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

In the Matter of the Petition to Revoke
Probation Against:
JORGE ANTONIO GALVEZ
1449 Tamarind Ave., Apt. #3
Los Angeles, CA 90028
Pharmacy Technician Registration No. TCH
104805
Respondent.

Case No. 5819

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about July 25, 2016, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Petition to Revoke Probation No. 5819 against Jorge Antonio Galvez (Respondent) before the Board of Pharmacy. (Petition to Revoke Probation attached as Exhibit A.)

2. On or about December 5, 2013, the Board issued Pharmacy Technician Registration Number TCH 104805 to Jorge Antonio Galvez (Respondent). Said registration expired on September 30, 2015, and was cancelled on January 3, 2016, pursuant to Business and Professions Code (Code) section 4402, subdivision (e).

3. In a disciplinary action entitled *In the Matter of Statement of Issues Against Jorge*

1 *Antonio Galvez* (Case No. 4099) the Board issued a decision, effective August 22, 2013, in which
2 Respondent's Pharmacy Technician Registration was issued and immediately revoked. However,
3 the revocation was stayed and said registration was placed on probation for a period of three (3)
4 years, with terms and conditions.

5 4. On August 2, 2016, Respondent was served by Certified and First Class Mail copies
6 of the Petition to Revoke Probation No. 5819, Statement to Respondent, Notice of Defense,
7 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
8 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions
9 Code section 4100, is required to be reported and maintained with the Board. Respondent's
10 address of record was and is: 1449 Tamarind Ave., Apt. #3, Los Angeles, CA 90028.

11 5. Service of the Petition to Revoke Probation was effective as a matter of law under the
12 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions
13 Code section 124.

14 6. Government Code section 11506(c) states, in pertinent part:

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

20 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
21 of the Petition to Revoke Probation, and therefore waived his right to a hearing on the merits of
22 Petition to Revoke Probation No. 5819.

23 8. California Government Code section 11520(a) states, in pertinent part:

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

28 9. Pursuant to its authority under Government Code section 11520, the Board finds
Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on

1 file at the Board's offices regarding the allegations contained in Petition to Revoke Probation No.
2 5819, finds that the charges and allegations in Petition to Revoke Probation No. 5819, are
3 separately and severally, found to be true and correct by clear and convincing evidence.

4 **DETERMINATION OF ISSUES**

5 1. Based on the foregoing findings of fact, Respondent Jorge Antonio Galvez has
6 subjected his Pharmacy Technician Registration No. TCH 104805 to discipline.

7 2. The agency has jurisdiction to adjudicate this case by default.

8 3. The Board is authorized to revoke Respondent's Pharmacy Technician Registration
9 based upon the following violations alleged in the Petition to Revoke Probation which are
10 supported by the evidence contained in the Default Decision Evidence Packet in this case.

11 a. Respondent's probation is subject to revocation because he failed to comply with
12 Probation Condition 2 in that he failed to timely submit the following quarterly reports: April 10,
13 2014, January 10, 2015, and April 10, 2015. Respondent failed to submit the quarterly reports
14 due July 10, 2014, and October 10, 2014.

15 b. Respondent's probation is subject to revocation because he failed to comply with
16 Probation Condition 6. Specifically, On December 28, 2015, the Board sent Respondent a bill for
17 the probation monitoring costs (\$60.50) for probationary period from December 5, 2014, to
18 December 4, 2015. Respondent has failed to pay the cost billed to him on December 28, 2015.

19 c. Respondent's probation is subject to revocation because he failed to comply with
20 Probation Condition 7. Specifically, on July 4, 2014, Respondent was sent a license renewal
21 notice to his address of record with the Board. Respondent failed to renew his license and it
22 expired on September 30, 2015. Said registration was cancelled on January 3, 2016.

23 d. Respondent's probation is subject to revocation because he failed to comply with
24 Probation Condition 10 in that Respondent has not worked in the field of pharmacy since
25 probation commenced on December 5, 2013.

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 104805, heretofore issued to Respondent Jorge Antonio Galvez, 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 November 4, 2016.

It is so ORDERED on October 5, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

Amy Gutierrez, Pharm.D.
Board President

52216424.DOC
DOJ Matter ID:LA2016601127

Attachment: Exhibit A

Exhibit A

Petition to Revoke Probation

(JORGE ANTONIO GALVEZ)

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Attorneys for Complainant
7

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

10 In the Matter of the Petition to Revoke
11 Probation Against:

Case No. 5819

12 **JORGE ANTONIO GALVEZ**

PETITION TO REVOKE PROBATION

13 1449 Tamarind Ave., Apt. #3
14 Los Angeles, CA 90028

15 Pharmacy Technician Registration No. TCH
104805

16 Respondent.
17

18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this Petition to Revoke Probation solely in her
21 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
22 Affairs (Board).

23 2. On or about December 5, 2013, the Board issued Pharmacy Technician Registration
24 Number TCH 104805 to Jorge Antonio Galvez (Respondent). Said registration expired on
25 September 30, 2015, and was cancelled on January 3, 2016, pursuant to Business and Professions
26 Code (Code) section 4402, subdivision (e).

27 3. In a disciplinary action entitled *In the Matter of Statement of Issues Against Jorge*
28 *Antonio Galvez* (Case No. 4099) the Board issued a decision, effective August 22, 2013, in which

1 Respondent's Pharmacy Technician Registration was issued and immediately revoked. However,
2 the revocation was stayed and said registration was placed on probation for a period of three (3)
3 years, with terms and conditions. A copy of that decision is attached as **Exhibit A** and is
4 incorporated by reference.

5 JURISDICTION

6 4. This Petition is brought before the Board under the authority of the following laws.
7 Unless otherwise indicated, all references are to the Business and Professions Code (Code).

8 5. Condition 11 of the Decision and Order *In the Matter of Statement of Issues Against*
9 *Jorge Antonio Galvez* (Case No. 4099) entitled "Violation of Probation," provides:

10 "If a Respondent has not complied with any term or condition of
11 probation, the Board shall have continuing jurisdiction over Respondent, and
12 probation shall automatically be extended, until all terms and conditions have been
13 satisfied or the board has taken other action as deemed appropriate to treat the failure
14 to comply as a violation of probation, to terminate probation, and to impose the
15 penalty that was stayed.

16 If Respondent violates probation in any respect, the board, after giving
17 Respondent notice and an opportunity to be heard, may revoke probation and carry
18 out the disciplinary order that was stayed. Notice and opportunity to be heard are not
19 required for those provisions stating that a violation thereof may lead to automatic
20 termination of the stay and/or revocation of the license. If a petition to revoke
21 probation or an accusation is filed against Respondent during probation, the board
22 shall have continuing jurisdiction, and the period of probation shall be automatically
23 extended until the petition to revoke probation or accusation is heard and decided."

24 6. Grounds exist to revoke Respondent's probation under the authority of Condition 12
25 of the Decision and Order *In the Matter of Statement of Issues Against Jorge Antonio Galvez*
26 (Case No. 4099). Respondent did not comply with the terms and conditions of his probation, as
27 more particularly set forth below.

28 FIRST CAUSE TO REVOKE PROBATION

(Failure to Report to the Board)

7. At all times after the effective date of Respondent's probation, Condition 2 stated:

"Report to the Board

Respondent shall report to the board quarterly, on a schedule as directed
by the board or its designee. The report shall be made either in person or in writing,
as directed. Among other requirements, Respondent shall state in each report under
penalty of perjury whether there has been compliance with all the terms and
conditions of probation. Failure to submit timely reports in a form as directed shall

1 be considered a violation of probation. Any period(s) of delinquency in submission
2 of reports as directed may be added to the total period of probation. Moreover, if the
final probation report is not made as directed, probation shall be automatically
extended until such time as the final report is made and accepted by the board."

3 8. Respondent's probation is subject to revocation because he failed to comply with
4 Probation Condition 2, referenced above. Respondent failed to timely submit the following
5 quarterly reports: April 10, 2014, January 10, 2015, and April 10, 2015. Respondent failed to
6 submit the quarterly reports due July 10, 2014, and October 10, 2014.

7 **SECOND CAUSE TO REVOKE PROBATION**

8 **(Failure to Pay Probation Monitoring Costs)**

9 9. At all times after the effective date of Respondent's probation, Condition 6 stated:

10 **"Probation Monitoring Costs**

11 Respondent shall pay any costs associated with probation monitoring as
12 determined by the board each and every year of probation. Such costs shall be
13 payable to the board on a schedule as directed by the board or its designee. Failure to
14 pay such costs by the deadline(s) as directed shall be considered a violation of
15 probation."

16 10. Respondent's probation is subject to revocation because he failed to comply with
17 Probation Condition 6, referenced above. On December 28, 2015, the Board sent Respondent a
18 bill for the probation monitoring costs (\$60.50) for probationary period from December 5, 2014,
19 to December 4, 2015. Respondent has failed to pay the cost billed to him on December 28, 2015.

20 **THIRD CAUSE TO REVOKE PROBATION**

21 **(Failure to Maintain an Active License)**

22 11. At all times after the effective date of Respondent's probation, Condition 7 stated:

23 **"Status of License**

24 Respondent shall, at all times while on probation, maintain an active,
25 current pharmacy technician license with the board, including any period during
26 which suspension or probation is tolled. Failure to maintain an active, current license
27 shall be considered a violation of probation.

28 If Respondent's pharmacy technician license expires or is cancelled by
operation of law or otherwise at any time during the period of probation, including
any extensions thereof due to tolling or otherwise, upon renewal or reapplication
Respondent's license shall be subject to all terms and conditions of this probation not
previously satisfied."

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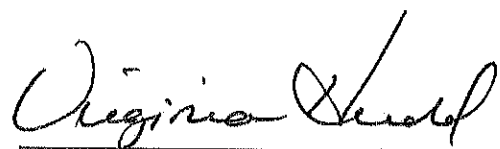
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PRAYER

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

1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 4099 and imposing the disciplinary order that was stayed thereby revoking Pharmacy Technician Registration No. TCH 104805 issued to Jorge Antonio Galvez;
2. Revoking or suspending Pharmacy Technician Registration No. TCH 104805, issued to Jorge Antonio Galvez;
3. Taking such other and further action as deemed necessary and proper.

DATED: 7/25/16



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

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