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

In the Matter of the Accusation Against:  
**JONATHAN SALINAS-SANCHEZ,**  
1200 Athens Avenue  
Modesto, CA 95350  
  
**Pharmacy Technician Registration Number  
TCH 116074**  
  
Respondent.

Case No. 4739

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about October 21, 2013, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4739 against Jonathan Salinas-Sanchez (“Respondent”) before the Board of Pharmacy. (Accusation attached as Exhibit A)
2. On or about November 18, 2011, the Board of Pharmacy (“Board”) issued Pharmacy Technician Registration No. TCH 116074 to Respondent. The Pharmacy Technician Registration No. TCH 116074 was in full force and effect at all times relevant to the charges brought in Accusation No. 4739 and expired on September 30, 2013. This lapse in licensure, however,

1 pursuant to Business and Professions Code section 4300.1, does not deprive the Board of its  
2 authority to institute or continue this disciplinary proceeding.

3 3. On or about November 5, 2013, Respondent was served by Certified and First Class  
4 Mail copies of the Accusation No. 4739, Statement to Respondent, Notice of Defense, Request  
5 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
6 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
7 section 4100, is required to be reported and maintained with the Board. Respondent's address of  
8 record was and is:

9 1200 Athens Avenue  
10 Modesto, CA 95350.

11 4. Service of the Accusation was effective as a matter of law under the provisions of  
12 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
13 124.

14 5. No documents were returned by the U.S. Postal Service marked as undeliverable.

15 6. Government Code section 11506 states, in pertinent part:

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

21 7. Respondent failed to file a Notice of Defense within 15 days after service upon him  
22 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
23 4739.

24 8. California Government Code section 11520 states, in pertinent part:

25 (a) If the respondent either fails to file a notice of defense or to appear at the  
26 hearing, the agency may take action based upon the respondent's express admissions  
27 or upon other evidence and affidavits may be used as evidence without any notice to  
28 respondent.

9 Pursuant to its authority under Government Code section 11520, the Board finds  
Respondent is in default. The Board will take action without further hearing and, based on the  
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as

1 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
2 file at the Board's offices regarding the allegations contained in Accusation No. 4739, finds that  
3 the charges and allegations in Accusation No. 4739, are separately and severally, found to be true  
4 and correct by clear and convincing evidence.

5 10. Taking official notice of its own internal records, pursuant to Business and  
6 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
7 and Enforcement is \$2,125 as of January 13, 2014.

### 8 DETERMINATION OF ISSUES

9 1. Based on the foregoing findings of fact, Respondent Jonathan Salinas-Sanchez has  
10 subjected his Pharmacy Technician Registration No. TCH 116074 to discipline.

11 2. The agency has jurisdiction to adjudicate this case by default.

12 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician  
13 Registration No. TCH 116074 based upon the following violations alleged in the Accusation  
14 which are supported by the evidence contained in the Default Decision Evidence Packet in this  
15 case:

16 a. Respondent is subject to disciplinary action under Business and Professions  
17 Code ("Bus. & Prof. Code") section 4301, subdivision (I) in that he was convicted of the  
18 following crimes which are substantially related to the qualifications, functions, or duties of a  
19 licensed pharmacy technician: On or about January 7, 2011, in the case of *People v. Jonathan*  
20 *Sanchez Salinas* (Super. Ct. Stanislaus County, Case No. 1430751), Respondent was convicted on  
21 his plea of nolo contendere of violating Penal Code section 246.3, subdivision (a) (Willful  
22 Discharge of a Firearm with Gross Negligence), a felony, and Health and Safety Code section  
23 11350, subdivision (a) (Possession of a Controlled Substance (Cocaine)), a felony. The  
24 circumstances of the crimes were that on or about January 7, 2011, after being escorted out of the  
25 Tiki Bar by a bartender/bouncer for causing a disturbance, Respondent willfully and unlawfully  
26 assaulted two victims with a firearm and discharged a firearm in a grossly negligent manner,  
27 which could have resulted in death. During the commission of the assault, Respondent personally  
28 inflicted great bodily injury on victim G.D. After Respondent's arrest on or about January 7,

1 2011, a pat down was conducted at the jail and a bag containing cocaine was found concealed in  
2 Respondent's hat.

3 b. Respondent is subject to disciplinary action under Bus. & Prof. Code section  
4 4060 in that Respondent had possession of a controlled substance (cocaine), without authorization  
5 or a valid prescription, as more fully set forth above in paragraph 3, subpart a.

6 c. Respondent is subject to disciplinary action under Bus. & Prof. Code section  
7 4301, subdivision (f) in that Respondent committed acts involving moral turpitude when he  
8 willfully discharged a firearm with gross negligence, as more fully set forth above in paragraph 3,  
9 subpart a.

10 d. Respondent is subject to disciplinary action for unprofessional conduct under  
11 Bus. & Prof. Code section 4301, subdivision (j) in that Respondent violated statutes regulating  
12 controlled substances and dangerous drugs, including Code section 4060, and Health and Safety  
13 Code section 11530, as set forth more fully above in paragraph 3, subpart a.

14 e. Respondent is subject to disciplinary action for unprofessional conduct under  
15 Bus. & Prof. Code section 4301, subdivision (o) in that Respondent violated the laws governing  
16 pharmacy, as more fully set forth above in paragraph 3, subparts a through d.

17 **ORDER**

18 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 116074, heretofore  
19 issued to Respondent Jonathan Salinas-Sanchez, is revoked.

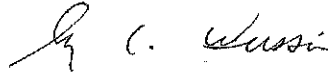
20 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
21 written motion requesting that the Decision be vacated and stating the grounds relied on within  
22 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
23 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.  
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This Decision shall become effective on March 27, 2014.

It is so ORDERED ON February 25, 2014.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



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

11255023.DOC  
DOJ Matter ID:SA2013111624

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation No. 4739

1 KAMALA D. HARRIS  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 STEPHANIE ALAMO-LATIF  
Deputy Attorney General  
4 State Bar No. 283580  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 327-6819  
Facsimile: (916) 327-8643  
7 E-mail: Stephanie.AlamoLatif@doj.ca.gov  
*Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:	Case No. 4739
13 <b>JONATHAN SALINAS-SANCHEZ,</b>	<b>ACCUSATION</b>
14 1200 Athens Avenue	
14 Modesto, CA 95350	
15 <b>Pharmacy Technician Registration Number</b>	
16 <b>TCH 116074</b>	
17 Respondent.	

18  
19 Virginia Herold ("Complainant") alleges:

20 **PARTIES**

- 21 1. (Complainant) brings this Accusation solely in her official capacity as the Executive  
22 Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 23 2. On or about November 18, 2011, the Board of Pharmacy issued Pharmacy Technician  
24 Registration Number TCH 116074 to Jonathan Salinas-Sanchez ("Respondent"). The Pharmacy  
25 Technician Registration Number TCH 116074 was in full force and effect at all times relevant to  
26 the charges brought herein and will expire on September 30, 2013, unless renewed.

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**JURISDICTION**

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

4. Code Section 4300 states, in pertinent part, that every license issued may be suspended or revoked.

5. Code Section 4300.1 states, in pertinent part, that the expiration of a board-issued license 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.

**STATUTORY PROVISIONS**

6. Code Section 4301 states, in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct. Unprofessional conduct shall include, but is not limited to, any of the following:

...

"(f) The commission of any act involving moral turpitude, dishonesty, 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."

...

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

...

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter.

(o) Violating or attempting to violate, directly or indirectly, any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.

⋮



1           7.    Code Section 4060 provides, in pertinent part:

2           No person shall possess any controlled substance, except that furnished to a person upon the  
3 prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
4 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified  
5 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a  
6 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,  
7 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
8 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.

9           8.    Health and Safety Code Section 11350, subdivision (a) provides, in pertinent part, that  
10 except as otherwise provided in this division, every person who possesses any controlled substance  
11 specified in paragraph (1) of subdivision (f) of Section 11054, or specified in subdivision (b) or (c)  
12 of Section 11055, unless upon the written prescription of a physician, dentist, podiatrist, or  
13 veterinarian licensed to practice in this state, shall be punished by imprisonment pursuant to  
14 subdivision (h) of Section 1170 of the Penal Code.

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

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

22   **COST RECOVERY**

23           10.  Code Section 125.3 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.

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1 **DRUGS**

2 11. "Cocaine" is a Schedule II controlled substance as designated by Health and Safety  
3 Code section 11055, subdivision (b)(6).

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Conviction of Crimes)**

6 12. Respondent is subject to disciplinary action under Code section 4301 (I) in that he was  
7 convicted of the following crimes which are substantially related to the qualifications, functions, or  
8 duties of a licensed pharmacy technician: On or about January 7, 2011, in the case of *People v.*  
9 *Jonathan Sanchez Salinas* (Super. Ct. Stanislaus County, Case No. 1430751), Respondent was  
10 convicted on his plea of nolo contendere of violating Penal Code section 246.3, subdivision (a)  
11 (Willful Discharge of a Firearm with Gross Negligence), a felony, and Health and Safety Code  
12 section 11350, subdivision (a) (Possession of a Controlled Substance (Cocaine)), a felony. The  
13 circumstances of the crimes are as follows:

14 a. On or about January 7, 2011, after being escorted out of the Tiki Bar by a  
15 bartender/bouncer for causing a disturbance, Respondent willfully and unlawfully assaulted two  
16 victims with a firearm and discharged a firearm in a grossly negligent manner, which could have  
17 resulted in death. During the commission of the assault, Respondent personally inflicted great  
18 bodily injury on victim G.D. After Respondent's arrest on or about January 7, 2011, a pat down  
19 was conducted at the jail and a bag containing cocaine was found concealed in Respondent's hat.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Unlawful Possession of Controlled Substances)**

22 13. Respondent is subject to disciplinary action under Code section 4060 in that  
23 Respondent had possession of a controlled substance (cocaine), without authorization or a valid  
24 prescription, as more fully set forth above in paragraph 12 and its subpart.

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**THIRD CAUSE FOR DISCIPLINE**

**(Acts involving Moral Turpitude)**

14. Respondent is subject to disciplinary action under Code section 4301, subdivision (f) in that Respondent committed acts involving moral turpitude when he willfully discharged a firearm with gross negligence, as more fully set forth above in paragraph 12 and its subpart.

**FOURTH CAUSE FOR DISCIPLINE**

**(Violation of Statutes Regulating Controlled Substances and Dangerous Drugs)**

15. Respondent is subject to disciplinary action for unprofessional conduct under Code section 4301, subdivision (j) in that Respondent violated statutes regulating controlled substances and dangerous drugs, including Code section 4060, and Health and Safety Code section 11530, as set forth more fully above in paragraphs 12 and 13, and their subparts.

**FIFTH CAUSE FOR DISCIPLINE**

**(Violating laws and Regulations Governing Pharmacy )**

16. Respondent is subject to disciplinary action for unprofessional conduct under Code section 4301, subdivision (o) in that Respondent violated the laws governing pharmacy, as more fully set forth above in paragraphs 12 through 15, and their subparts.

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PRAYER

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

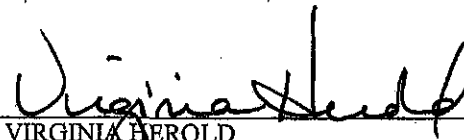
4       1.    Revoking or suspending Pharmacy Technician Registration TCH 116074, issued to  
5 Jonathan Salinas-Sanchez;

6       2.    Ordering Jonathan Salinas-Sanchez to pay the Board of Pharmacy the reasonable costs  
7 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
8 section 125.3;

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

10  
11  
12 DATED: \_\_\_\_\_

10/21/13



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

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