

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

In the Matter of the Accusation Against:

Case No. 4612

ANGEL MICHAEL RODRIGUEZ
P.O. Box 2254
West Sacramento, CA 95691

and

ANGEL MICHAEL RODRIGUEZ #AR0213
Salinas Valley State Prison
C-8 128L
P.O. Box 1050
Soledad, CA 93960-1060

Pharmacy Technician Registration
No. TCH 110551

Respondent.

DECISION AND ORDER

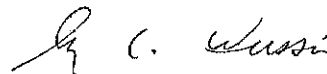
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on April 9, 2014.

It is so ORDERED on April 4, 2014.

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 KENT D. HARRIS
Supervising Deputy Attorney General
3 LESLIE A. BURGERMYER
Deputy Attorney General
4 State Bar No. 117576
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5337
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 4612

13 **ANGEL MICHAEL RODRIGUEZ**
14 **P.O. Box 2254**
15 **W. Sacramento, CA 95691**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16 **and**

17 **ANGEL MICHAEL RODRIGUEZ #AR0213**
18 **Salinas Valley State Prison**
19 **C-8 128L**
20 **P.O. Box 1050**
21 **Soledad, CA 93960-1060**

22 **Pharmacy Technician Registration**
23 **No. TCH 110551**

24 Respondent.

25 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
26 entitled proceedings that the following matters are true:

27 **PARTIES**

28 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy
("Board"), Department of Consumer Affairs. She brought this action solely in her official
capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of
California, by Leslie A. Burgermyer, Deputy Attorney General.

1 2. Angel Michael Rodriguez (“Respondent”) is representing himself in this proceeding
2 and has chosen not to exercise his right to be represented by counsel.

3 3. On or about May 6, 2011, the Board issued Pharmacy Technician Registration No.
4 TCH 110551 to Respondent. The Pharmacy Technician Registration was in full force and effect
5 at all times relevant to the charges brought in Accusation No. 4612 and will expire on January 31,
6 2015, unless renewed.

7 4. On or about August 2, 2013, Respondent’s Pharmacy Technician Registration No.
8 TCH 110551 was automatically suspended by operation of law pursuant to Business and
9 Professions Code section 4311, subdivision (a), due to Respondent’s incarceration for a felony
10 conviction. A copy of the Board’s suspension notice to Respondent is attached hereto, marked
11 Exhibit A, and incorporated herein by reference.

12 **JURISDICTION**

13 5. Accusation No. 4612 was filed before the Board and is currently pending against
14 Respondent. The Accusation and all other statutorily required documents were properly served
15 on Respondent on January 6, 2014. Respondent timely filed his Notice of Defense contesting the
16 Accusation. A copy of Accusation No. 4612 is attached hereto, marked Exhibit B, and
17 incorporated herein by reference.

18 **ADVISEMENT AND WAIVERS**

19 6. Respondent has carefully read, and understands the charges and allegations in
20 Accusation No. 4612. Respondent also has carefully read, and understands the effects of this
21 Stipulated Surrender of License and Order.

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

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

3 **CULPABILITY**

4 9. Respondent admits the truth of each and every charge and allegation in Accusation
5 No. 4612, agrees that cause exists for discipline and hereby surrenders his Pharmacy Technician
6 Registration No. TCH 110551 for the Board's formal acceptance.

7 10. Respondent understands that by signing this stipulation he enables the Board to issue
8 an order accepting the surrender of his Pharmacy Technician Registration without further process.

9 **RESERVATION**

10 11. The admissions made by Respondent herein are only for the purposes of this
11 proceeding, or any other proceedings in which the Board of Pharmacy or other professional
12 licensing agency is involved, and shall not be admissible in any other criminal or civil
13 proceeding.

14 **CONTINGENCY**

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

24 13. The parties understand and agree that Portable Document Format ("PDF") and
25 facsimile copies of this Stipulated Surrender of License and Order, including PDF and facsimile
26 signatures thereto, shall have the same force and effect as the originals.

27 14. This Stipulated Surrender of License and Order is intended by the parties to be an
28 integrated writing representing the complete, final, and exclusive embodiment of their agreement.

1 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
2 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
3 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
4 executed by an authorized representative of each of the parties.

5 15. In consideration of the foregoing admissions and stipulations, the parties agree that
6 the Board may, without further notice or formal proceeding, issue and enter the following Order:

7 **ORDER**

8 **IT IS HEREBY ORDERED** that Pharmacy Technician Registration No. TCH 110551,
9 issued to Respondent Angel Michael Rodriguez, is surrendered and accepted by the Board of
10 Pharmacy.

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

15 2. Respondent shall lose all rights and privileges as a Pharmacy Technician in
16 California as of the effective date of the Board's Decision and Order.

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

19 4. If Respondent ever files an application for licensure or a petition for reinstatement in
20 the State of California, then the Board shall treat it as a new application for licensure. Respon-
21 dent must comply with all the laws, regulations and procedures for reinstatement of a revoked
22 license in effect at the time the petition is filed, and all of the charges and allegations contained in
23 Accusation No. 4612 shall be deemed to be true, correct and admitted by Respondent when the
24 Board determines whether to grant or deny the petition.

25 5. Respondent shall pay the agency its costs of investigation and enforcement in the
26 amount of \$1,870.00 prior to issuance of a new or reinstated license.

27 6. If Respondent should ever apply or re-apply for a new license or certification, or
28 petition for reinstatement of a license, by any other health care licensing agency in the State of

1 California, then all of the charges and allegations contained in Accusation, No. 4612 shall be
2 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
3 Issues or any other proceeding seeking to deny or restrict licensure.

4 7. Respondent shall not apply for licensure or petition for reinstatement for three (3)
5 years from the effective date of the Board of Pharmacy's Decision and Order.

6 ACCEPTANCE

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

11
12 DATED: Feb 20th, 2014

13 
14 ANGEL MICHAEL RODRIGUEZ
15 Respondent

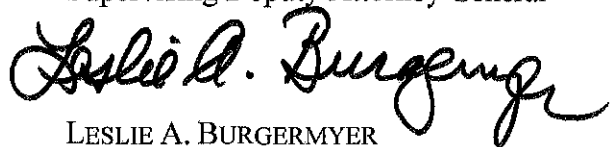
16 ENDORSEMENT

17 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
18 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

19 DATED: March 4, 2014

20 Respectfully submitted,

21 KAMALA D. HARRIS
22 Attorney General of California
23 KENT D. HARRIS
24 Supervising Deputy Attorney General

25 

26 LESLIE A. BURGERMYER
27 Deputy Attorney General
28 Attorneys for Complainant

Exhibit A

Notice of Automatic Suspension (Felony Conviction)

1
2
3 **BEFORE THE**
4 **BOARD OF PHARMACY**
5 **DEPARTMENT OF CONSUMER AFFAIRS**
6 **STATE OF CALIFORNIA**

7 **ANGEL MICHAEL RODRIGUEZ**
8 P O BOX 2254
9 West Sacramento, California 95691

Case No. 4612

**NOTICE OF AUTOMATIC
SUSPENSION OF LICENSE
(Bus. & Prof. Code, § 4311 subd. (a).)**

10 c/o North Kern State Prison
11 Inmate Registration #AR0213
12 P O BOX 567
13 Delano, California 93216-0567

Pharmacy Technician License No. TCH 110551

Respondent

14
15 TO: ANGEL MICHAEL RODRIGUEZ

16 **YOUR PHARMACY TECHNICIAN LICENSE HAS BEEN SUSPENDED.**

17
18 **NOTICE IS HEREBY GIVEN THAT YOUR LICENSE TO WORK AS A PHARMACY**
19 **TECHNICIAN IN THE STATE OF CALIFORNIA HAS BEEN AUTOMATICALLY SUSPENDED,**
20 **PURSUANT TO CALIFORNIA BUSINESS AND PROFESSIONS CODE SECTION 4311,**
21 **SUBDIVISION (A), DUE TO YOUR INCARCERATION ON OR ABOUT AUGUST 13, 2013, FOR**
22 **YOUR CONVICTION IN VIOLATION OF PENAL CODE SECTION 211 (2ND DEGREE**
23 **ROBBERY), A FELONY, IN CASE NUMBER 11F08115, IN SACRAMENTO COUNTY SUPERIOR**
24 **COURT.**

25 The suspension will remain in effect for the duration of your incarceration. The information
26 received by the Board indicates a period of incarceration of 25 (twenty-five) years. Accordingly, in the
27 absence of further information, your license will be suspended until at least August 13, 2038. If the
28 period of incarceration is longer or shorter than three years, or has a different start or end date than

1 stated in this Notice, it is your responsibility to provide that information to the Board along with any and
2 all supporting documentation. Where appropriate, certified copies of court documents may be required.
3 The suspension will remain in effect until a final decision on the accusation is rendered thereon.

4 **UNLESS OR UNTIL THIS SUSPENSION IS LIFTED YOU MAY**
5 **NOT WORK UNDER YOUR PHARMACY TECHNICIAN LICENSE.**

6 You have a right at this time to request a hearing under California Business and Professions
7 Code section 4311, subdivision (a) to contest the automatic suspension. The hearing on the automatic
8 suspension shall be limited to whether you are presently incarcerated pursuant to a felony conviction.

9 The request for hearing may be made by delivering, mailing or transmitting by facsimile one of
10 the enclosed forms entitled, "Request for Hearing" to:

11 Virginia K. Herold, Executive Officer
12 State Board of Pharmacy
13 1625 N. Market Blvd, Suite N219
14 Sacramento, CA 95834
15 FAX: (916) 574-8618

16 **ANY REQUEST FOR A HEARING MUST BE RECEIVED BY THE BOARD WITHIN**
17 **FIFTEEN (15) DAYS FOLLOWING RECEIPT OF THIS NOTICE**

18 If the Board receives a request for hearing within fifteen (15) days following receipt of this
19 Notice, a hearing will be held pursuant to the provisions of California Business and Professions Code
20 section 4311 and the California Administrative Procedure Act [Government Code section 11500 et seq.].

21 A copy of California Business and Professions Code section 4311 is enclosed.

22 You may, but need not, be represented by counsel (at your own expense) at any or all stages of
23 any proceeding brought against your license by the State Board of Pharmacy.

24 Dated: January 17, 2014

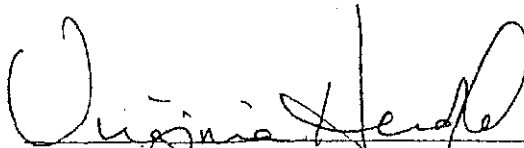
25 
26 VIRGINIA K. HEROLD, Executive Officer
27 State Board of Pharmacy
28 Department of Consumer Affairs
State of California

Exhibit B

Accusation No. 4612

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 LESLIE A. BURGERMYER
Deputy Attorney General
4 State Bar No. 117576
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5337
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 4612

12 **ANGEL MICHAEL RODRIGUEZ**

A C C U S A T I O N

13 P. O. Box 2254
West Sacramento, CA 95691

14 Pharmacy Technician Registration
No. TCH 110551

15
16 Respondent.

17
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 ("Board"), Department of Consumer Affairs.

23 2. On or about May 6, 2011, the Board issued Pharmacy Technician Registration
24 Number TCH 110551 to Angel Michael Rodriguez ("Respondent"). The Pharmacy Technician
25 Registration was in full force and effect at all times relevant to the charges brought herein and
26 will expire on January 31, 2015, unless renewed.

27 ///

28 ///

1 JURISDICTION

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

5 4. Section 4300 of the Code provides, in pertinent part, that the Board may suspend,
6 revoke, default, suspend judgment, place on probation, suspend the right to practice for p to one
7 year, or take other disciplinary action which the Board, in its discretion, deems proper.

8 5. Section 4300.1 of the Code states:

9 The expiration, cancellation, forfeiture, or suspension of a board-issued
10 license by operation of law or by order or decision of the board or a court of law,
11 the placement of a license on a retired status, or the voluntary surrender of a license
12 by a licensee shall not deprive the board of jurisdiction to commence or proceed
with any investigation of, or action or disciplinary proceeding against, the licensee
or to render a decision suspending or revoking the license.

13 STATUTORY PROVISIONS

14 6. Section 4301 of the Code states, in pertinent part:

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

18 ...

18 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
19 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.

20 ...

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

1 under Section 1203.4 of the Penal Code allowing the person to withdraw his or her
2 plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty,
3 or dismissing the accusation, information, or indictment.

4 COST RECOVERY

5 7. Section 125.3 of the Code states, in pertinent part, that the Board may request the
6 administrative law judge to direct a licensee found to have committed a violation or violations of
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
8 enforcement of the case.

9 FIRST CAUSE FOR DISCIPLINE

10 (Conviction of Crime)

11 8. Respondent's license is subject to disciplinary action under Code section 4301,
12 subdivision (l), on the grounds of unprofessional conduct, in that on or about June 19, 2013, in
13 the case of *People v. Angel Michael Rodriguez*, Sacramento County Superior Court Case No.
14 11F08115, Respondent was convicted by a jury of his peers of violating Penal Code section 211
15 [robbery], a felony. Said crime is substantially related to the qualifications, functions, or duties of
16 a pharmacy technician.

17 a. The underlying circumstances are: on or about December 6, 2011, Respondent
18 was arrested on suspicion of committing felony bank robbery in violation of Penal Code section
19 211 (robbery). The robbery occurred on or about November 14, 2011, at the Bank of the West,
20 2581 Fair Oaks Blvd., Sacramento, California. The amount of the stolen cash was \$1,569.00.

21 SECOND CAUSE FOR DISCIPLINE

22 (Committed Acts of Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

23 9. Respondent's license is subject to disciplinary action under Code section 4301,
24 subdivision (f), on the grounds of unprofessional conduct, in that on or about November 14, 2011,
25 Respondent committed acts of moral turpitude, dishonesty, fraud, deceit, or corruption. The
26 underlying circumstances are set forth in paragraph 8, subparagraph a, above.

27 AGGRAVATING FACTORS

28 10. In order to fix the degree of discipline against Respondent, Complainant respectfully
requests the following to be considered:

1 a. On or about November 29, 2010, Respondent submitted his Application for
 2 Registration as a Pharmacy Technician; he certified under penalty of perjury as to the truth and
 3 accuracy of all statements, answers and representations made in his application. Respondent
 4 falsely responded "no" to Question 6, "Have you ever been convicted of or pled no contest to a
 5 violation of any law of a foreign country, the United States or any state laws or local ordinances."

6 b. The truth is that Respondent had sustained the following convictions:

Conviction Date	Court	Case#	Code/Description
11/05/1974	Washington County, OR		Charge - Robbery
07/07/1977	Portland, OR		Charge - Driving Under Influence
08/01/1980	Clackamas County, OR		Charge 1 - Robbery, 2 nd degree Charge 2 - Robbery, 1 st degree
07/03/1987	Jackson County, OR	861054C2	Charge - Robbery, 3 rd degree
10/14/1988	Vancouver, WT		Charge - Render Criminal Assistance, 1 st degree
05/21/1990	Portland, OR		Charge - Bank Robbery

13 c. After the Board's inquiry, Respondent provided his written explanation about the
 14 above convictions, his incarcerations, and submitted rehabilitation documents including a letter
 15 of reference from Respondent's pastor. Thereafter, Respondent was issued Pharmacy
 16 Technician Registration No. TCH 110551.

17 **PRAYER**

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

- 20 1. Revoking or suspending Pharmacy Technician Registration Number TCH 110551
 21 issued to Angel Michael Rodriguez;
- 22 2. Ordering Angel Michael Rodriguez to pay the Board of Pharmacy the reasonable
 23 costs of the investigation and enforcement of this case, pursuant to Business and Professions
 24 Code section 125.3; and

25 ///

26 ///

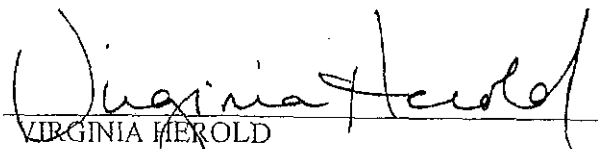
27 ///

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

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

DATED: 12/2/13


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

SA2013110853 / 11192890.docx