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

In the Matter of the Accusation Against:  
**IGNACIO CAMARGO**  
2134 E. 19th Street, Apt. B  
San Bernardino, CA 92404  
Pharmacy Technician Registration No. TCH  
79780  
Respondent.

Case No. 5712

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about April 29, 2016, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board), filed Accusation No. 5712 against Ignacio Camargo (Respondent) before the Board. (Accusation attached as **Exhibit A**.)

2. On or about December 19, 2008, the Board issued Pharmacy Technician Registration No. TCH 79780 to Respondent. Said registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5712 and will expire on October 31, 2016, unless renewed.

///

1           3.     On or about April 29, 2016, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 5712, 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: 2134 E. 19th Street, Apt. B, San Bernardino, CA 92404.

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 5712.

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. 5712, finds that  
the charges and allegations in Accusation No. 5712, are separately and severally, found to be true  
and correct by clear and convincing evidence.

///

1         9. 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 \$2,437.50 as of May 25, 2016.

4                                 DETERMINATION OF ISSUES

5             1. Based on the foregoing findings of fact, Respondent Ignacio Camargo has subjected  
6 his Pharmacy Technician Registration No. TCH 79780 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. Respondent is subject to disciplinary action under section 4060 of the Code on the  
12 grounds of unprofessional conduct in that Respondent unlawfully possessed a controlled  
13 substance and a dangerous drug without the prescription of an authorized prescriber.

14            b. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the  
15 Code on the grounds of unprofessional conduct in that Respondent committed acts involving  
16 moral turpitude, dishonesty, fraud, or deceit.

17            c. Respondent is subject to disciplinary action under section 4301, subdivision (j) of the  
18 Code on the grounds of unprofessional conduct in that Respondent violated statutes governing  
19 dangerous drugs. Specifically, Respondent violated Health and Safety Code section 11173,  
20 subdivision (a), for unlawfully obtaining controlled substances by fraud, deceit,  
21 misrepresentation, or subterfuge, Health and Safety Code section 11350, for unlawfully  
22 possessing controlled substances without valid prescriptions, and section 4060 of the Code.

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**ORDER**

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 79780, heretofore issued to Respondent Ignacio Camargo, 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 on August 5, 2016.

It is so ORDERED on July 6, 2016.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



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

52112532.DOC  
DOJ Matter ID:LA2016601043

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

(IGNACIO CAMARGO)

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA L. SUN  
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

7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:  
12 **IGNACIO CAMARGO**  
13 2134 E. 19th Street, Apt. B  
San Bernardino, CA 92404  
14 Pharmacy Technician Registration No. TCH  
15 79780  
16 Respondent.

Case No. 5712

**ACCUSATION**

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 December 19, 2008, the Board issued Pharmacy Technician Registration  
23 Number TCH 79780 to Ignacio Camargo (Respondent). Said registration was in full force and  
24 effect at all times relevant to the charges brought herein and will expire on October 31, 2016,  
25 unless renewed.  
26 3. On or about April 15, 2016, pursuant to a decision in the administrative proceeding  
27 entitled *In the Matter of the Petition for Interim Suspension Order Against: Ignacio Camargo*  
28 (Case No. 5712), Respondent's registration as a pharmacy technician was suspended and he was

1 prohibited from engaging in any act or activity requiring licensure or registration as a pharmacy  
2 technician pending the filing of the Accusation and issuance of a decision on the Accusation.

3 JURISDICTION AND STATUTORY PROVISIONS

4 4. This Accusation is brought before the Board under the authority of the following  
5 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
6 indicated.

7 5. Section 4300 of the Code provides, in pertinent part:

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

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

- 12 (1) Suspending judgment.
- 13 (2) Placing him or her upon probation.
- 14 (3) Suspending his or her right to practice for a period not exceeding one  
15 year.
- 16 (4) Revoking his or her license.
- 17 (5) Taking any other action in relation to disciplining him or her as the  
18 board in its discretion may deem proper.

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

- 25 (1) Medical or psychiatric evaluation.
- 26 (2) Continuing medical or psychiatric treatment.
- 27 (3) Restriction of type or circumstances of practice.
- 28 (4) Continuing participation in a board-approved rehabilitation program.
- (5) Abstention from the use of alcohol or drugs.
- (6) Random fluid testing for alcohol or drugs.
- (7) Compliance with laws and regulations governing the practice of  
pharmacy.

(d) The board may initiate disciplinary proceedings to revoke or suspend

1 any probationary certificate of licensure for any violation of the terms and conditions  
2 of probation. Upon satisfactory completion of probation, the board shall convert the  
probationary certificate to a regular certificate, free of conditions.

3 (e) The proceedings under this article shall be conducted in accordance  
4 with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the  
5 Government Code, and the board shall have all the powers granted therein. The  
6 action shall be final, except that the propriety of the action is subject to review by the  
superior court pursuant to Section 1094.5 of the Code of Civil Procedure."

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

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

10 ...

11 (f) The commission of any act involving moral turpitude, dishonesty,  
12 fraud, deceit, or corruption, whether the act is committed in the course of relations as  
a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

13 ...

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

15 7. Section 4060 of the Code provides, in pertinent part:

16 "A person shall not possess any controlled substance, except that  
17 furnished to a person upon the prescription of a physician, dentist, podiatrist,  
18 optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or  
furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to  
19 Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant  
pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a  
20 pharmacist pursuant to Section 4052.1, 4052.2, or 4052.6. This section does not apply  
to the possession of any controlled substance by a manufacturer, wholesaler, third-  
21 party logistics provider, pharmacy, pharmacist, physician, podiatrist, dentist,  
optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse  
22 practitioner, or physician assistant, if in stock in containers correctly labeled with the  
name and address of the supplier or producer.

23 This section does not authorize a certified nurse-midwife, a nurse  
24 practitioner, a physician assistant, or a naturopathic doctor, to order his or her own  
stock of dangerous drugs and devices."

### 25 COST RECOVERY

26 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
27 administrative law judge to direct a licensee found to have committed a violation or violations of  
28 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and



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 **FACTUAL BACKGROUND**

5 9. In October 2015, Respondent was employed as a pharmacy technician at Walgreens  
6 Pharmacy in Redlands, California (Walgreens). On or about October 12, 2015, the Walgreens  
7 asset protection manager noticed a large amount of negative adjustments in the pharmacy's  
8 prescription medication indicating a shortage (and possible theft) of hundreds of controlled  
9 substance pills. On October 19, 2015, Respondent was observed selecting and concealing several  
10 Hydrocodone<sup>1</sup> pills in his coat pocket. An investigation revealed that Respondent took  
11 approximately 1,000 tablets of Hydrocodone and 50 tablets of Carisoprodol<sup>2</sup> from Walgreens.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Unlawful Possession of a Controlled Substance and Dangerous Drug)**

14 10. Respondent is subject to disciplinary action under section 4060 of the Code on the  
15 grounds of unprofessional conduct in that Respondent unlawfully possessed a controlled  
16 substance and a dangerous drug without the prescription of an authorized prescriber. The conduct  
17 is described in more particularity in paragraph 9 above, inclusive and hereby incorporated by  
18 reference.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Act Involving Moral Turpitude, Dishonesty, Fraud, or Deceit)**

21 11. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the  
22 Code on the grounds of unprofessional conduct in that Respondent committed acts involving  
23 moral turpitude, dishonesty, fraud, or deceit. The conduct is described in more particularity in  
24 paragraph 9 above, inclusive and hereby incorporated by reference.

25 ///

26 \_\_\_\_\_  
27 <sup>1</sup> Hydrocodone (Norco) is a Schedule II controlled substance pursuant to Health and Safety Code section  
11055 and is categorized as a dangerous drug pursuant to section 4022 of the Code.

28 <sup>2</sup> Carisoprodol (Soma) is a dangerous drug pursuant to Business and Professions Code section 4022.

1 THIRD CAUSE FOR DISCIPLINE

2 (Violation of the Statutes Governing Dangerous Drugs)

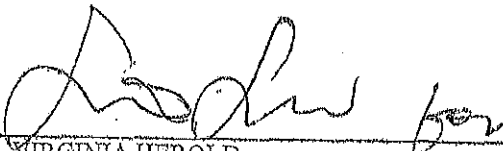
3 12. Respondent is subject to disciplinary action under section 4301, subdivision (j) of the  
4 Code on the grounds of unprofessional conduct in that Respondent violated statutes governing  
5 dangerous drugs. Specifically, Respondent violated Health and Safety Code section 11173,  
6 subdivision (a), for unlawfully obtaining controlled substances by fraud, deceit,  
7 misrepresentation, or subterfuge, Health and Safety Code section 11350, for unlawfully  
8 possessing controlled substances without valid prescriptions, and section 4060 of the Code. The  
9 conduct is described in more particularity in paragraph 9 above, inclusive and hereby  
10 incorporated by reference.

11 PRAYER

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

- 14 1. Revoking or suspending Pharmacy Technician Registration Number TCH 79780,  
15 issued to Ignacio Camargo;
- 16 2. Ordering Ignacio Camargo to pay the Board of Pharmacy the reasonable costs of the  
17 investigation and enforcement of this case, pursuant to Business and Professions Code section  
18 125.3;
- 19 3. Taking such other and further action as deemed necessary and proper.
- 20  
21

22  
23 DATED: 4-29-16



24 VIRGINIA HEROLD  
25 Executive Officer  
26 Board of Pharmacy  
27 Department of Consumer Affairs  
28 State of California  
Complainant

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