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8	BEFORE THE BOARD OF PHARMACY
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
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11	In the Matter of the Accusation Against: Case No. 5458
12	MYCHAEL LOUIS CAMACHO LOPEZ
13	13807 Mayport Ave. Norwalk, CA 90650
14	[Gov. Code, §11520] Pharmacy Technician Registration
15	No. TCH 131980
16	Respondent.
17	FINDINGS OF FACT
18	1. On or about October 20, 2015, Complainant Virginia K. Herold, in her official
19	capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,
20	filed Accusation No. 5458 against Mychael Louis Camacho Lopez (Respondent) before the Board
21	of Pharmacy. (Accusation attached as Exhibit A.)
22	2. On or about December 31, 2013, the Board of Pharmacy (Board) issued Pharmacy
23	Technician Registration No. TCH 131980 to Respondent. The Pharmacy Technician Registration
24	will expire on August 31, 2017, unless renewed.
25	3. On or about October 29, 2015, Respondent was served by Certified and First Class
26	Mail copies of the Accusation No. 5458, Statement to Respondent, Notice of Defense, Request
27	for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
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	In the Matter of the Accusation Against Mychael Louis Camacho Lopez DEFAULT DECISION & ORDER (Case No. 5458)
	DEFAULT DECISION & ORDER (Case No. 5458)

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1	11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
2	section 4100, is required to be reported and maintained with the Board. Respondent's address of
3	record was and is: 13807 Mayport Ave., Norwalk, CA 90650.
4	4. Service of the Accusation was effective as a matter of law under the provisions of
5	Government Code section 11505, subdivision (c) and/or Business & Professions Code section
6	124.
7	5. On or about December 2, 2015, the U.S. Postal Service returned the green receipt for
8	certified mail, signed by Respondent on an unknown date, as receiving the aforementioned
9	documents at Respondent's address of record.
10	6. Government Code section 11506 states, in pertinent part:
11	(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts
12	of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion
13	may nevertheless grant a hearing.
14	7. Respondent failed to file a Notice of Defense within 15 days after service upon him
15	of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
16	5458.
17	8. California Government Code section 11520 states, in pertinent part:
18	(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions
19	or upon other evidence and affidavits may be used as evidence without any notice to respondent.
20	
21	9. Pursuant to its authority under Government Code section 11520, the Board finds
22	Respondent is in default. The Board will take action without further hearing and, based on the
23	relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
24	taking official notice of all the investigatory reports, exhibits and statements contained therein on
25	file at the Board's offices regarding the allegations contained in Accusation No. 5458, finds that
26	the charges and allegations in Accusation No. 5458, are separately and severally, found to be true
27	and correct by clear and convincing evidence.
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	In the Matter of the Accusation Against Mychael Louis Camacho Lopez DEFAULT DECISION & ORDER (Case No. 5458)

1	10. Taking official notice of its own internal records, pursuant to Business and
2	Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
3	and Enforcement is \$3,051.50 as of January 29, 2016.
4	DETERMINATION OF ISSUES
5	1. Based on the foregoing findings of fact, Respondent Mychael Louis Camacho Lopez
6	has subjected his Pharmacy Technician Registration No. TCH 131980 to discipline.
7	2. The agency has jurisdiction to adjudicate this case by default.
8	3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
9	Registration based upon the following violations alleged in the Accusation which are supported
10	by the evidence contained in the Default Decision Evidence Packet in this case.
11	(a) Business and Professions Code section 4301, subdivision (j), as defined in section
12	4060, in that while employed as a pharmacy technician at CVS #9852, Respondent stole items
13	from the store, including controlled substances.
14	(b) Business and Professions Code section 4301, subdivision (h), as defined in Health
15	and Safety Code section 11170, in that Respondent self administered a controlled substance to
16	himself without a prescription.
17	(c) Business and Professions Code section 4301, subdivision (f), in that Respondent
18	committed dishonest acts, by stealing and self administering a controlled substance from his
19	employer, without a prescription.
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	In the Matter of the Accusation Against Mychael Louis Camacho Lopez DEFAULT DECISION & ORDER (Case No. 5458

1	ORDER
2	IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 131980, heretofore
3	issued to Respondent Mychael Louis Camacho Lopez, is revoked.
4	Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
5	written motion requesting that the Decision be vacated and stating the grounds relied on within
6	seven (7) days after service of the Decision on Respondent. The agency in its discretion may
7	vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.
8	This Decision shall become effective at 5:00 p.m. on June 6, 2016.
9	It is so ORDERED on May 6, 2016.
10	BOARD OF PHARMACY
11	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
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15	ByAmy Gutierrez, Pharm.D.
16	Board President
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18	
19	52032236.DOC DOJ Matter ID:LA2015500866 Jz(3/25/16)
20	Attachment:
21	Exhibit A: Accusation
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	In the Matter of the Accusation Against Mychael Louis Camacho Lopez DEFAULT DECISION & ORDER (Case No. 5458)

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## Exhibit A

Accusation

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(MYCHAEL LOUIS CAMACHO LOPEZ)

1	KAMALA D. HARRIS Attorney General of California
2	LINDA K. SCHNBIDER Senior Assistant Attorney General
3	LINDA L. SUN Supervising Deputy Attorney General
4	Supervising Deputy Attorney General State Bar No. 207108 300 So. Spring Street, Suite 1702
5	Los Angeles, CA 90013
6	Telephone: (213) 897-6375 Facsimile: (213) 897-2804
7	Attorneys for Complainant
8	BEFORE THE
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
10	
11	In the Matter of the Accusation Against: Case No. 5458
12	MYCHAEL LOUIS CAMACHO LOPEZ 13807 Mayport Ave. A C C U S A T I O N
13	Norwalk, CA 90650
14	Pharmacy Technician Registration
15	No. TCH 131980
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-	
22	Technician Registration No. TCH 131980 to Mychael Louis Camacho Lopez (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 August 31, 2017, unless renewed.
25	JURISDICTION
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 unless otherwise indicated,
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1	STATUTORY PROVISIONS
2	4. Section 4060 provides in pertinent part, that no person shall possess any controlled
3	substance, except that furnished to a person upon the prescription of a physician, dentist,
4	podiatrist, optometrist, veterinarian, or other authorized prescriber.
5	5. Section 4300 provides, in pertinent part, that every license issued by the Board is
6	subject to discipline, including suspension or revocation.
7	6. Section 4300.1 states:
8	"The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of
9	law or by order or decision of the board or a court of law, the placement of a license on a retired
10	status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction
11	to commence or proceed with any investigation of, or action or disciplinary proceeding against, the
12	licensee or to render a decision suspending or revoking the license."
13	7. Section 4301 states, in pertinent part:
14	"The board shall take action against any holder of a license who is guilty of unprofessional
15	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
16	Unprofessional conduct shall include, but is not limited to, any of the following:
17	
-18	"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
19	corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
20	whether the act is a felony or misdemeanor or not.
-21-	
22	"(h) The administering to oneself, of any controlled substance, or the use of any
23	dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or
_24	injurious to oneself, to a person holding a license under this chapter, or to any other person or to
25	the public, or to the extent that the use impairs the ability of the person to conduct with safety to
26	the public the practice authorized by the license.
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1	In the Matter of the Accusation Against Mychael Louis Camacho Lopez

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1	(j) The violation of any of the statutes of this state, or any other state, or of the United
2	States regulating controlled substances and dangerous drugs."
3	8. Health and Safety Code section 11170 states:
4	"No person shall prescribe, administer, or furnish a controlled substance for himself."
5	COST RECOVERY
6	9. Section 125.3 states, in pertinent part, that the Board may request the administrative
7	law judge to direct a licentiate found to have committed a violation or violations of the licensing
8	act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
9	case.
10	CONTROLLED SUBSTANCES
11	10. "Hydrocodone/APAP 5-325," is a Schedule II controlled substance as designated by
12	Health and Safety Code section 11055, subdivision (b)(1)(I) and is categorized as a dangerous
13	drug pursuant to section 4022.
14	FIRST CAUSE FOR DISCIPLINE
15	(Obtained or Possessed a Controlled Substance)
16	11. Respondent is subject to disciplinary action under section 4301, subdivision (j), as
17	defined in section 4060, in that while employed as a pharmacy technician at CVS #9852,
18	Respondent stole items from the store, including controlled substances. On or about September 9,
19	2014, a CVS Regional Loss Prevention Manager (RLPM) and a Pharmacy Supervisor received
20	information that Respondent was consuming products from the store without paying. When
21	-confronted by RLPM, Respondent admitted that between March 30, 2014 and September 9, 2014,
22	he stole items which included: Monsters, beef jerky, chips, \$15.00 from the cash register, 6-10
23	tablets of Hydrocodone/APAP 5-325 for personal consumption, and a knee brace (\$58.51).
24	Respondent was suspended on September 9, 2014 and terminated from employment on
25	September 15, 2014.
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1	SECOND CAUSE FOR DISCIPLINE
2	(Self Administration of a Controlled Substance)
- 3	12. Respondent is subject to disciplinary action under section 4301, subdivision (h), as
4	defined in Health and Safety Code section 11170, in that Respondent self administered a
5	controlled substance to himself without a prescription. Complainant refers to, and by this
6	reference incorporates, the allegations set forth above in paragraph 11, as though set forth fully.
7	THIRD CAUSE FOR DISCIPLINE
8	(Dishonest Acts)
9	13. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
10	that Respondent committed dishonest acts, by stealing and self administering a controlled
11	substance from his employer, without a prescription. Complainant refers to, and by this reference
12	incorporates, the allegations set forth above in paragraphs 11 and 12, as though set forth fully.
13	<u>PRAYER</u>
14	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15	and that following the hearing, the Board of Pharmacy issue a decision:
16	1. Revoking or suspending Pharmacy Technician Registration No. TCH 131980, issued
17	to Mychael Louis Camacho Lopez;
18	2. Ordering Mychael Louis Camacho Lopez to pay the Board of Pharmacy the
19	reasonable costs of the investigation and enforcement of this case, pursuant to Business and
20	Professions Code section 125.3; and
-21-	
22	$\gamma$
23	DATED: 10/20/15 Vigina Steeld
24	VIRGINIA HEROLD Executive Officer
25	Board of Pharmacy Department of Consumer Affairs
26	State of California Complainant
27 28	LA2015500866/51910018.doc jz(10/9/15)
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