

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

In the Matter of the Accusation Against:

Case No. 5799

OLAJIDE OLUSOLA GBENLE
33426 13th Street
Union City, CA 94587

Pharmacy Technician Registration No. TCH 75623

Respondent.

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 July 8, 2016.

It is so ORDERED on June 8, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 JOSHUA A. ROOM
Supervising Deputy Attorney General
4 State Bar No. 214663
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1299
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 5799

11 **OLAJID OLUSOLA GBENLE**
12 **33426 13th Street**
13 **Union City, CA 94587**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 **Pharmacy Technician License No. TCH 75623**

15 Respondent.

16 In the interest of a prompt and speedy settlement of this matter, consistent with the public
17 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,
18 the parties hereby agree to the following Stipulated Surrender and Disciplinary Order which will
19 be submitted to the Board for approval and adoption as the final disposition of the Accusation.

20 PARTIES

21 1. Virginia Herold (Complainant), Executive Officer, Board of Pharmacy, brought this
22 action solely in her official capacity and is represented herein by Kamala D. Harris, Attorney
23 General of the State of California, by Joshua A. Room, Supervising Deputy Attorney General.

24 2. Olajid Olusola Gbenle (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 May 4, 2007, the Board of Pharmacy issued Pharmacy Technician
27 License No. TCH 75623 to Respondent. The License was in full force and effect at all times
28 relevant to Accusation No. 5799 and will expire on March 31, 2017, unless renewed.

1 communicate directly with the Board regarding this stipulation and surrender, without notice to or
2 participation by Respondent. By signing the stipulation, Respondent understands and agrees that
3 he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
4 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
5 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
6 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
7 be disqualified from further action by having considered this matter.

8 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
9 copies of this Stipulated Surrender of License and Order, including Portable Document Format
10 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

11 12. This Stipulated Surrender of License and Order is intended by the parties to be an
12 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
13 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
14 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
15 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
16 executed by an authorized representative of each of the parties.

17 13. In consideration of the foregoing admissions and stipulations, the parties agree that
18 the Board may, without further notice or formal proceeding, issue and enter the following Order:

19 **ORDER**

20 IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 75623, issued to
21 Respondent Olajid Olusola Gbenle, is surrendered and accepted by the Board of Pharmacy.

22 1. The surrender of Respondent's Pharmacy Technician License and the acceptance of
23 the surrendered license by the Board shall constitute the imposition of discipline against
24 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
25 Respondent's license history with the Board of Pharmacy.

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

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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: 5/9/2016

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Senior Assistant Attorney General



JOSHUA A. ROOM
Supervising Deputy Attorney General
Attorneys for Complainant

SF2016200659
41510106.doc

Exhibit A

Accusation No. 5799

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 JOSHUA A. ROOM
Supervising Deputy Attorney General
4 State Bar No. 214663
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1299
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 5799

13 **OLAJID OLUSOLA GBENLE**
14 **33426 13th Street**
15 **Union City, CA 94587**

ACCUSATION

Pharmacy Technician License No. TCH 75623

Respondent.

16
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 May 4, 2007, the Board issued Pharmacy Technician License No. TCH
22 75623 to Olajid Olusola Gbenle (Respondent). The License was in full force and effect at all
23 times relevant to the charges brought herein and will expire on March 31, 2017, unless renewed.

24 JURISDICTION

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

28 ///

1 8. California Code of Regulations, title 16, section 1770, states:

2 "For the purpose of denial, suspension, or revocation of a personal or facility license
3 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
4 crime or act shall be considered substantially related to the qualifications, functions or duties of a
5 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
6 licensee or registrant to perform the functions authorized by her license or registration in a manner
7 consistent with the public health, safety, or welfare."

8 9. Section 4059 of the Code, in pertinent part, prohibits furnishing of any dangerous
9 drug or dangerous device except upon the prescription of an authorized prescriber.

10 10. Section 4060 of the Code provides, in pertinent part, that no person shall possess any
11 controlled substance, except that furnished upon a valid prescription/drug order.

12 11. Health and Safety Code section 11170 provides that no person shall prescribe,
13 administer, or furnish a controlled substance for himself or herself.

14 12. Health and Safety Code section 11173, subdivision (a), provides that no person shall
15 obtain or attempt to obtain controlled substances, or procure or attempt to procure the
16 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,
17 or subterfuge; or (2) by the concealment of a material fact.

18 13. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess
19 any controlled substance listed in Schedule II (Health and Safety Code section 11055),
20 subdivision (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

21 COST RECOVERY

22 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
23 administrative law judge to direct a licentiate found to have committed a violation of the licensing
24 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

25 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

26 15. Section 4021 of the Code states:

27 "Controlled substance' means any substance listed in Chapter 2 (commencing with Section
28 11053) of Division 10 of the Health and Safety Code."

1 19. On or about February 4, 2016, the Walgreens location by which Respondent was
2 primarily employed (PHY 52749) submitted a Report of Theft or Loss of Controlled Substances
3 (Form DEA-106) that reported employee pilferage of: 1,154 tablets of **hydrocodone** with
4 acetaminophen 10/325mg (**Norco**); 86 tablets of **amphetamine-dextroamphetamine** 20mg; 61
5 tablets of **hydromorphone** 4mg; and 5 tablets of **hydromorphone** 2mg.

6
7 FIRST CAUSE FOR DISCIPLINE

8 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

9 20. Respondent is subject to discipline under section 4301(f) of the Code, in that
10 Respondent, as described in paragraphs 18 and 19 above, committed acts involving moral
11 turpitude, dishonesty, fraud, deceit, or corruption.

12
13 SECOND CAUSE FOR DISCIPLINE

14 (Furnishing of Controlled Substance(s))

15 21. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section
16 4059 of the Code, and/or Health and Safety Code section 11170, in that Respondent, as described
17 in paragraphs 18 and 19 above, furnished to himself or another without a valid prescription,
18 and/or conspired to furnish, and/or assisted or abetted furnishing of, a controlled substance.

19
20 THIRD CAUSE FOR DISCIPLINE

21 (Possession of Controlled Substance(s))

22 22. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section
23 4060 of the Code, and/or Health and Safety Code section 11350, in that Respondent, as described
24 in paragraphs 18 and 19 above, possessed, conspired to possess, and/or assisted in or abetted
25 possession of, a controlled substance, without a prescription.

26 ///

27 ///

28 ///

1 FOURTH CAUSE FOR DISCIPLINE

2 (Obtaining Controlled Substance by Fraud, Deceit or Subterfuge)

3 23. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,
4 and/or Health and Safety Code section 11173(a), in that Respondent, as described in paragraphs
5 18 and 19 above, obtained, conspired to obtain, and/or assisted in or abetted the obtaining of a
6 controlled substance, by fraud, deceit, subterfuge, or concealment of material fact.

7
8 FIFTH CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct)

10 24. Respondent is subject to discipline under section 4301 of the Code in that
11 Respondent, as described in paragraphs 18 to 23 above, engaged in unprofessional conduct.

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

- 15 1. Revoking or suspending Pharmacy Technician License Number TCH 75623, issued to
16 Olajid Olusola Gbenle (Respondent);
- 17 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
18 enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 19 3. Taking such other and further action as is deemed necessary and proper.

20
21 DATED: 4/21/16



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

28 SF2016200659
41509567.doc