in the same physical location as

1 individuals who are using illicit substances even if respondent is not personally ingesting the  
2 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia  
3 not supported by the documentation timely provided, and/or any physical proximity to persons  
4 using illicit substances, shall be considered a violation of probation.

5 **19. Prescription Coordination and Monitoring of Prescription Use**

6 Within thirty (30) days of the effective date of this decision respondent shall submit to the  
7 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,  
8 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's  
9 history [with use of alcohol, controlled substances, and/or dangerous drugs, and/or of mental  
10 illness, and/or of gambling addiction] and who will coordinate and monitor any prescriptions for  
11 respondent for dangerous drugs, controlled substances or mood-altering drugs. The approved  
12 practitioner shall be provided with a copy of the board's statement of issues and decision. A  
13 record of this notification must be provided to the board upon request. Respondent shall sign a  
14 release authorizing the practitioner to communicate with the board about respondent's  
15 treatment(s). The coordinating physician, nurse practitioner, physician assistant, or psychiatrist  
16 shall report to the board on a quarterly basis for the duration of probation regarding respondent's  
17 compliance with this condition. If any substances considered addictive have been prescribed, the  
18 report shall identify a program for the time limited use of any such substances. The board may  
19 require that the single coordinating physician, nurse practitioner, physician assistant or  
20 psychiatrist be a specialist in addictive medicine, or consult a specialist in addictive medicine.  
21 Should respondent, for an reason, cease supervision by the approved practitioner, respondent shall  
22 notify the board immediately and, within thirty (3) days of ceasing treatment, submit the name of  
23 a replacement physician, nurse practitioner, physician assistant or psychiatrist of respondent's  
24 choice to the board or its designee for its prior approval. Failure to timely submit the selected  
25 practitioner or replacement practitioner to the board for approval, or to ensure the required  
26 reporting thereby on the quarterly reports, shall be considered a violation of probation.

27 If at any time an approved practitioner determines that respondent is unable to practice  
28 safely or independently as a pharmacy technician, the practitioner shall notify the board

1 immediately by telephone and follow up by written letter within three (3) working days. Upon  
2 notification from the board or its designee of this determination, respondent shall be  
3 automatically suspended and shall not resume practice until notified by the board that practice  
4 may be resumed.

5 During suspension, respondent shall not enter any pharmacy area or any portion of the  
6 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of  
7 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices  
8 or controlled substances are maintained. Respondent shall not practice as a pharmacy technician  
9 nor do any act involving drug selection, selection of stock, manufacturing, compounding,  
10 dispensing or patient consultation; nor shall respondent manage, administer, or be a consultant to  
11 any licensee of the board, or have access to or control the ordering, manufacturing or dispensing  
12 of dangerous drugs and controlled substances. Respondent shall not resume practice until  
13 notified by the board.

14 During suspension, respondent shall not engage in any activity that requires the  
15 professional judgment of a pharmacy technician. Respondent shall not direct or control any  
16 aspect of the practice of pharmacy or of a pharmacy technician. Respondent shall not perform the  
17 duties of a pharmacy technician or a designated representative for any entity licensed by the  
18 board.

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

20 ACCEPTANCE

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

25  
26 DATED:

8-27-13

*Richard David Freitas*

27 RICHARD DAVID FREITAS  
28 Respondent

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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: 9-17-13

Respectfully submitted,

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



RITA M. LANE  
Deputy Attorney General  
*Attorneys for Complainant*

SD2012703116  
70735482.doc

STIPULATED SETTLEMENT (4287)

Exhibit A

Statement of Issues No. 4287



1 KAMALA D. HARRIS  
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*

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

12 In the Matter of the Statement of Issues Against:

Case No. 4287

13 **RICHARD DAVID FREITAS**

**STATEMENT OF ISSUES**

14 **Pharmacy Technician Registration Applicant**

15 **Respondent.**

16 Complainant alleges:

17 **PARTIES**

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

20 2. On or about August 9, 2011, the Board of Pharmacy, Department of Consumer  
21 Affairs received an application for a Pharmacy Technician Registration from Richard David  
22 Freitas (Respondent). On or about August 4, 2011, Richard David Freitas certified under penalty  
23 of perjury to the truthfulness of all statements, answers, and representations in the application.  
24 The Board denied the application on January 23, 2012.

25 **JURISDICTION**

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

1           4.       Section 4300, subdivision (c) of the Code states:

2           The board may refuse a license to any applicant guilty of unprofessional conduct.

3                               **STATUTORY PROVISIONS**

4           5.       Section 475 of the Code states:

5                 (a)       Notwithstanding any other provisions of this code, the provisions  
6                 of this division shall govern the denial of licenses on the grounds of:

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

9                                 (2)      Conviction of a crime.

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

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

16                         .....

17           6.       Section 480 of the Code states:

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

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

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

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

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

35                         .....

36           7.       Section 482 of the Code states:

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

39                         (a)      Considering the denial of a license by the board under section 480; or

40                         (b)      Considering suspension or revocation of a license under section 490.

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

3 8. Section 493 of the Code states:

4 Notwithstanding any other provision of law, in a proceeding conducted by  
5 a board within the department pursuant to law to deny an application for a license  
6 or to suspend or revoke a license or otherwise take disciplinary action against a  
7 person who holds a license, upon the ground that the applicant or the licensee has  
8 been convicted of a crime substantially related to the qualifications, functions, and  
9 duties of the licensee in question, the record of conviction of the crime shall be  
conclusive evidence of the fact that the conviction occurred, but only of that fact,  
and the board may inquire into the circumstances surrounding the commission of  
the crime in order to fix the degree of discipline or to determine if the conviction  
is substantially related to the qualifications, functions, and duties of the licensee in  
question.

10 As used in this section, "license" includes "certificate," "permit,"  
"authority," and "registration."

11 9. Section 4301 of the Code states:

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

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

17 (g) Knowingly making or signing any certificate or other document that  
falsely represents the existence or nonexistence of a state of facts.

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

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

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  
26 a 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  
28 this 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

1 involving controlled substances or dangerous drugs, to determine if the conviction  
2 is of an offense substantially related to the qualifications, functions, and duties of  
3 a licensee under this chapter. A plea or verdict of guilty or a conviction following  
4 a plea of *nolo contendere* is deemed to be a conviction within the meaning of this  
5 provision. The board may take action when the time for appeal has elapsed, or the  
6 judgment of conviction has been affirmed on appeal or when an order granting  
7 probation is made suspending the imposition of sentence, irrespective of a  
8 subsequent order under section 1203.4 of the Penal Code allowing the person to  
9 withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside  
10 the verdict of guilty, or dismissing the accusation, information, or indictment.

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

### REGULATORY PROVISIONS

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

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

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

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

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

(4) Whether the applicant has complied with any terms of parole, 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.

### FIRST CAUSE FOR DENIAL OF APPLICATION

(January 27, 1986 Criminal Conviction for Petty Theft)

12. Respondent's application for registration as a pharmacy technician is subject to denial under Code section 480, subdivisions (a)(1) and (a)(3)(A) in that he was convicted of a

1 crime that is substantially related to the qualifications, duties, and functions of a pharmacy  
2 technician, which would also be a ground for discipline for a licensed pharmacy technician under  
3 Code section 4301, subdivision (l). The circumstances are as follows:

4 a. On or about January 27, 1986, in a criminal proceeding entitled *The*  
5 *People of the State of California vs. Richard David Freitas*, in Orange County Superior Court  
6 North Justice Center, Case Number NM8600764, Respondent was convicted for violating Penal  
7 Code (PC) section 488, petty theft, a misdemeanor.

8 b. As a result of the conviction, on or about January 27, 1986, Respondent  
9 was sentenced to three years informal probation and ordered to pay a fine.

10 c. The facts that led to the conviction are that Respondent tried to steal an  
11 electric razor from Sears.

12 **SECOND CAUSE FOR DENIAL OF APPLICATION**

13 **(March 18, 1986 Criminal Conviction for Cruelty to Another's Animal)**

14 13. Respondent's application for registration as a pharmacy technician is subject to  
15 denial under Code section 480, subdivisions (a)(1) and (a)(3)(A) in that he was convicted of a  
16 crime that is substantially related to the qualifications, duties, and functions of a pharmacy  
17 technician, which would also be a ground for discipline for a licensed pharmacy technician under  
18 Code section 4301, subdivision (l). The circumstances are as follows:

19 a. On or about March 18, 1986, in a criminal proceeding entitled *The People*  
20 *of the State of California vs. Richard David Freitas*, in Orange County Superior Court North  
21 Justice Center, Case Number NM8603342, Respondent was convicted for violating PC section  
22 597 subdivision (a), cruelty to another's animal, a misdemeanor.

23 b. As a result of the conviction, on or about March 18, 1986, Respondent was  
24 sentenced to three years probation and ordered to serve 60 days in the Orange County Jail.

25 c. The facts that led to the conviction are that Respondent shot a neighbor's  
26 dog with an air rifle. Another neighbor saw Respondent shoot the dog and heard the dog yelp.  
27 The eye witness reported the incident to the police.

28 ///

1 THIRD CAUSE FOR DENIAL OF APPLICATION

2 (July 31, 1987 Criminal Conviction for Petty Theft)

3 14. Respondent's application for registration as a pharmacy technician is subject to  
4 denial under Code section 480, subdivisions (a)(1) and (a)(3)(A) in that he was convicted of a  
5 crime that is substantially related to the qualifications, duties, and functions of a pharmacy  
6 technician, which would also be a ground for discipline for a licensed pharmacy technician under  
7 Code section 4301, subdivision (l). The circumstances are as follows:

8 a. On or about July 31, 1987, in a criminal proceeding entitled *The People of*  
9 *the State of California vs. Richard David Freitas*, in Orange County Superior Court Central  
10 Justice Center, Case Number NM8710213, Respondent was convicted for violating PC section  
11 488, petty theft, a misdemeanor.

12 b. As a result of the conviction, on or about July 31, 1987, Respondent was  
13 sentenced to informal probation and ordered to serve 20 days in the Orange County Jail and pay  
14 a fine.

15 c. The facts that led to the conviction are that Respondent stole automobile  
16 parts for his vehicle.

17 FOURTH CAUSE FOR DENIAL OF APPLICATION

18 (Nov. 12, 1991 Conviction for Disorderly Conduct—Soliciting a Prostitute on Sep. 12, 1991)

19 15. Respondent's application for registration as a pharmacy technician is subject to  
20 denial under Code section 480, subdivisions (a)(1) and (a)(3)(A) in that he was convicted of a  
21 crime that is substantially related to the qualifications, duties, and functions of a pharmacy  
22 technician, which would also be a ground for discipline for a licensed pharmacy technician under  
23 Code section 4301, subdivision (l). The circumstances are as follows:

24 a. On or about November 12, 1991, in a criminal proceeding entitled *The*  
25 *People of the State of California vs. Richard David Freitas*, in the Riverside County Municipal  
26 Court Riverside Hall of Justice, Case Number 268722, Respondent was convicted on his plea of  
27 *nolo contendere* to violating PC section 647 subdivision (b), disorderly conduct – soliciting a  
28 prostitute, a misdemeanor.

1           b.       As a result of the conviction, on or about November 12, 1991, Respondent  
2 was sentenced to 24 months informal probation and ordered to serve five days in Riverside  
3 County Jail and pay a \$366.00 fine.

4           c.       The facts that led to the conviction are that on or about September 12,  
5 1991, Respondent was arrested for soliciting a prostitute in Riverside, California.

6                                   **FIFTH CAUSE FOR DENIAL OF APPLICATION**

7                                   **(February 2, 1993 Criminal Conviction for Resisting Arrest)**

8           16.       Respondent's application for registration as a pharmacy technician is subject to  
9 denial under Code section 480, subdivisions (a)(1) and (a)(3)(A) in that he was convicted of a  
10 crime that is substantially related to the qualifications, duties, and functions of a pharmacy  
11 technician, which would also be a ground for discipline for a licensed pharmacy technician under  
12 Code section 4301, subdivision (l). The circumstances are as follows:

13           a.       On or about February 2, 1993, in a criminal proceeding entitled *The*  
14 *People of the State of California vs. Richard David Freitas*, in Stanislaus County Superior Court  
15 Turlock Division, Case Number T-963207, Respondent was convicted for violating PC  
16 section 148, resisting, delaying, or obstructing a public officer, a misdemeanor pursuant to PC  
17 section 17 subdivision (b)(4).

18           b.       As a result of the conviction, on or about February 2, 1993, Respondent  
19 was sentenced to informal probation and ordered to serve two days in the Stanislaus County Jail  
20 and pay a fine.

21           c.       The facts that led to the conviction are that Respondent took part in a  
22 brawl during a super bowl party. When police officers responded, Respondent was belligerent  
23 and uncooperative.

24                                   **SIXTH CAUSE FOR DENIAL OF APPLICATION**

25                                   **(October 1, 1996 Criminal Conviction for Disturbing the Peace on September 23, 1996)**

26           17.       Respondent's application for registration as a pharmacy technician is subject to  
27 denial under Code section 480, subdivisions (a)(1) and (a)(3)(A) in that he was convicted of a  
28 crime that is substantially related to the qualifications, duties, and functions of a pharmacy

1 technician, which would also be a ground for discipline for a licensed pharmacy technician under  
2 Code section 4301, subdivision (1). The circumstances are as follows:

3 a. On or about October 1, 1996, in a criminal proceeding entitled *The People*  
4 *of the State of California vs. Richard David Freitas*, in Stanislaus County Superior Court  
5 Modesto Central, Case Number 67623, Respondent was convicted for violating PC section 415  
6 subdivision (2), disturbance by loud and unreasonable noise, a misdemeanor.

7 b. As a result of the conviction, on or about October 1, 1996, Respondent  
8 was sentenced to 36 months informal probation and ordered to serve 15 days in the Stanislaus  
9 County Jail and pay a fine.

10 c. The facts that led to the conviction are that Respondent hosted a party in  
11 his house which remained loud after an earlier warning by a responding police officer.

12 **SEVENTH CAUSE FOR DENIAL OF APPLICATION**

13 **(Feb. 6, 1997 Conviction for Illegal Possession of a Controlled Substance on Nov. 14, 1994)**

14 18. Respondent's application for registration as a pharmacy technician is subject to  
15 denial under Code section 480, subdivisions (a)(1) and (a)(3)(A) in that he was convicted of a  
16 crime that is substantially related to the qualifications, duties, and functions of a pharmacy  
17 technician, which would also be a ground for discipline for a licensed pharmacy technician under  
18 Code section 4301, subdivision (1). The circumstances are as follows:

19 a. On or about February 6, 1997, in a criminal proceeding entitled *The*  
20 *People of the State of California vs. Richard David Freitas*, in Stanislaus County Superior Court  
21 Modesto Central, Case Number 61103, Respondent was convicted for violating Health and  
22 Safety Code (HSC) section 11377, unauthorized possession of a controlled substance, a  
23 misdemeanor pursuant to PC 17 subdivision (b)(4).

24 b. As a result of the conviction, on or about February 2, 1997, Respondent  
25 was sentenced to 36 months informal probation and ordered to serve 60 days in Stanislaus  
26 County Jail and pay a fine. On or about August 12, 1997, Respondent failed to appear at a  
27 scheduled statutory probation hearing. As such, Respondent's probation was modified and he  
28 was ordered to serve 110 days in Stanislaus County Jail.



1 c. The facts that led to the conviction are that Respondent was arrested for  
2 possession of methamphetamine.

3 **EIGHTH CAUSE FOR DENIAL OF APPLICATION**

4 **(Feb. 20, 1997 Criminal Conviction for Unauthorized Taking of Bike/Boat on Feb. 5, 1997)**

5 19. Respondent's application for registration as a pharmacy technician is subject to  
6 denial under Code section 480, subdivisions (a)(1) and (a)(3)(A) in that he was convicted of a  
7 crime that is substantially related to the qualifications, duties, and functions of a pharmacy  
8 technician, which would also be a ground for discipline for a licensed pharmacy technician under  
9 Code section 4301, subdivision (l). The circumstances are as follows:

10 a. On or about February 20, 1997, in a criminal proceeding entitled *The*  
11 *People of the State of California vs. Richard David Freitas*, in Stanislaus County Superior Court  
12 Criminal Division, Case Number 128823, Respondent was convicted for violating PC section  
13 499 subdivision (b), taking a bicycle or a boat for the purpose of temporary use or operation  
14 without the permission of the owner, a misdemeanor.

15 b. As a result of the conviction, on or about February 20, 1997, Respondent  
16 was sentenced to 36 months probation and ordered to serve 30 days in the Stanislaus County Jail.  
17 On or about August 12, 1997, Respondent failed to appear at a scheduled statutory probation  
18 hearing. As such, Respondent's probation was modified and he was ordered to serve 40 days in  
19 the Stanislaus County Jail.

20 c. The facts that led to the conviction are that according to Respondent, he  
21 borrowed his friend's truck and did not return it for four days.

22 **NINTH CAUSE FOR DENIAL OF APPLICATION**

23 **(September 21, 2009 Criminal Conviction for DUI and Resisting Arrest on August 8, 2009)**

24 20. Respondent's application for registration as a pharmacy technician is subject to  
25 denial under Code section 480, subdivisions (a)(1) and (a)(3)(A) in that he was convicted of a  
26 crime that is substantially related to the qualifications, duties, and functions of a pharmacy  
27 technician, which would also be a ground for discipline for a licensed pharmacy technician under  
28 Code section 4301, subdivisions (h) and (l). The circumstances are as follows:

1 a. On or about September 21, 2009, in a criminal proceeding entitled *The*  
2 *People of the State of California vs. Richard David Freitas*, in Orange County Superior Court  
3 North Justice Center, Case Number 09NM10885, Respondent was convicted on his plea of guilty  
4 to violating PC section 148 subdivision (a)(1), resisting, delaying, or obstructing a public officer  
5 and Vehicle Code (VC) 23152 subdivision (a), driving under the influence of alcohol or a drug,  
6 or under the combined influence, both misdemeanors. Respondent was also charged with  
7 violating VC section 2800 subdivision (a), failure to comply with a lawful order of a peace  
8 officer and VC section 23152 subdivision (b), driving while having a blood alcohol content  
9 (BAC) of 0.08 percent or more with an enhancement pursuant to PC section 23578, for having a  
10 BAC of 0.15 percent or higher, both misdemeanors, which were dismissed as a result of a plea  
11 bargain.

12 b. As a result of the convictions, on or about September 21, 2009,  
13 Respondent was sentenced to informal probation for three years, and ordered to serve one day in  
14 the Orange County Jail with credit for time served. Respondent was also ordered to pay a total of  
15 \$1,890.00 in fines and fees, and to attend a six-month Level 2 First offender Alcohol Program.

16 c. The facts that led to the conviction are that on or about August 8, 2009,  
17 Respondent went out with some friends, had too much to drink, and thereafter, decided to drive  
18 home in Anaheim, California. At a check point manned by officers dispatched from the Anaheim  
19 Police Department, Respondent drove around police cars and disobeyed uniformed officers'  
20 commands to stop his vehicle. Respondent ultimately stopped. An Officer observed that  
21 Respondent smelled of alcohol, had red and watery eyes, and was argumentative. Respondent  
22 stood up despite an order to sit down and began advancing towards the Officers in an angry  
23 manner. Respondent resisted Officers' attempts to handcuff him. Respondent was subdued only  
24 after the officers used physical force and a taser. Respondent admitted to drinking two pitchers of  
25 beer.

26 ///

27 ///

28 ///

1 **TENTH CAUSE FOR DENIAL OF APPLICATION**

2 **(Unprofessional Conduct – Commission of Acts Involving Moral Turpitude, Dishonesty,**  
3 **Fraud, Deceit, or Corruption)**

4 21. Respondent's application for registration as a pharmacy technician is subject to  
5 denial under Code section 4301, subdivision (f) in that he committed acts which involve moral  
6 turpitude, dishonesty, fraud, deceit, and corruption, which would be grounds for discipline for a  
7 licensed technician. Respondent committed theft twice, shot a neighbor's dog with an air rifle,  
8 solicited a prostitute, resisted arrest by lawful authorities twice, disturbed the peace by making  
9 noise after being warned to be quiet, possessed a controlled substance, took a vehicle without  
10 authority, and drank alcohol to the extent and in a manner that was dangerous and injurious to  
11 himself and others, as described in the causes above, which are incorporated by reference.

12 **ELEVENTH CAUSE FOR DENIAL OF APPLICATION**

13 **(Unprofessional Conduct - Knowingly Making and Signing a Document That**  
14 **Falsely Represents the Nonexistence of a State of Facts)**

15 22. Respondent's application for registration as a pharmacy technician is subject to  
16 denial under Code section 480, subdivisions (a)(2) and (a)(3)(A) in that on or about August 4,  
17 2011, he certified under penalty of perjury to the truthfulness of all statements, answers, and  
18 representations in the application. However, Respondent failed to report eight criminal  
19 convictions spanning the period January 27, 1986 to February 20, 1997. Respondent disclosed  
20 only his criminal convictions on or about September 21, 2009 for violating PC section 148  
21 subdivision (a)(1), resisting, delaying, or obstructing a public officer and Vehicle Code (VC)  
22 23152 subdivision (a), driving under the influence of alcohol or a drug, or under the combined  
23 influence, both misdemeanors. Respondent's dishonesty would also be grounds for discipline for  
24 a licensed pharmacy technician under Code section 4301, subdivision (g).

25 **TWELFTH CAUSE FOR DENIAL OF APPLICATION**

26 **(Unprofessional Conduct - Dangerous Use of Alcohol)**

27 23. Respondent's application for registration as a pharmacy technician is subject to  
28 denial under Code section 480, subdivision (a)(3)(A) in that on or about August 8, 2009, he used

1 alcohol to the extent and in a manner that was dangerous and injurious to himself and to the  
2 public, which would also be a ground for discipline for a licensed pharmacy technician under  
3 Code section 4301, subdivision (h) in that the extent of the use impaired the ability of the  
4 registered person to conduct with safety to the public the practice authorized by the license.

5 **THIRTEENTH CAUSE FOR DENIAL OF APPLICATION**

6 **(Unprofessional Conduct – Violation of Drug Regulation Laws)**

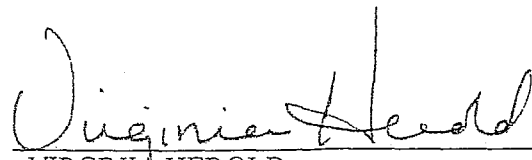
7 24. Respondent's application for registration as a pharmacy technician is subject to  
8 denial under Code section 480, subdivision (a)(3)(A) in that on or about November 14, 1994, he  
9 violated HSC section 11377, unauthorized possession of a controlled substance, a misdemeanor  
10 pursuant to PC 17 subdivision (b)(4), a statute of the State of California regulating controlled  
11 substances and dangerous drugs, which would be a ground for discipline for a licensed pharmacy  
12 technician under Code section 4301, subdivision (j).

13 **PRAYER**

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

- 16 1. Denying the application of Richard David Freitas for a Pharmacy Technician  
17 Registration;  
18 2. Taking such other and further action as deemed necessary and proper.  
19

20  
21  
22 DATED: 7/19/12



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

23  
24  
25  
26 SD2012703116  
70548140.doc