



**California State Board of Pharmacy**  
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BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY  
 DEPARTMENT OF CONSUMER AFFAIRS  
 GOVERNOR EDMUND G. BROWN JR.

2015 MAR -9 PM 3:23

**APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN LICENSE**

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

|  |                         |
|--|-------------------------|
| Name: <u>KRISTON PADUA</u>   | Case No. <u>AC 5062</u> |
| Address of Record:<br><u>1907 Nolden st.</u><br><u>Los Angeles, Ca 90041</u> |                         |

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. AC 5062, I hereby request to surrender my pharmacy technician license, License No. TCH 67743. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, I will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of my license history with the Board.

Upon the acceptance of the surrender, I shall relinquish my pharmacy technician license to the Board within ten (10) days of notification by the Board that the surrender is accepted. I understand that I may not reapply for any license, permit, or registration from the board for three (3) years from the effective date of the surrender. I further understand that I shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board.

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.

[Signature]  
 Applicant's Signature

3-6-15  
 Date

[Signature]  
 Executive Officer's Approval

3/24/15  
 Date

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16, California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 574-7900, 1625 N. Market Blvd., Suite N-219, Sacramento, CA 95834. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

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

In the Matter of the Accusation Against:

**KRISTON GEORGE PADUA**  
1907 Nolden St.  
Los Angeles, CA 90041

Pharmacy Technician Registration No. TCH  
67743

Respondent.

Case No. 5062

OAH No. 2014071092

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

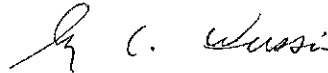
**DECISION AND ORDER**

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 February 11, 2015.

It is so ORDERED on February 4, 2015.

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 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
3 KATHERINE MESSANA  
Deputy Attorney General  
4 State Bar No. 272953  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
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6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 5062

11 **KRISTON GEORGE PADUA**

OAH No. 2014071092

12 1907 Nolden St.  
13 Los Angeles, CA 90041

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

14 Pharmacy Technician Registration No. TCH  
15 67743

16 \_\_\_\_\_ Respondent.

17  
18 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
19 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,  
20 the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will  
21 be submitted to the Board for approval and adoption as the final disposition of the Accusation.

22 **PARTIES**

23 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.  
24 She brought this action solely in her official capacity and is represented in this matter by Kamala  
25 D. Harris, Attorney General of the State of California, by Katherine Messana, Deputy Attorney  
26 General.

27 2. Respondent Kriston George Padua ("Respondent") is represented in this proceeding  
28 by attorney Lawrence P. Adamsky, whose address is: Lawrence P. Adamsky, Esq., Attorney At

1 Law, 9701 Wilshire Blvd., Tenth Floor, Beverly Hills, CA 90212

2 3. On or about May 17, 2006, the Board of Pharmacy issued Pharmacy Technician  
3 Registration No. TCH 67743 to Kriston George Padua (Respondent). The Pharmacy Technician  
4 Registration was in full force and effect at all times relevant to the charges brought in Accusation  
5 No. 5062 and will expire on December 31, 2015, unless renewed.

6 **JURISDICTION**

7 4. Accusation No. 5062 was filed before the Board of Pharmacy (Board) , Department  
8 of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other  
9 statutorily required documents were properly served on Respondent on July 15, 2014.  
10 Respondent timely filed his Notice of Defense contesting the Accusation.

11 5. A copy of Accusation No. 5062 is attached as **Exhibit A** and incorporated herein by  
12 reference.

13 **ADVISEMENT AND WAIVERS**

14 6. Respondent has carefully read, fully discussed with counsel, and understands the  
15 charges and allegations in Accusation No. 5062. Respondent has also carefully read, fully  
16 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
17 Order.

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

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

27 ///

28 ///

1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. 5062.

4 10. Respondent agrees that his Pharmacy Technician Registration is subject to discipline  
5 and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order  
6 below.

7 CONTINGENCY

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

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

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

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

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 67743 issued  
3 to Respondent Kriston George Padua (Respondent) is revoked. However, the revocation is stayed  
4 and Respondent is placed on probation for four (4) years on the following terms and conditions.

5 **1. Certification Prior to Resuming Work**

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

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

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

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

24 **2. Obey All Laws**

25 Respondent shall obey all state and federal laws and regulations.

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

- 28  an arrest or issuance of a criminal complaint for violation of any provision of the

1 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
2 substances laws

3  a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
4 criminal complaint, information or indictment

5  a conviction of any crime

6  discipline, citation, or other administrative action filed by any state or federal agency  
7 which involves respondent's pharmacy technician registration or which is related to  
8 the practice of pharmacy or the manufacturing, obtaining, handling, distributing,  
9 billing, or charging for any drug, device or controlled substance.

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

11 **3. Report to the Board**

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

20 **4. Interview with the Board**

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

26 **5. Cooperate with Board Staff**

27 Respondent shall cooperate with the board's inspection program and with the board's  
28 monitoring and investigation of respondent's compliance with the terms and conditions of his

1 probation. Failure to cooperate shall be considered a violation of probation.

2 **6. Notice to Employers**

3 During the period of probation, respondent shall notify all present and prospective  
4 employers of the decision in case number 5062 and the terms, conditions and restrictions imposed  
5 on respondent by the decision, as follows:

6 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
7 respondent undertaking any new employment, respondent shall cause his direct supervisor,  
8 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
9 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
10 individual(s) has/have read the decision in case number 5062 and the terms and conditions  
11 imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or  
12 supervisor(s) submit timely acknowledgement(s) to the board.

13 If respondent works for or is employed by or through a pharmacy employment service,  
14 respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy  
15 of the terms and conditions of the decision in case number 5062 in advance of the respondent  
16 commencing work at each pharmacy. A record of this notification must be provided to the board  
17 upon request.

18 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
19 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
20 service, respondent shall cause his direct supervisor with the pharmacy employment service to  
21 report to the board in writing acknowledging that he has read the decision in case number 5062  
22 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure  
23 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

27 "Employment" within the meaning of this provision shall include any full-time,  
28 part-time, temporary or relief service or pharmacy management service as a pharmacy



1 technician or in any position for which a pharmacy technician license is a requirement  
2 or criterion for employment, whether the respondent is considered an employee,  
3 independent contractor or volunteer.

4 **7. Reimbursement of Board Costs**

5 As a condition precedent to successful completion of probation, respondent shall pay to the  
6 board its costs of investigation and prosecution in the amount of \$3,165.00. Respondent shall  
7 make said payments in a payment plan approved by the Board. There shall be no deviation from  
8 this schedule absent prior written approval by the board or its designee. Failure to pay costs by  
9 the deadline(s) as directed shall be considered a violation of probation.

10 The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to  
11 reimburse the board its costs of investigation and prosecution.

12 **8. Probation Monitoring Costs**

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

17 **9. Status of License**

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

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

25 **10. License Surrender While on Probation/Suspension**

26 Following the effective date of this decision, should respondent cease work due to  
27 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
28 respondent may tender his pharmacy technician license to the board for surrender. The board or

1 its designee shall have the discretion whether to grant the request for surrender or take any other  
2 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the  
3 license, respondent will no longer be subject to the terms and conditions of probation. This  
4 surrender constitutes a record of discipline and shall become a part of the respondent's license  
5 history with the board.

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

12 **11. Notification of a Change in Name, Residence Address, Mailing Address or**  
13 **Employment**

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

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

21 **12. Tolling of Probation**

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

28 Should respondent, regardless of residency, for any reason (including vacation) cease

1 working as a pharmacy technician for a minimum of 40 hours per calendar month in California,  
2 respondent must notify the board in writing within ten (10) days of cessation of work and must  
3 further notify the board in writing within ten (10) days of the resumption of the work. Any  
4 failure to provide such notification(s) shall be considered a violation of probation.

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

8 "Cessation of work" means calendar month during which respondent is not  
9 working for at least 40 hours as a pharmacy technician, as defined in Business and  
10 Professions Code section 4115. "Resumption of work" means any calendar month  
11 during which respondent is working as a pharmacy technician for at least 40 hours as  
12 a pharmacy technician as defined by Business and Professions Code section 4115.

### 13 13. Violation of Probation

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

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

### 26 14. Completion of Probation

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

1           **15. No Ownership of Licensed Premises**

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

9           **16. Random Drug Screening**

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

26          During suspension, respondent shall not enter any pharmacy area or any portion of or any  
27 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other  
28 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and

1 devices or controlled substances are maintained. Respondent shall not do any act involving drug  
2 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent  
3 manage, administer, or assist any licensee of the board. Respondent shall not have access to or  
4 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled  
5 substances. Respondent shall not resume work until notified by the board.

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

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

11 **17. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

12 If respondent has a confirmed positive test for alcohol or any drug not lawfully prescribed  
13 by a licensed practitioner as part of a documented medical treatment, within five (5) days of  
14 notification thereof respondent shall begin regular attendance at a recognized and established  
15 substance abuse recovery support group in California, (e.g., Alcoholics Anonymous, Narcotics  
16 Anonymous, etc.) that has been approved by the board or its designee, attending at least one  
17 group meeting per week unless otherwise directed by the board or its designee, Thereafter,  
18 respondent shall continue regular attendance and submit signed and dated documentation  
19 confirming attendance with each quarterly report for the duration of probation. Failure to attend  
20 or submit documentation thereof shall be considered a violation of probation.

21 **18. Prescription Coordination and Monitoring of Prescription Use**

22 Within thirty (30) days of the effective date of this decision, respondent shall submit to the  
23 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,  
24 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's  
25 history with the use of controlled substances and/or dangerous drugs and who will coordinate and  
26 monitor any prescriptions for respondent for dangerous drugs, controlled substances or mood-  
27 altering drugs. The approved practitioner shall be provided with a copy of the board's accusation  
28 and decision.

1 A record of this notification must be provided to the board upon request. Respondent shall  
2 sign a release authorizing the practitioner to communicate with the board about respondent's  
3 treatment(s). The coordinating physician, nurse practitioner, physician assistant, or psychiatrist  
4 shall report to the board on a quarterly basis for the duration of probation regarding respondent's  
5 compliance with this condition. If any substances considered addictive have been prescribed, the  
6 report shall identify a program for the time limited use of any such substances.

7 The board may require that the single coordinating physician, nurse practitioner, physician  
8 assistant or psychiatrist be a specialist in addictive medicine, or consult a specialist in addictive  
9 medicine. Should respondent, for any reason, cease supervision by the approved practitioner,  
10 respondent shall notify the board immediately and, within thirty (30) days of ceasing treatment,  
11 submit the name of a replacement physician, nurse practitioner, physician assistant, or psychiatrist  
12 of respondent's choice to the board or its designee for its prior approval. Failure to timely submit  
13 the selected practitioner or replacement practitioner to the board for approval, or to ensure the  
14 required reporting thereby on the quarterly reports, shall be considered a violation of probation.

15 If at any time an approved practitioner determines that respondent is unable to practice  
16 safely or independently as a pharmacy technician, the practitioner shall notify the board  
17 immediately by telephone and follow up by written letter within three (3) working days. Upon  
18 notification from the board or its designee of this determination, respondent shall be automatically  
19 suspended and shall not resume practice until notified by the board that practice may be resumed.

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

28 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.

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

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

5 **19. Work Site Monitor**

6 Within ten (10) days of the effective date of this decision, respondent shall identify a work  
7 site monitor, for prior approval by the board, who shall be responsible for supervising respondent  
8 during working hours. Respondent shall be responsible for ensuring that the work site monitor  
9 reports in writing to the board quarterly. Should the designated work site monitor determine at  
10 any time during the probationary period that respondent has not maintained sobriety, he shall  
11 notify the board immediately, either orally or in writing as directed. Should respondent change  
12 employment, a new work site monitor must be designated, for prior approval by the board, within  
13 ten (10) days of commencing new employment. Failure to identify an acceptable initial or  
14 replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be  
15 considered a violation of probation.

16 **20. 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 **21. 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.

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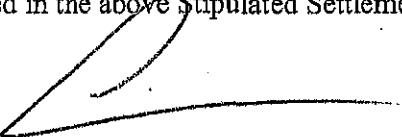
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Lawrence P. Adamsky. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 1-5-2015   
KRISTON GEORGE PADUA  
Respondent

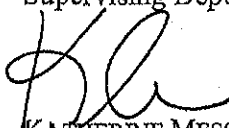
I have read and fully discussed with Respondent Kriston George Padua the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 1.5.2015   
Lawrence P. Adamsky  
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

Dated: 1/5/15

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
THOMAS L. RINALDI  
Supervising Deputy Attorney General  
  
KATHERINE MESSANA  
Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A**

**Accusation No. 5062**

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 KATHERINE MESSANA  
Deputy Attorney General  
4 State Bar No. 272953  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2554  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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

10 In the Matter of the Accusation Against:

Case No. 5062

11 **KRISTON GEORGE PADUA**

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

12 1907 Nolden St.  
13 Los Angeles, CA 90041

14 Pharmacy Technician Registration No. TCH  
15 67743

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about May 17, 2006, the Board of Pharmacy ("Board") issued Pharmacy  
22 Technician Registration No. TCH 67743 to Kriston George Padua ("Respondent"). The  
23 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges  
24 brought herein and will expire on December 31, 2015, unless renewed.

25 **JURISDICTION AND STATUTORY PROVISIONS**

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

1           4.    Section 4300 of the Code provides in pertinent part, that every license issued by the  
2 Board is subject to discipline, including suspension or revocation.

3           5.    Section 4300.1 of the Code states:

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

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

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

15                   ...

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

21                   ...

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

24                   ...

25                   (o) Violating or attempting to violate, directly or indirectly, or assisting  
26 in or abetting the violation of or conspiring to violate any provision or term of this  
27 chapter or of the applicable federal and state laws and regulations governing  
28 pharmacy, including regulations established by the board or by any other state or  
federal regulatory agency.”

7.    Section 4060 of the Code provides in pertinent part, that no person shall possess any  
controlled substance, except that furnished to a person upon the prescription of a physician,  
dentist, podiatrist, optometrist, veterinarian, or other authorized prescriber.

8.    Section 492 of the Code provides:

“Notwithstanding any other provision of law, successful completion of  
any diversion program under the Penal Code, or successful completion of an alcohol  
and drug problem assessment program under Article 5 (commencing with Section  
23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any  
agency established under Division 2 (commencing with Section 500) of this code, or  
any initiative act referred to in that division, from taking disciplinary action against a

1 licensee or from denying a license for professional misconduct, notwithstanding that  
2 evidence of that misconduct may be recorded in a record pertaining to an arrest.

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

6 **CONTROLLED SUBSTANCE**

7 8. "Methamphetamine," is a Schedule II controlled substance as designated by the  
8 Health and Safety Code section 11055, subdivision (d)(2) and is categorized as a dangerous drug  
9 pursuant to section 4022 of the Code.

10 **COST RECOVERY**

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

15 **FIRST CAUSE FOR DISCIPLINE**

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

17 10. Respondent is subject to disciplinary action under section 4301, subdivision (j) of the  
18 Code in that Respondent violated statutes regulating controlled substances and dangerous drugs  
19 when he possessed Methamphetamine, a controlled substance and dangerous drug, in violation of  
20 section 4060 of the Code. The conduct underlying the violation is, as follows:

21 11. On or about August 8, 2013, during a traffic enforcement stop, Glendale Police  
22 Department Officers observed Respondent's hands shaking uncontrollably. During a search of  
23 Respondent's vehicle, an officer located a piece of sealed plastic that contained a white crystalline  
24 substance. The officers immediately recognized that the substance was Methamphetamine.  
25 Respondent admitted to the officers that he bought the Methamphetamine from a male in  
26 Northridge for \$10.00 and that he does not binge on Methamphetamine but uses it occasionally.<sup>1</sup>

27 <sup>1</sup> On or about March 18, 2014, Respondent pled guilty to one misdemeanor count of violating  
28 Health and Safety Code section 11377(a) [possession of a controlled substance] in the criminal proceeding  
entitled *The People of the State of California v. Kriston George Padua* (Super. Ct. of Los Angeles, 2014,  
Case No. 4GN00060). The court accepted the plea and placed Respondent on Deferred Entry of Judgment  
for eighteen (18) months.

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**SECOND CAUSE FOR DISCIPLINE**

**(Dangerous Use of Controlled Substance)**

12. Respondent is subject to disciplinary action under section 4301, subdivision (h) of the Code in that on or about August 8, 2013, Respondent used Methamphetamine, a controlled substance and dangerous drug. The conduct is described in more particularity in paragraph 11 above, inclusive and hereby incorporated by reference.

**THIRD CAUSE FOR DISCIPLINE**

**(Violations of the Pharmacy Law)**

13. Respondent is subject to disciplinary action under section 4301, subdivision (o) of the Code in that Respondent violated provisions of the Pharmacy Law. The violations are described in more particularity in paragraphs 10-12 above, inclusive and hereby incorporated by reference.

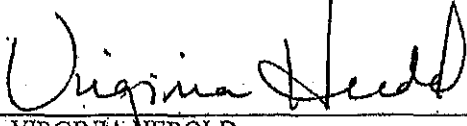
**PRAYER**

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

- 1. Revoking or suspending Pharmacy Technician Registration No. TCH 67743, issued to Kriston George Padua;
- 2. Ordering Kriston George Padua to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
- 3. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

7/1/14



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

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