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

In the Matter of the Accusation Against:  
**ARMANDO HERNANDEZ**  
439 S. Vancouver Ave.  
Los Angeles, CA 90022  
**Pharmacy Technician Registration No.  
TCH 122156**

Case No. 5645  
**DEFAULT DECISION AND ORDER**

Respondent. [Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about June 13, 2016, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5645 against Armando Hernandez ("Respondent") before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about March 27, 2012, the Board of Pharmacy ("Board") issued Pharmacy Technician Registration No. TCH 122156 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5645 and will expire on June 30, 2017, unless renewed

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1           3.     On or about July 1, 2016, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 5645, Statement to Respondent, Notice of Defense, Request for  
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,  
5 is required to be reported and maintained with the Board. Respondent's address of record was  
6 and is: 439 S. Vancouver Ave., Los Angeles, CA 90022.

7           4.     Service of the Accusation was effective as a matter of law under the provisions of  
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
9 124.

10          5.     Government Code section 11506(c) states, in pertinent part:

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

16          6.     Respondent failed to file a Notice of Defense within 15 days after service upon him  
17 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
18 5645.

19          7.     California Government Code section 11520(a) states, in pertinent part:

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

24          8.     Pursuant to its authority under Government Code section 11520, the Board finds  
25 Respondent is in default. The Board will take action without further hearing and, based on the  
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
28 file at the Board's offices regarding the allegations contained in Accusation No. 5645, finds that  
the charges and allegations in Accusation No. 5645, are separately and severally, found to be true  
and correct by clear and convincing evidence.

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**ORDER**

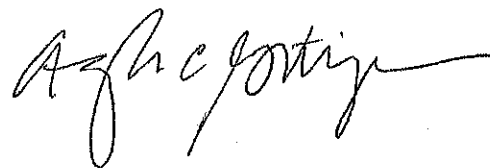
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 122156, heretofore issued to Respondent Armando Hernandez, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective at 5:00 p.m. on October 14, 2016.

It is so ORDERED on September 14, 2016.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President

52194892.DOC  
DOJ Matter ID:LA2015502243

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

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  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2542  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 5645

12 **ARMANDO HERNANDEZ**  
439 S. Vancouver Ave.  
13 Los Angeles, CA 90022

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

14 Pharmacy Technician Registration No. TCH  
15 122156

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 March 27, 2012, the Board of Pharmacy ("Board") issued Pharmacy  
22 Technician Registration No. TCH 122156 to Armando Hernandez ("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 June 30, 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 ("Code") unless otherwise  
28 indicated.







1 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
2 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
3 included in a stipulated settlement.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Conviction of a Substantially Related Crime)**

6 10. Respondent is subject to disciplinary action under Code section 4301, subdivision (l),  
7 in conjunction with California Code of Regulations, title 16, section 1770, in that Respondent was  
8 convicted of a crime substantially related to qualifications, functions, or duties of a registered  
9 pharmacy technician which to a substantial degree evidence his present or potential unfitness to  
10 perform the functions authorized by his registration in a manner consistent with the public health,  
11 safety, or welfare, as follow:

12 a. On or about July 1, 2015, Respondent was convicted of violating Vehicle Code  
13 section 23103 [wet reckless] pursuant to Vehicle Code section 23103.5 in the criminal proceeding  
14 entitled *The People of the State of California v. Armando Hernandez* (Super. Ct. L.A. County,  
15 2015, No. 5EA02212). The court placed Respondent on 36 months summary probation, ordered  
16 him to attend an alcohol education program, and pay fines.

17 b. The circumstances surrounding the convictions are that on or about January 20, 2015,  
18 California Highway Patrol officers stopped Respondent's vehicle for traffic violations. Upon  
19 contact, the officers smelled the odor of alcohol and observed Respondent had slurred speech, and  
20 red and water eyes. Respondent admitted to drinking alcohol before driving while on a break  
21 from work. Respondent failed to satisfactorily perform Field Sobriety Tests as explained and  
22 demonstrated. Respondent's blood alcohol concentration was 0.08%.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Dangerous Use of Alcohol)**

25 11. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),  
26 on the grounds of unprofessional conduct, in that on or about January 20, 2015, Respondent used  
27 an alcoholic beverage to the extent or in a manner as to be dangerous or injurious to himself or  
28 others when he drove a vehicle while being under the influence of alcohol. Complainant refers to

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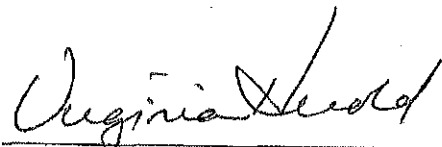
and by this reference incorporates the allegations set forth above in paragraph 10, subparagraph b, inclusive, as though set forth fully.

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 122156, issued to Armando Hernandez;
2. Ordering Armando Hernandez 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: 6/13/16



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

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06/06/2016