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

In the Matter of the Accusation Against:

**JORGE EDUARDO SANCHEZ aka
GEORGE EDUARDO SANCHEZ**
10315 Western Ave., #A7
Downey, CA 90241

Pharmacy Technician Registration No. TCH
100708

Respondent.

Case No. 4951

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about February 15, 2014, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4951 against Jorge Eduardo Sanchez aka George Eduardo Sanchez (Respondent) before the Board of Pharmacy. (Accusation attached as **Exhibit A.**)

2. On or about May 12, 2010, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 100708 to Respondent. The Pharmacy Technician Registration

1 was in full force and effect at all times relevant to the charges brought in Accusation No. 4951
2 and expired on March 31, 2014, and has not been renewed.

3 3. On or about March 6, 2014, Respondent was served by Certified and First Class Mail
4 copies of the Accusation No. 4951, Statement to Respondent, Notice of Defense, Request for
5 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
6 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
7 is required to be reported and maintained with the Board. Respondent's address of record was
8 and is:

9 10315 Western Ave., #A7
10 Downey, CA 90241.

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. On or about March 24, 2014, the aforementioned mailings were returned unopened by
15 the U.S. Postal Service., both mailing envelopes having been marked "Return to Sender/Unable
16 to Forward." The address on the documents was the same as the address on file with the Board.
17 Respondent failed to maintain an updated address with the Board and the Board has made
18 attempts to serve the Respondent at the address on file. Respondent has not made himself
19 available for service and therefore, has not availed himself of his right to file a notice of defense
20 and appear at hearing.

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

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

27 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
28 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
4951.

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

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

5 9. Pursuant to its authority under Government Code section 11520, the Board finds
6 Respondent is in default. The Board will take action without further hearing and, based on the
7 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
8 taking official notice of all the investigatory reports, exhibits and statements contained therein on
9 file at the Board's offices regarding the allegations contained in Accusation No. 4951, finds that
10 the charges and allegations in Accusation No. 4951, are separately and severally, found to be true
11 and correct by clear and convincing evidence.

12 10. Taking official notice of its own internal records, pursuant to Business and
13 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
14 and Enforcement is \$1,512.50 as of April 28, 2014.

15 DETERMINATION OF ISSUES

16 1. Based on the foregoing findings of fact, Respondent Jorge Eduardo Sanchez has
17 subjected his Pharmacy Technician Registration No. TCH 100708 to discipline.

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

19 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
20 Registration based upon the following violations alleged in the Accusation which are supported
21 by the evidence contained in the Default Decision Evidence Packet in this case.:

22 a. Respondent is subject to disciplinary action under Business and Professions
23 Code section 4301, subdivision (j) in conjunction with section 4060, on the grounds of
24 unprofessional conduct, in that Respondent was found to be in illegal possession of a controlled
25 substance, as follows:

26 (1) On or about April 26, 2013, Los Angeles County Sheriff's Department officers
27 conducted an enforcement stop of a vehicle after observing its passengers not wearing seatbelts.
28 While speaking to the driver, the officers detected a strong odor of burnt Marijuana emitting from
the vehicle, and observed that a passenger in the rear seat was holding an open bottle of beer. All

1 the occupants were asked to exit the vehicle. When Respondent exited the vehicle he was
2 observed removing a plastic pill container from his right jacket pocket and attempting to drop the
3 unlabeled container into the front seat of the vehicle. When asked what was in the pill container,
4 Respondent stated, "It's just Zanax." Respondent later admitted that he did not have a
5 prescription for the "Zanax"/Alprazolam (10 tablets) in the container. Officers further found a
6 small rolled Marijuana cigarette in the center ashtray. Respondent was arrested for illegal
7 possession of a controlled substance.

8 (2) Subsequently, on or about July 11, 2013, criminal charges were filed against
9 Respondent in the criminal proceeding entitled *The People of the State of California v. George*
10 *Eduardo Sanchez* (Super. Ct. Los Angeles County, 2013, No. VA130178). On or about July 11,
11 2013, pursuant to a plea agreement, Respondent pled nolo contendere to one misdemeanor count
12 of violating Health and Safety Code section 11375, subdivision (b)(2) [possession of a controlled
13 substance]. The Court suspended imposition of sentence for 18 months, and ordered Respondent
14 to enroll in a Deferred Entry of Judgment program.

15 (3) "Marijuana," is a schedule I controlled substance as defined in Health and
16 Safety Code section 11054, subdivision (d)(13) and is categorized a dangerous drug pursuant to
17 section 4022.

18 (4) "Xanax," is the brand name for Alprazolam. It is a Schedule IV controlled
19 substance as designated by Health and Safety Code section 11057, subdivision (d) and is
20 categorized as a dangerous drug pursuant to section 4022.

21 b. Respondent is subject to disciplinary action under Business and Professions Code
22 section 4301, (o), and 4060, in that Respondent committed acts of unprofessional conduct and
23 violated provisions of the licensing chapter based on misconduct on or about April 26, 2013,
24 resulting in the criminal proceeding entitled *The People of the State of California v. George*
25 *Eduardo Sanchez* (Super. Ct. Los Angeles County, 2013, No. VA130178) and his conviction on
26 July 11, 2013, of one misdemeanor count of violating Health and Safety Code section 11375,
27 subdivision (b)(2) [possession of a controlled substance] as described more fully above.

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ORDER

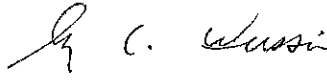
IT IS ORDERED that Pharmacy Technician Registration No. TCH 100708, heretofore issued to Respondent JORGE EDUARDO SANCHEZ, aka GEORGE EDUARDO SANCHEZ is revoked.

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 July 9, 2014.

It is so ORDERED June 9, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By 
STAN C. WEISSER
Board President

51503962.DOC
DOJ Matter ID:LA2013510515

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
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2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 SUSAN MELTON WILSON
Deputy Attorney General
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300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-4942
6 Facsimile: (213) 897-2804

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. 4951

13 **JORGE EDUARDO SANCHEZ a.k.a.**
14 **GEORGE EDUARDO SANCHEZ**
10315 Western Ave., #A7
Downey, CA 90241

A C C U S A T I O N

15 Pharmacy Technician Registration
16 No. TCH 100708

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about May 12, 2010, the Board of Pharmacy (Board) issued Pharmacy
24 Technician Registration No. TCH 100708 to Jorge Eduardo Sanchez a.k.a. George Eduardo
25 Sanchez (Respondent). The pharmacy technician registration was in full force and effect at all
26 times relevant to the charges brought herein and will expire on March 31, 2014, unless renewed.

27 / / /

1 JURISDICTION

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

4 STATUTORY PROVISIONS

5 4. Section 492 states:

6 "Notwithstanding any other provision of law, successful completion of any diversion
7 program under the Penal Code, or successful completion of an alcohol and drug problem
8 assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of
9 Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2
10 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that
11 division, from taking disciplinary action against a licensee or from denying a license for
12 professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a
13 record pertaining to an arrest.

14 "This section shall not be construed to apply to any drug diversion program operated by any
15 agency established under Division 2 (commencing with Section 500) of this code, or any initiative
16 act referred to in that division."

17 5. Section 4060 states, in pertinent part:

18 "No person shall possess any controlled substance, except that furnished to a person upon
19 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
20 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
21 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
22 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
23 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
24 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply
25 to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
26 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
27 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
28 labeled with the name and address of the supplier or producer."

1 **COST RECOVERY**

2 10. Section 125.3 states, in pertinent part, that the Board may request the administrative
3 law judge to direct a licentiate found to have committed a violation or violations of the licensing
4 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
5 case.

6 11. **CONTROLLED SUBSTANCES/DANGEROUS DRUGS**

7 a. "Marijuana," is a schedule I controlled substance as defined in Health and Safety Code
8 section 11054, subdivision (d)(13) and is categorized a dangerous drug pursuant to section 4022.

9 b. "Xanax," is the brand name for Alprazolam. It is a Schedule IV controlled substance
10 as designated by Health and Safety Code section 11057, subdivision (d) and is categorized as a
11 dangerous drug pursuant to section 4022.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Illegal Possession of a Controlled Substance)**

14 12. Respondent is subject to disciplinary action under section 4301, subdivision (j) in
15 conjunction with section 4060, on the grounds of unprofessional conduct, in that Respondent was
16 found to be in illegal possession of a controlled substance, as follows:

17 a. On or about April 26, 2013, Los Angeles County Sheriff's Department officers
18 conducted an enforcement stop of a vehicle after observing its passengers not wearing seatbelts.
19 While speaking to the driver, the officers detected a strong odor of burnt Marijuana emitting from
20 the vehicle, and observed that a passenger in the rear seat was holding an open bottle of beer. All
21 the occupants were asked to exit the vehicle. When Respondent exited the vehicle he was
22 observed removing a plastic pill container from his right jacket pocket and attempting to drop the
23 unlabeled container into the front seat of the vehicle. When asked what was in the pill container,
24 Respondent stated, "It's just Zanax." Respondent later admitted that he did not have a prescription
25 for the "Zanax"/Alprazolam (10 tablets) in the container. Officers further found a small rolled
26 Marijuana cigarette in the center ashtray. Respondent was arrested for illegal possession of a
27 controlled substance.

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1 b. Subsequently, on or about July 11, 2013, criminal charges were filed against
2 Respondent in the criminal proceeding entitled *The People of the State of California v. George*
3 *Eduardo Sanchez* (Super. Ct. Los Angeles County, 2013, No. VA130178). On or about July 11,
4 2013, pursuant to a plea agreement, Respondent pled nolo contendere to one misdemeanor count
5 of violating Health and Safety Code section 11375, subdivision (b)(2) [possession of a controlled
6 substance]. The Court suspended imposition of sentence for 18 months, and ordered Respondent to
7 enroll in a Deferred Entry of Judgment program.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct/ Violation of Licensing Chapter)**

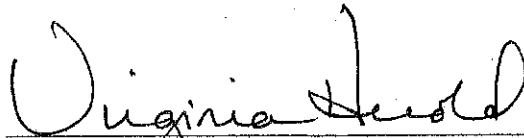
10 13. Respondent is subject to disciplinary action under section 4301, (o), and 4060, in that
11 Respondent committed acts of unprofessional conduct and/ or violated provisions of the licensing
12 chapter. Complainant refers to, and by this reference incorporates, the allegations set forth above
13 in paragraphs 13, subparagraphs (a) and (b), inclusive, as though set forth fully.

14 **PRAYER**

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

- 17 1. Revoking or suspending Pharmacy Technician Registration No. TCH 100708, issued
18 to Respondent;
- 19 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
20 enforcement of this case, pursuant to section 125.3; and
- 21 3. Taking such other and further action as deemed necessary and proper.

22
23 DATED: 2/15/14



24 VIRGINIA HEROLD
25 Executive Officer
26 Board of Pharmacy
27 Department of Consumer Affairs
28 State of California
Complainant

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