

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

In the Matter of the Statement of Issues Against:

Case No. 5090

**JORDAN MATTHEW GERACI**

2245 Rosita Ave.  
Santa Clara, CA 95050

Pharmacy Technician Applicant

Respondent.

**DECISION AND ORDER**

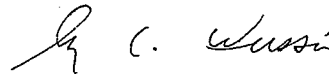
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on July 23, 2014.

It is so ORDERED on July 16, 2014.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

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

Received

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JUSTIN R. SURBER  
Deputy Attorney General  
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*Attorneys for Complainant*

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

10 In the Matter of the Statement of Issues  
11 Against:

12 **JORDAN MATTHEW GERACI**

13 Respondent.

Case No. 5090

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

14  
15  
16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
17 entitled proceedings that the following matters are true:

18 PARTIES

19 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.  
20 She brought this action solely in her official capacity and is represented in this matter by Kamala  
21 D. Harris, Attorney General of the State of California, by Justin R. Surber, Deputy Attorney  
22 General.

23 2. Respondent Jordan Matthew Geraci ("Respondent") is represented in this proceeding  
24 by attorney Douglas R. Lipton, whose address is: 1901 South Bascom Ave., Suite 1111  
25 Campbell, CA 95008-2211

26 3. On or about July 8, 2013, Respondent filed an application dated July 4, 2013, with the  
27 Board of Pharmacy to obtain pharmacy technician license.

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

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

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

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

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

20           **2.     Obey All Laws**

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

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

- 24           ☐ an arrest or issuance of a criminal complaint for violation of any provision of the  
25 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
26 substances laws  
27           ☐ a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
28 criminal complaint, information or indictment

- 1        ☐ a conviction of any crime
- 2        ☐ discipline, citation, or other administrative action filed by any state or federal agency
- 3                which involves respondent's Pharmacy Technician license or which is related to the
- 4                practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing,
- 5                or charging for any drug, device or controlled substance.

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

7        **3. Report to the Board**

8                Respondent shall report to the board quarterly, on a schedule as directed by the board or its

9        designee. The report shall be made either in person or in writing, as directed. Among other

10       requirements, respondent shall state in each report under penalty of perjury whether there has

11       been compliance with all the terms and conditions of probation. Failure to submit timely reports

12       in a form as directed shall be considered a violation of probation. Any period(s) of delinquency

13       in submission of reports as directed may be added to the total period of probation. Moreover, if

14       the final probation report is not made as directed, probation shall be automatically extended until

15       such time as the final report is made and accepted by the board.

16       **4. Interview with the Board**

17                Upon receipt of reasonable prior notice, respondent shall appear in person for interviews

18       with the board or its designee, at such intervals and locations as are determined by the board or its

19       designee. Failure to appear for any scheduled interview without prior notification to board staff,

20       or failure to appear at two (2) or more scheduled interviews with the board or its designee during

21       the period of probation, shall be considered a violation of probation.

22       **5. Cooperate with Board Staff**

23                Respondent shall cooperate with the board's inspection program and with the board's

24       monitoring and investigation of respondent's compliance with the terms and conditions of his

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

26       **6. Notice to Employers**

27                During the period of probation, respondent shall notify all present and prospective

28       employers of the decision in case number 5090 and the terms, conditions and restrictions imposed

1 on respondent by the decision, as follows:

2       Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
3 respondent undertaking any new employment, respondent shall cause his direct supervisor,  
4 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
5 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
6 individual(s) has/have read the decision in case number 5090 and the terms and conditions  
7 imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or  
8 supervisor(s) submit timely acknowledgement(s) to the board.

9       If respondent works for or is employed by or through a pharmacy employment service,  
10 respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy  
11 of the terms and conditions of the decision in case number 5090 in advance of the respondent  
12 commencing work at each pharmacy. A record of this notification must be provided to the board  
13 upon request.

14       Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
15 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
16 service, respondent shall cause his direct supervisor with the pharmacy employment service to  
17 report to the board in writing acknowledging that he has read the decision in case number 5090  
18 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure  
19 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

23       "Employment" within the meaning of this provision shall include any full-time,  
24 part-time, temporary or relief service or pharmacy management service as a pharmacy  
25 technician or in any position for which a pharmacy technician license is a requirement  
26 or criterion for employment, whether the respondent is considered an employee,  
27 independent contractor or volunteer.

1           **7. Probation Monitoring Costs**

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

6           **8. Status of License**

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

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

14          **9. License Surrender While on Probation/Suspension**

15          Following the effective date of this decision, should respondent cease work due to  
16 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
17 respondent may tender his pharmacy technician license to the board for surrender. The board or  
18 its designee shall have the discretion whether to grant the request for surrender or take any other  
19 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the  
20 license, respondent will no longer be subject to the terms and conditions of probation. This  
21 surrender constitutes a record of discipline and shall become a part of the respondent's license  
22 history with the board.

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



10. **Notification of a Change in Name, Residence Address, Mailing Address or Employment**

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

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

11. **Tolling of Probation**

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

Should respondent, regardless of residency, for any reason (including vacation) cease working as a pharmacy technician for a minimum of 40 hours per calendar month in California, respondent must notify the board in writing within ten (10) days of cessation of work and must further notify the board in writing within ten (10) days of the resumption of the work. Any failure to provide such notification(s) shall be considered a violation of probation.

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

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

1 a pharmacy technician as defined by Business and Professions Code section 4115.”

2 **12. Violation of Probation**

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

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

15 **13. Completion of Probation**

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

18 **14. No Ownership of Licensed Premises**

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

26 ACCEPTANCE

27 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
28 discussed it with my attorney, Douglas R. Lipton. I understand the stipulation and the effect it

1 will have on my pharmacy technician application and license. I enter into this Stipulated  
2 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
3 bound by the Decision and Order of the Board of Pharmacy.

4  
5 DATED:

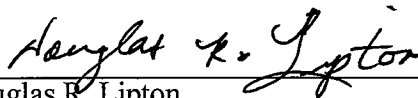
6/13/2014

  
JORDAN MATTHEW GERACI  
Respondent

7 I have read and fully discussed with Respondent Jordan Matthew Geraci the terms and  
8 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
9 I approve its form and content.

10 DATED:

06/13/14

  
Douglas R. Lipton  
Attorney for Respondent

11  
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13  
14 ENDORSEMENT

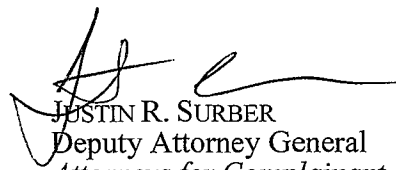
15 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
16 submitted for consideration by the Board of Pharmacy.

17 Dated:

6/17/14

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
FRANK H. PACOE  
Supervising Deputy Attorney General

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JUSTIN R. SURBER  
Deputy Attorney General  
Attorneys for Complainant

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## **Exhibit A**

**Statement of Issues No. 5090**

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JUSTIN R. SURBER  
Deputy Attorney General  
4 State Bar No. 226937  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 355-5437  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

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

10 In the Matter of the Statement of Issues  
11 Against:

Case No. 5090

12 **JORDAN MATTHEW GERACI**

13 Respondent.

**STATEMENT OF ISSUES**

14  
15 Complainant alleges:

16 PARTIES

- 17 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official  
18 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
19 2. On or about July 8, 2013, the Board of Pharmacy, Department of Consumer Affairs  
20 received an application for registration as a Pharmacy Technician from Jordan Matthew Geraci  
21 (Respondent). On or about July 4, 2013, Jordan Matthew Geraci certified under penalty of  
22 perjury to the truthfulness of all statements, answers, and representations in the application. The  
23 Board denied the application on December 3, 2013.

24 JURISDICTION

- 25 3. This Statement of Issues is brought before the Board of Pharmacy (Board),  
26 Department of Consumer Affairs, under the authority of the following laws. All section  
27 references are to the Business and Professions Code unless otherwise indicated.  
28

1           4.     Section 480 of the Code states:

2           "(a) A board may deny a license regulated by this code on the grounds that the applicant has  
3 one of the following:

4           "(1) Been convicted of a crime. A conviction within the meaning of this section means a  
5 plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a  
6 board is permitted to take following the establishment of a conviction may be taken when the time  
7 for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an  
8 order granting probation is made suspending the imposition of sentence, irrespective of a  
9 subsequent order under the provisions of Section 1203.4 of the Penal Code.

10          "(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially  
11 benefit himself or herself or another, or substantially injure another.

12          "(3) (A) Done any act that if done by a licentiate of the business or profession in question,  
13 would be grounds for suspension or revocation of license.

14          "(B) The board may deny a license pursuant to this subdivision only if the crime or act is  
15 substantially related to the qualifications, functions, or duties of the business or profession for  
16 which application is made.

17          "(b) Notwithstanding any other provision of this code, no person shall be denied a license  
18 solely on the basis that he or she has been convicted of a felony if he or she has obtained a  
19 certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of  
20 Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has  
21 met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate  
22 the rehabilitation of a person when considering the denial of a license under subdivision (a) of  
23 Section 482.

24          "(c) A board may deny a license regulated by this code on the ground that the applicant  
25 knowingly made a false statement of fact required to be revealed in the application for the  
26 license."

27           5.     Section 4300 of the Code states:

28          "(a) Every license issued may be suspended or revoked.

1       "(b) The board shall discipline the holder of any license issued by the board, whose default  
2 has been entered or whose case has been heard by the board and found guilty, by any of the  
3 following methods:

4       "(1) Suspending judgment.

5       "(2) Placing him or her upon probation.

6       "(3) Suspending his or her right to practice for a period not exceeding one year.

7       "(4) Revoking his or her license.

8       "(5) Taking any other action in relation to disciplining him or her as the board in its  
9 discretion may deem proper.

10       "(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The  
11 board may, in its sole discretion, issue a probationary license to any applicant for a license who is  
12 guilty of unprofessional conduct and who has met all other requirements for licensure. The board  
13 may issue the license subject to any terms or conditions not contrary to public policy, including,  
14 but not limited to, the following:

15       "(1) Medical or psychiatric evaluation.

16       "(2) Continuing medical or psychiatric treatment.

17       "(3) Restriction of type or circumstances of practice.

18       "(4) Continuing participation in a board-approved rehabilitation program.

19       "(5) Abstention from the use of alcohol or drugs.

20       "(6) Random fluid testing for alcohol or drugs.

21       "(7) Compliance with laws and regulations governing the practice of pharmacy.

22       "(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary  
23 certificate of licensure for any violation of the terms and conditions of probation. Upon  
24 satisfactory completion of probation, the board shall convert the probationary certificate to a  
25 regular certificate, free of conditions.

26       "(e) The proceedings under this article shall be conducted in accordance with Chapter 5  
27 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board  
28 shall have all the powers granted therein. The action shall be final, except that the propriety of the

1 action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil  
2 Procedure."

3 6. Section 4301 of the Code states:

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

7 ...

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

25 ...

26 7. California Code of Regulations, title 16, section 1770, states:

27 "For the purpose of denial, suspension, or revocation of a personal or facility license  
28 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a



1 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
2 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
3 licensee or registrant to perform the functions authorized by his license or registration in a manner  
4 consistent with the public health, safety, or welfare."

5 FIRST CAUSE FOR DENIAL OF APPLICATION

6 (Conviction)

7 8. Respondent's application is subject to denial under Code sections 480(a)(1) and  
8 4300(c) in conjunction with Code section 4301(l) in that Respondent was convicted of a crime  
9 that is substantially related to the duties, functions, or qualifications of a pharmacy technician. On  
10 or about August 15, 2009, in a criminal proceeding entitled People v. Jordan Geraci, Santa Clara  
11 County Superior Court, Case Number CC935337, Respondent was convicted by plea of nolo  
12 contendere in Penal Code section 261.5(c), sex with a minor more than 3 years younger.

13 SECOND CAUSE FOR DENIAL OF APPLICATION

14 (Failure to Disclose Conviction)

15 9. Respondent's application is subject to denial under section 480(c) of the code in that  
16 Respondent knowingly made a false statement of fact required to be revealed in the application  
17 for the license. Respondent failed to disclose the conviction mentioned in paragraph 8 on his  
18 application. Respondent marked the Box "No" to question 7 on his application. Question 7 asked  
19 whether Respondent had ever been convicted of a crime. Respondent had ben convicted of a  
20 crime as described in paragraph 8, above.

21 PRAYER

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

24 1. Denying the application of Jordan Matthew Geraci for registration as Pharmacy  
25 Technician;

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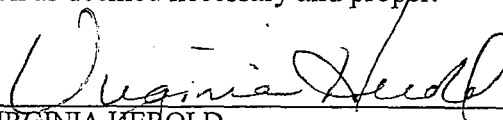
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2. Taking such other and further action as deemed necessary and proper.

DATED:

4/20/14



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

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