

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

In the Matter of the Accusation Against:

WERNER ERNESTO ESCOBAR

3948 Halldale Ave.

Los Angeles, CA 90062

**Pharmacy Technician Registration No. TCH
74320**

Respondent.

Case No. 5590

DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on November 16, 2016.

It is so ORDERED on October 17, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

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Attorney General of California
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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 Accusation Against:

Case No. 5590

11 **WERNER ERNESTO ESCOBAR**
12 3948 Halldale Ave.
13 Los Angeles, CA 90062

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 **Pharmacy Technician Registration No. TCH
74320**

15 Respondent.

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

19 PARTIES

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

24 2. Werner Ernesto Escobar (Respondent) is representing himself in this proceeding and
25 has chosen not to exercise his right to be represented by counsel.

26 3. On or about February 6, 2007, the Board of Pharmacy issued Pharmacy Technician
27 Registration No. TCH 74320 to Werner Ernesto Escobar (Respondent). The Pharmacy
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1 Technician Registration was in full force and effect at all times relevant to the charges brought in
2 Accusation No. 5590. The Registration expired on June 30, 2016, and is now delinquent.

3 JURISDICTION

4 4. Accusation No. 5590 was filed before the Board of Pharmacy (Board), Department of
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
6 statutorily required documents were properly served on Respondent on June 6, 2016. Respondent
7 timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 5590 is
8 attached as Exhibit A and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 5590. Respondent also has carefully read, and understands the effects of this
12 Stipulated Surrender of License and Order.

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

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 5590, agrees that cause exists for discipline and hereby surrenders his Pharmacy Technician
25 Registration No. TCH 74320 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation he enables the Board to issue
27 an order accepting the surrender of his Pharmacy Technician Registration without further process.

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1 2. Respondent shall lose all rights and privileges as a Pharmacy Technician Registration
2 in California as of the effective date of the Board's Decision and Order.

3 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
4 issued, his wall certificate on or before the effective date of the Decision and Order.

5 4. If he ever applies for licensure or petitions for reinstatement in the State of California,
6 the Board shall treat it as a new application for licensure. Respondent must comply with all the
7 laws, regulations and procedures for licensure in effect at the time the application or petition is
8 filed, and all of the charges and allegations contained in Accusation No. 5590 shall be deemed to
9 be true, correct and admitted by Respondent when the Board determines whether to grant or deny
10 the application or petition.

11 5. Respondent shall pay the agency its costs of investigation and enforcement in the
12 amount of \$1,877.50 prior to issuance of a new or reinstated license.

13 6. If Respondent should ever apply or reapply for a new license or certification, or
14 petition for reinstatement of a license, by any other health care licensing agency in the State of
15 California, all of the charges and allegations contained in Accusation, No. 5590 shall be deemed
16 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
17 other proceeding seeking to deny or restrict licensure.

18 7. Respondent may not apply for any license, permit, or registration from the board for
19 three (3) years from the effective date of this decision. Respondent stipulates that should he apply
20 for any license from the board on or after the effective date of this decision, all allegations set
21 forth in the accusation shall be deemed to be true, correct and admitted by respondent when the
22 board determines whether to grant or deny the application.

23 8. Respondent shall satisfy all requirements applicable to that license as of the date the
24 application is submitted to the board, including, but not limited to certification by a nationally
25 recognized body prior to the issuance of a new license. Respondent is required to report this
26 surrender as disciplinary action.


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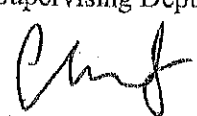
ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 08/26/2016 
WERNER ERNESTO ESCOBAR
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 9/2/16 Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

CHRISTINE J. LEE
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 5590

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
4 State Bar No. 225325
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 5590

12 **WERNER ERNESTO ESCOBAR**
13 639 N. Heliotrope Dr., Apt C
Los Angeles, CA 74320

ACCUSATION

14 Pharmacy Technician Registration No. TCH
15 74320

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about February 6, 2007, the Board issued Pharmacy Technician Registration
23 No. TCH 74320 to Werner Ernesto Escobar, aka Werner E. Escobar Rivera ("Respondent"). The
24 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
25 brought herein and will expire on June 30, 2016, unless renewed.

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1 COST RECOVERY

2 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
7 included in a stipulated settlement.

8 FIRST CAUSE FOR DISCIPLINE

9 (Dangerous Use of Alcohol)

10 9. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),
11 on the grounds of unprofessional conduct, in that Respondent administered alcoholic beverage to
12 himself to the extent or in a manner as to be dangerous or injurious to himself or others.

13 a. On or about June 29, 2014, California Highway Patrol officers responded to a vehicle
14 fire on the freeway. Respondent and three other individuals were observed running away from the
15 scene. Upon contact, one of the passengers admitted that the vehicle belonged to the
16 Respondent's father and that Respondent was driving the vehicle. Respondent denied driving the
17 vehicle. He claimed his father knew he took the vehicle. Respondent admitted consuming
18 alcoholic beverages and the police could smell the odor of alcohol emitting from the Respondent's
19 breath. The Respondent had red and watery eyes and was unsteady. Respondent's breath test
20 resulting in a blood alcohol concentration of 0.198% and 0.206%.

21 DISCIPLINE CONSIDERATIONS

22 10. To determine the degree of discipline, if any, to be imposed on the Respondent,
23 Complainant alleges:

24 a. On or about March 8, 2007, after pleading nolo contendere, Respondent was
25 convicted of one misdemeanor count of violating Los Angeles Municipal Code section 41.24,
26 subdivision (a) [unlawfully entering private property], in the criminal proceeding entitled *The*
27 *People of the State of California v. Werner Escobar* (Super. Ct. L.A. County, 2007, No.
28 7CA06105). The Court sentenced Respondent to three days in jail, and placed him on 12 months

1 probation with terms and conditions.

2 b. The circumstances underlying the conviction are that on or about March 6, 2007, Los
3 Angeles Police Department officers observed Respondent holding a beer and standing with other
4 individuals at a location that was clearly marked with a "No Trespassing" sign.

5 c. On or about April 30, 2009, after pleading nolo contendere, Respondent was
6 convicted of one misdemeanor count of violating Penal Code section 242 [battery] in the criminal
7 proceeding entitled *The People of the State of California v. Werner Escobar* (Super. Ct. L.A.
8 County, 2009, No. BA344181). The court sentenced Respondent to two days in jail, placed him
9 on three years probation with terms and conditions, ordered him to complete 25 days of
10 community service, and ordered him to make a restitution to the victim. On or about November 8,
11 2011, the court dismissed the case pursuant to Penal Code section 1203.4.

12 d. The circumstances underlying the conviction are that on or about July 5, 2008, Los
13 Angeles Police Department officers responded to an assault case. Respondent was engaged in a
14 road rage incident. Respondent sped up to the victim's vehicle and yelled profanities. As the
15 victim tried to get away, the Respondent crashed his vehicle into the victim's vehicle. The victim
16 stopped her vehicle and opened her car door to evaluate the damage. The Respondent then
17 rammed his vehicle into the victim's opened door. Furthermore, the Respondent slapped the
18 victim's left jaw and cheek area using his open right hand.

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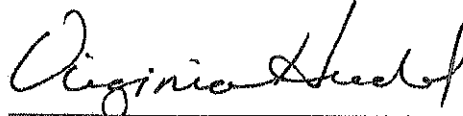
PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration No. TCH 74320, issued to Werner Ernesto Escobar, aka Werner E. Escobar Rivera;
2. Ordering Werner Ernesto Escobar, aka Werner E. Escobar Rivera to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED:

6/3/16



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

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