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

In the Matter of the Accusation Against:  
**STEVEN HERNANDEZ**  
2302 Larch St., Apt. 4  
Alhambra, CA 91801  
Pharmacy Technician Registration  
No. TCH 145922  
  
Respondent.

Case No. 6027  
**DEFAULT DECISION AND ORDER**  
  
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about February 21, 2017, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 6027 against Steven Hernandez (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)
2. On or about March 19, 2015, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 145922 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 6027 and expired on February 28, 2017. This lapse in licensure, however, pursuant to Business and Professions Code section 4300.1 does not deprive the Board of its authority to institute or continue this disciplinary proceeding.

1           3.     On or about March 3, 2017, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 6027, 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: 2302 Larch St., Apt. 4, Alhambra, CA 91801.

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.     On or about March 27, 2017, the aforementioned documents were returned by the  
11 U.S. Postal Service marked "unable to forward."

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

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

18          7.     Respondent failed to file a Notice of Defense within 15 days after service upon him  
19 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
20 6027.

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

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

26          9.     Pursuant to its authority under Government Code section 11520, the Board finds  
27 Respondent is in default. The Board will take action without further hearing and, based on the  
28 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  
file at the Board's offices regarding the allegations contained in Accusation No. 6027, finds that

1 the charges and allegations in Accusation No. 6027, are separately and severally, found to be true  
2 and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and  
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
5 and Enforcement are \$577.50 as of April 6, 2017.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Steven Hernandez has subjected  
8 his Pharmacy Technician Registration No. TCH 145922 to discipline.

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

10 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician  
11 Registration based upon the following violations alleged in the Accusation which are supported  
12 by the evidence contained in the Default Decision Evidence Packet in this case:

13 a. Business and Professions Code section 4301, subdivision (l), in conjunction with  
14 California Code of Regulations, title 16, section 1770, on the grounds of unprofessional conduct,  
15 in that the Respondent was convicted of a crime substantially related to the qualifications,  
16 functions, and duties of a pharmacy technician, as follows:

17 i. On or about August 17, 2016, after pleading guilty, Respondent was convicted  
18 of one felony count of violating Health and Safety Code section 11379, subdivision (a) [sale/offer  
19 to sell/transportation of a controlled substance] in the criminal proceeding entitled *The People of*  
20 *the State of California v. Steven Hernandez* (Super. Ct. L.A. County, 2016, No. BA448793).

21 b. Business and Professions Code section 4301, subdivision (j) for violating statutes of  
22 this state regulating controlled substances and dangerous drugs, in that Respondent was found to  
23 be in possession of methamphetamine, a controlled substance/dangerous drug.

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 145922, heretofore issued to Respondent Steven 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 June 8, 2017.

It is so ORDERED on May 9, 2017.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



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

52442106.DOCX  
DOJ Matter ID:LA2017603278

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

(STEVEN HERNANDEZ)

1 XAVIER BECERRA  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
4 State Bar No. 206911  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2541  
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:

Case No. 6027

12 **STEVEN HERNANDEZ**  
2302 Larch St., Apt. 4  
13 Alhambra, CA 91801

**ACCUSATION**

14 Pharmacy Technician Registration  
15 No. TCH 145922

16 Respondent.

17  
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 March 19, 2015, the Board issued Pharmacy Technician Registration No.  
23 TCH 145922 to Steven Hernandez (Respondent). The Pharmacy Technician Registration was in  
24 full force and effect at all times relevant to the charges brought herein and will expire on February  
25 28, 2017, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following  
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.



1 dangerous drugs, to determine if the conviction is of an offense substantially related to the  
2 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
3 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
4 of this provision. The board may take action when the time for appeal has elapsed, or the  
5 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
6 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
7 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
8 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
9 indictment.”

#### 10 REGULATORY PROVISIONS

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

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

#### 18 COST RECOVERY

19 9. Section 125.3 provides, in pertinent part, that the Board may request the  
20 administrative law judge to direct a licentiate found to have committed a violation or violations of  
21 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
22 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
23 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
24 included in a stipulated settlement.

#### 25 10. CONTROLLED SUBSTANCE/DANGEROUS DRUG

26 "Methamphetamine," is a Schedule II controlled substance as designated by Health and  
27 Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug pursuant to  
28 section 4022.



1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of a Substantially Related Crime)

3 11. Respondent is subject to disciplinary action under section 4301, subdivision (I), in  
4 conjunction with California Code of Regulations, title 16, section 1770, on the grounds of  
5 unprofessional conduct, in that the Respondent was convicted of a crime substantially related to  
6 the qualifications, functions, and duties of a pharmacy technician, as follows: On or about August  
7 17, 2016, after pleading guilty, Respondent was convicted of one felony count of violating Health  
8 and Safety Code section 11379, subdivision (a) [sale/offer to sell/transportation of a controlled  
9 substance] in the criminal proceeding entitled *The People of the State of California v. Steven*  
10 *Hernandez* (Super. Ct. L.A. County, 2016, No. BA448793). The Court placed Respondent on 3  
11 years formal probation, with terms and conditions. The circumstance surrounding the conviction  
12 are that on or about July 27, 2016, Respondent replied to a Craigslist add placed by an undercover  
13 detective, looking for individuals willing to transport, to furnish, or sell narcotics. Respondent  
14 made arrangements with the undercover detective to meet at a specified location and time and told  
15 him he would be bringing his connection/dealer with him. Respondent and another individual  
16 arrived at the location where both were subsequently placed under arrest by Los Angeles Police  
17 Department officers. During a search of the vehicle, officers found 24 individual baggies each  
18 with crystals and another baggie with shards of crystal all resembling crystal methamphetamine.  
19 Officers also found a digital scale, two cylinder glass pipes with residue resembling  
20 methamphetamine, and two books with pays and owes.

21 SECOND CAUSE FOR DISCIPLINE

22 (Illegal Possession of a Controlled Substance/Dangerous Drug)

23 12. Respondent is subject to disciplinary action under section 4301, subdivision (j) for  
24 violating statutes of this state regulating controlled substances and dangerous drugs, in that  
25 Respondent was found to be in possession of methamphetamine, a controlled  
26 substance/dangerous drug. Complainant refers to, and by reference incorporates, the allegations  
27 set forth above in paragraph 11, as though set forth fully.

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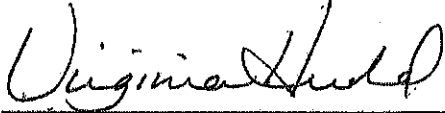
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PRAYER

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 or suspending Pharmacy Technician Registration No. TCH 145922, issued to Steven Hernandez;
- 2. Ordering Steven Hernandez to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
- 3. Taking such other and further action as deemed necessary and proper.

DATED: 2/21/17



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

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