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

In the Matter of the Accusation Against:  
**JESUS SALVADOR GONZALEZ RIVERA**  
11901 Taylor Street  
Riverside, CA 92503  
**Pharmacy Technician Registration**  
No. TCH 89655  
  
Respondent.

Case No. 4477  
**DEFAULT DECISION AND ORDER**  
[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about March 1, 2013, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4477 against Jesus Salvador Gonzalez Rivera (Respondent) before the Board of Pharmacy. (The Accusation is attached as Exhibit A.)
2. On or about March 22, 2010, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 89655 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 4477 and will expire on July 31, 2013, unless renewed.
3. On or about March 11, 2013, Respondent was served by Certified and First Class Mail copies of the Accusation No. 4477, Statement to Respondent, Notice of Defense, Request

1 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
2 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
3 section 4100 and California Code of Regulations, title 16, section 1704, is required to be reported  
4 and maintained with the Board. Respondent's address of record was and is:

5 11901 Taylor Street  
6 Riverside, CA 92503

7 4. Service of the Accusation was effective as a matter of law under the provisions of  
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
9 124.

10 5. On or about March 18, 2013, the U.S. Postal Service returned the Domestic Return  
11 Receipt signed by "Rosa Gonzalez" acknowledging receipt of the Accusation served by Certified  
12 mail.

13 6. On or about April 24, 2013, Respondent was re-served by Certified and First Class  
14 Mail copies of the Accusation No. 4477, Statement to Respondent, Notice of Defense, Request  
15 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
16 11507.7) at an alternate address for Respondent, which was:

17 996 N. Parker Street  
18 Orange, CA 92867

19 7. Service of the Accusation was effective as a matter of law under the provisions of  
20 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
21 124.

22 8. On or about April 29, 2013, the U.S. Postal Service returned the Domestic Return  
23 Receipt signed on April 25, 2013, acknowledging receipt of the Accusation.

24 9. Government Code section 11506 states, in pertinent part:

25 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
26 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
27 of the accusation not expressly admitted. Failure to file a notice of defense shall  
28 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
may nevertheless grant a hearing.



1 RIM1208229, Respondent was convicted on his plea of guilty to violating Vehicle Code section  
2 23152, subdivision (a), driving under the influence, and Vehicle Code section 23152, subdivision  
3 (b), driving with a blood alcohol concentration (BAC) of .08 or more, misdemeanors.

4 Respondent admitted, and the court found true the special allegation that Respondent was  
5 previously convicted of violating Vehicle Code section 23152, subdivision (a) within 10 years.  
6 Said convictions are substantially related to the qualifications, duties, and functions of a  
7 pharmacy technician.

8 b. Respondent has subjected his registration to disciplinary action under section  
9 4301, subdivision (h) of the Code for unprofessional conduct in that on or about April 6, 2012,  
10 Respondent operated a motor vehicle while substantially impaired by alcoholic beverages.

11 c. Respondent has subjected his registration to disciplinary action under sections  
12 4301, subdivision (k) of the Code for unprofessional conduct in that on or about June 29, 2012,  
13 Respondent was convicted of violating Vehicle Code section 23152, subdivision (a) (driving  
14 under the influence of alcohol), and Vehicle Code section 23152, subdivision (b), (driving with a  
15 BAC of .08 percent or more). On or about October 25, 2006, Respondent was convicted of  
16 violating Vehicle Code section 23152, subdivision (a), and Vehicle Code section 23224,  
17 subdivision (a), person under 21 in possession of alcohol.

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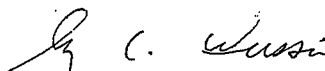
**ORDER**

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 89655, heretofore issued to Respondent Jesus Salvador Gonzalez Rivera, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 21, 2013.

It is so ORDERED July 22, 2013.



STANLEY C. WEISSER, BOARD PRESIDENT  
FOR THE BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIR

DOJ Matter ID: SD2012704442

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 State Bar No. 101336  
AMANDA DODDS  
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110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2141  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 4477

13 **JESUS SALVADOR GONZALEZ RIVERA**  
11901 Taylor Street  
14 **Riverside, CA 92503**

**A C C U S A T I O N**

15 **Pharmacy Technician Registration No.**  
16 **TCH 89655**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about March 22, 2010, the Board of Pharmacy issued Pharmacy Technician  
24 Registration Number TCH 89655 to Jesus Salvador Gonzalez Rivera (Respondent). The  
25 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges  
26 brought herein and will expire on July 31, 2013, unless renewed.

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1 **JURISDICTION**

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

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

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

11 **STATUTORY PROVISIONS**

12 6. Section 482 of the Code states:

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

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

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

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

19 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
20 revoke a license on the ground that the licensee has been convicted of a crime substantially  
21 related to the qualifications, functions, or duties of the business or profession for which the  
license was issued.

22 8. Section 493 of the Code states:

23 Notwithstanding any other provision of law, in a proceeding conducted by a  
24 board within the department pursuant to law to deny an application for a license or to  
25 suspend or revoke a license or otherwise take disciplinary action against a person who  
26 holds a license, upon the ground that the applicant or the licensee has been convicted  
27 of a crime substantially related to the qualifications, functions, and duties of the  
28 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.



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

3 9. Section 4301 of the Code states:

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

8 . . . .

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

14 . . . .

15 (k) The conviction of more than one misdemeanor or any felony involving the  
16 use, consumption, or self-administration of any dangerous drug or alcoholic beverage,  
17 or any combination of those substances.

18 (l) The conviction of a crime substantially related to the qualifications,  
19 functions, and duties of a licensee under this chapter. The record of conviction of a  
20 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
21 States Code regulating controlled substances or of a violation of the statutes of this  
22 state regulating controlled substances or dangerous drugs shall be conclusive  
23 evidence of unprofessional conduct. In all other cases, the record of conviction shall  
24 be conclusive evidence only of the fact that the conviction occurred. The board may  
25 inquire into the circumstances surrounding the commission of the crime, in order to  
26 fix the degree of discipline or, in the case of a conviction not involving controlled  
27 substances or dangerous drugs, to determine if the conviction is of an offense  
28 substantially related to the qualifications, functions, and duties of a licensee under this  
chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
contendere is deemed to be a conviction within the meaning of this provision. The  
board may take action when the time for appeal has elapsed, or the judgment of  
conviction has been affirmed on appeal or when an order granting probation is made  
suspending the imposition of sentence, irrespective of a subsequent order under  
Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
dismissing the accusation, information, or indictment.

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1 **REGULATORY PROVISIONS**

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

3 . . . .

4 (b) When considering the suspension or revocation of a facility or a personal  
5 license on the ground that the licensee or the registrant has been convicted of a crime,  
6 the board, in evaluating the rehabilitation of such person and his present eligibility for  
7 a license will consider the following criteria:

8 (1) Nature and severity of the act(s) or offense(s).

9 (2) Total criminal record.

10 (3) The time that has elapsed since commission of the act(s) or offense(s).

11 (4) Whether the licensee has complied with all terms of parole, probation,  
12 restitution or any other sanctions lawfully imposed against the licensee.

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

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

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

22 **COSTS**

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

27 **FIRST CAUSE FOR DISCIPLINE**

28 **(June 29, 2012 Criminal Conviction for DUI on April 6, 2012)**

13. Respondent has subjected his registration to discipline under sections 490 and 4301,  
subdivision (l) of the Code in that he was convicted of crimes that are substantially related to the  
qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

a. On or about June 29, 2012, in a criminal proceeding entitled *People of the State  
of California v. Jesus Salvador Gonzalez Rivera, aka Jesus Salvador Gonzalez, aka Jesus*

1 *Salvado Gonzalez*, in Riverside County Superior Court, case number RIM1208229, Respondent  
2 was convicted on his plea of guilty to violating Vehicle Code section 23152, subdivision (a),  
3 driving under the influence, and Vehicle Code section 23152, subdivision (b), driving with a  
4 blood alcohol concentration (BAC) of .08 or more, misdemeanors. Respondent admitted, and the  
5 court found true the special allegation that Respondent was previously convicted of violating  
6 Vehicle Code section 23152, subdivision (a) within 10 years, as detailed in paragraph 16, below.

7           b. As a result of the convictions, on or about June 29, 2012, Respondent was  
8 granted 48 months summary probation, and he was committed to the custody of the Riverside  
9 County Sheriff for 30 days, with credit for one day, to be served in the Sheriff's Labor Program.  
10 Respondent was further ordered to complete a Drinking Driver Program, pay fines and fees in the  
11 amount of \$2,044, and comply with enhanced DUI probation terms. On October 2, 2012,  
12 Respondent's probation was revoked and reinstated for his failure to enroll in the Drinking Driver  
13 Program, and his failure to appear for the Sheriff's Labor Program. The court has ordered  
14 Respondent to appear at a second probation violation hearing on January 18, 2013, for failure to  
15 complete the Driving Driver Program and the Sheriff's Labor Program.

16           c. The facts that led to the convictions are that on or about 4:30 in the morning of  
17 April 6, 2012, officers from the Riverside Police Department were dispatched to investigate a  
18 domestic disturbance involving Respondent and his girlfriend. Upon arrival at the reported  
19 residence, the parties could not be found. Police dispatch received a call from an intoxicated  
20 male (Respondent) stating he was stopped at a nearby intersection waiting for the police to  
21 contact him. The police officers found Respondent in the passenger seat of his vehicle, but he  
22 eventually admitted he had been the driver, and that he had consumed alcohol. The officer noted  
23 that there was a strong odor of an alcoholic beverage emitting from Respondent, and he had  
24 bloodshot, watery eyes. Respondent submitted to a series of field sobriety tests which he was  
25 unable to complete as explained and demonstrated by the officer. Respondent was arrested for  
26 driving under the influence. Respondent provided two breath samples which were analyzed by  
27 the Portable Evidential Breath Testing device with a BAC of .21 and .18 percent, respectively.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Dangerous Use of Alcohol)**

3 14. Respondent has subjected his registration to disciplinary action under section 4301,  
4 subdivision (h) of the Code for unprofessional conduct in that on or about April 6, 2012,  
5 Respondent operated a motor vehicle while substantially impaired by alcoholic beverages, as  
6 detailed in paragraph 13, above.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Multiple Alcohol-Related Convictions)**

9 15. Respondent has subjected his registration to disciplinary action under sections 4301,  
10 subdivision (k) of the Code for unprofessional conduct in that on or about June 29, 2012,  
11 Respondent was convicted of violating Vehicle Code section 23152, subdivision (a) (driving  
12 under the influence of alcohol), and Vehicle Code section 23152, subdivision (b), (driving with a  
13 BAC of .08 percent or more), as described in paragraph 13, above. On or about October 25,  
14 2006, Respondent was convicted of violating Vehicle Code section 23152, subdivision (a), and  
15 Vehicle Code section 23224, subdivision (a), person under 21 in possession of alcohol, as  
16 described in paragraph 16, below.

17 **DISCIPLINARY CONSIDERATIONS**

18 16. To determine the degree of discipline, if any, to be imposed on Respondent, pursuant  
19 to California Code of Regulations, title 16, section 1769, Complainant alleges:

20 a. On or about October 26, 2006, in a criminal proceeding entitled *People of the*  
21 *State of California v. Jesus Salvador Gonzalez Rivera*, in Riverside County Superior Court, case  
22 number RIM489533, Respondent was convicted on his plea of guilty to violating Vehicle Code  
23 section 23152, subdivision (a), driving under the influence, and Vehicle Code section 23224,  
24 person under 21 in possession of alcohol, misdemeanors. Respondent also pled guilty to violating  
25 Vehicle Code section 23140, subdivision (a), minor under 21 driving with a BAC of .05 or  
26 higher, an infraction.

27 b. As a result of the convictions, on or about October 26, 2006, Respondent was  
28 granted 36 months summary probation, and he was committed to the custody of the Riverside

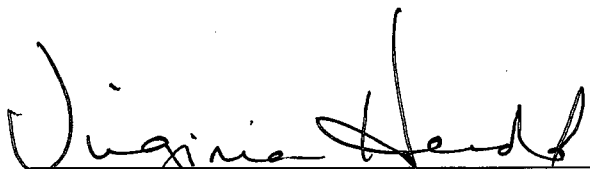
1 County Sheriff for six days, with credit for one day, to be served in the Sheriff's Labor Program.  
2 Respondent was further ordered to complete a four-month First Offender DUI Program, pay fines,  
3 fees, and restitution in the amount of \$1,675.40, and to comply with DUI probation terms.

4 **PRAYER**

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

- 7 1. Revoking or suspending Pharmacy Technician Registration Number TCH 89655,  
8 issued to Jesus Salvador Gonzalez Rivera;
- 9 2. Ordering Jesus Salvador Gonzalez Rivera to pay the Board of Pharmacy the  
10 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
11 Professions Code section 125.3;
- 12 3. Taking such other and further action as deemed necessary and proper.

13  
14  
15 DATED: 3/1/13

  
16 VIRGINIA HEROLD  
17 Executive Officer  
18 Board of Pharmacy  
19 Department of Consumer Affairs  
20 State of California  
21 Complainant

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