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

In the Matter of the Accusation Against:  
**DANIEL ISIDRO IBARRA-VENTURA**  
21909 Saticoy Street, #15  
Canoga Park, CA 91304  
  
Pharmacy Technician Registration  
No. TCH 152937  
  
Respondent.

Case No. 6009  
**DEFAULT DECISION AND ORDER**  
  
[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about July 17, 2017, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 6009 against Daniel Isidro Ibarra-Ventura (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about April 15, 2016, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 152937 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 6009, expired on May 31, 2017, and has not been renewed. This lapse in licensure, however, pursuant to Business and Professions Code section 118(b) and/or agency-specific statute does not deprive the Board of its authority to institute or continue this disciplinary proceeding.

1           3.     On or about July 25, 2017, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 6009, 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: 21909 Saticoy Street, #15, Canoga Park, CA 91304.

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.     The Board takes official notice of its records and the fact that Respondent failed to  
17 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore  
18 waived his right to a hearing on the merits of Accusation No. 6009.

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. 6009, finds that  
the charges and allegations in Accusation No. 6009, 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 152937, heretofore issued to Respondent Daniel Isidro Ibarra-Ventura, 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 December 6, 2017.

It is so ORDERED on November 6, 2017.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

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

52657375.DOC  
DOJ Matter ID:LA2017603266  
Jz(10/10/17)

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 XAVIER BECERRA  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 LINDA L. SUN  
Supervising Deputy Attorney General  
4 State Bar No. 207108  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-6375  
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 **DANIEL ISIDRO IBARRA-VENTURA**  
21909 Saticoy Street, #15  
13 Canoga Park, CA 91304

14 Pharmacy Technician Registration  
15 No. TCH 152937

16 Respondent.

Case No. 6009

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

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 April 15, 2016, the Board of Pharmacy (Board) issued Pharmacy  
22 Technician Registration No. TCH 152937 to Daniel Isidro Ibarra-Ventura (Respondent). The  
23 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges  
24 brought herein, expired on May 31, 2017, and has not been 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 unless otherwise indicated.

28 ///

**STATUTORY PROVISIONS**

1  
2       4.     Section 492 states, in pertinent part:

3           “Notwithstanding any other provision of law, successful completion of any diversion  
4 program under the Penal Code, or successful completion of an alcohol and drug problem  
5 assessment program under Article 5 (commencing with Section 23249.50) of Chapter  
6 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2  
7 (commencing with Section 500) of this code, or any initiative act referred to in that division, from  
8 taking disciplinary action against a licensee or from denying a license for professional  
9 misconduct, notwithstanding that evidence of that misconduct may be recorded in a record  
10 pertaining to an arrest.”

11       5.     Section 4060 provides in pertinent part, that no person shall possess any controlled  
12 substance, except that furnished to a person upon the prescription of a physician, dentist,  
13 podiatrist, optometrist, veterinarian, or other authorized prescriber.

14       6.     Section 4300 provides, in pertinent part, that every license issued by the Board is  
15 subject to discipline, including suspension or revocation.

16       7.     Section 4300.1 states:

17           "The expiration, cancellation, forfeiture, or suspension of a board-issued license by  
18 operation of law or by order or decision of the board or a court of law, the placement of a license  
19 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board  
20 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary  
21 proceeding against, the licensee or to render a decision suspending or revoking the license."

22       8.     Section 4301 states, in pertinent part:

23           "The board shall take action against any holder of a license who is guilty of unprofessional  
24 conduct or whose license has been issued by mistake. Unprofessional conduct shall include, but is  
25 not limited to, any of the following:

26           . . . .

27           “(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or  
28 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and

1 whether the act is a felony or misdemeanor or not.

2 . . . .

3 “(h) The administering to oneself, of any controlled substance, or the use of any dangerous  
4 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
5 oneself, to a person holding a license under this chapter, or to any other person or to the public, or  
6 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
7 practice authorized by the license.

8 . . . .

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

11 . . . .

12 “(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
13 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
14 federal and state laws and regulations governing pharmacy, including regulations established by  
15 the board or by any other state or federal regulatory agency.”

16 **REGULATORY PROVISIONS**

17 9. California Code of Regulations, title 16, section 1770 states, in pertinent part:

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

24 **COST RECOVERY**

25 10. Section 125.3 states, in pertinent part, that the Board may request the administrative  
26 law judge to direct a licentiate found to have committed a violation or violations of the licensing  
27 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
28 case.



1 **CONTROLLED SUBSTANCE**

2 11. "Suboxone," is the brand name for Buprenorphine and Naloxone 8mg.-2 mg. It is a  
3 Schedule III controlled substance as designated by the Controlled Substance Act (CSA) and is  
4 categorized as a dangerous drug pursuant to section 4022.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Illegally Obtained or Possessed a Controlled Substance)**

7 12. Respondent is subject to disciplinary action under section 4301, subdivision (j) and  
8 section 4060, in that while assigned as a pharmacy technician extern at CVS #9850, Respondent  
9 illegally obtained or possessed a controlled substance, as follows:

10 a. On or about June 20, 2016, during an investigation for embezzlement by the Los  
11 Angeles Police Department, Respondent, by his own admission, admitted that he diverted (14)  
12 Suboxone 8mg.-2mg. strips, (2) 50 cc syringes, and (1) 10 pack of needles to manage his heroin  
13 addiction .

14 b. Subsequently, on July 11, 2016, Respondent pled nolo contendere to violating one  
15 misdemeanor count of Penal Code section 484, subdivision (a)-490.2, subdivision (a) [petty  
16 theft], one misdemeanor count of Penal Code section 508 [embezzlement], and one misdemeanor  
17 count of Health and Safety Code section 11350 [possession of a controlled substance] in the  
18 criminal proceeding entitled *The People of the State of California v. Daniel IbarraVentura*,  
19 (Super. Ct. L.A. County, 2016, No. 6VW03064). The court deferred pronouncement of  
20 sentencing for 12 months pending Respondent's completion of a drug diversion program,  
21 pursuant to Penal Code section 1001.94.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Dangerous Use of a Controlled Substance)**

24 13. Respondent is subject to disciplinary action under section 4301, subdivision (h), in  
25 conjunction with California Code of Regulations, title 16, section 1770, in that Respondent used a  
26 controlled substance to the extent or in a manner as to be dangerous or injurious to himself,  
27 another person, or the public, Complainant refers to, and by this reference incorporates, the  
28 allegations set forth above in paragraph 12, as though set forth fully.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Acts Involving Dishonesty, Fraud, or Deceit)**

3 14. Respondent is subject to disciplinary action under section 4301, subdivision (f), in  
4 that Respondent committed acts involving dishonesty, fraud, or deceit. Complainant refers to,  
5 and by this reference incorporates, the allegations set forth above in paragraphs 12 and 13,  
6 inclusive, as though set forth fully.

7 **FOURTH CAUSE FOR DISCIPLINE**

8 **(Violating Provisions of the Pharmacy Act)**

9 15. Respondent is subject to disciplinary action under section 4301, subdivision (o), in  
10 that Respondent violated provisions of the Pharmacy Act. Complainant refers to, and by this  
11 reference incorporates, the allegations set forth above in paragraphs 12 through 14, as though set  
12 forth fully.

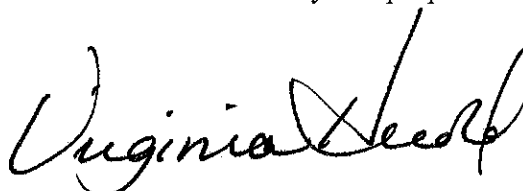
13 **PRAYER**

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

- 16 1. Revoking or suspending Pharmacy Technician Registration No. TCH 152937, issued  
17 to Daniel Isidro Ibarra-Ventura;
- 18 2. Ordering Daniel Isidro Ibarra-Ventura to pay the Board of Pharmacy the reasonable  
19 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
20 Code section 125.3; and,
- 21 3. Taking such other and further action as deemed necessary and proper.

22  
23  
24 DATED: \_\_\_\_\_

7/17/17



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

25  
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