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

13 In the Matter of the Accusation Against:

Case No. 3208

14 JUAN C. RENDEROS  
435 S. Poplar Street  
15 Santa Ana, CA 92703

**ACCUSATION**

16 Designated Representative Certificate  
No. EXC 16578

17 Respondent.  
18

19 Complainant alleges:

20 **PARTIES**

21 1. Virginia Herold (Complainant) brings this Accusation solely in her  
22 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer  
23 Affairs.

24 2. On or about April 4, 2002, the Board of Pharmacy issued Designated  
25 Representative Certificate Number EXC 16578 to Juan C. Renderos (Respondent). The  
26 Designated Representative Certificate was in full force and effect at all times relevant to the  
27 charges brought herein and will expire on April 1, 2009, unless renewed.

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2 JURISDICTION

3 3. This Accusation is brought before the Board of Pharmacy (Board),  
4 Department of Consumer Affairs, under the authority of the following laws of the Business and  
5 Professions Code (Code):

6 4. Section 118, subdivision (b), of the Code provides that the cancellation of  
7 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during  
8 the period within which the license may be renewed, restored, reissued or reinstated.

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

13 6. Section 4060 of the Code provides, in pertinent part, that no person shall  
14 possess any controlled substance, except that furnished to a person upon the prescription of a  
15 physician, dentist, podiatrist, or veterinarian.

16 7. Section 4300(a) of the Code provides in pertinent part, that every license  
17 issued may be suspended or revoked.

18 8. Section 4301 of the Code states in pertinent part:

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

22 . . . .

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

25 . . . .

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

27 . . . .

28 (o) Violating or attempting to violate, directly or indirectly, or assisting in

1 or abetting the violation of or conspiring to violate any provision or term of this  
2 chapter or of the applicable federal and state law and regulations governing  
3 pharmacy, including regulations established by the board or by any other state or  
4 federal regulatory agency.

5 9. Health and Safety Code section 11350 states:

6 (a) Except as otherwise provided in this division, every person who  
7 possesses (1) any controlled substance specified in subdivision (b) or (c), or  
8 paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14),  
9 (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or  
10 (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any  
11 controlled substance classified in Schedule III, IV, or V which is a narcotic drug,  
12 unless upon the written prescription of a physician, dentist, podiatrist, or  
13 veterinarian licensed to practice in this state, shall be punished by imprisonment  
14 in the state prison.

15 10. Health and Safety Code section 11170 provides that no person shall  
16 prescribe, administer, or furnish a controlled substance for himself.

#### 17 DRUG

18 11. At all times material herein, cocaine was and is a Schedule II controlled  
19 substance as set forth in Health and Safety Code section 11054.

#### 20 FIRST CAUSE FOR DISCIPLINE

##### 21 **(Unprofessional Conduct: Possession of a Controlled Substance)**

22 12. Respondent's license is subject to discipline for unprofessional conduct  
23 under sections 4301(j) and 4060 in that he violated state statutes regulating controlled substances  
24 by possessing a controlled substance in violation of the law. The circumstances are as follows:

25 a. On June 9, 2006, Respondent, while driving his vehicle, stopped at a  
26 posted stop sign and then failed to use his vehicle signal before making a right hand turn.  
27 Respondent was pulled over by a police officer who observed the traffic violation. The officer  
28 observed Respondent reaching down towards the center console area of the vehicle and moving  
something with his right hand. The officer asked Respondent if he could search Respondent's  
vehicle and Respondent gave the officer permission to do so. The officer found cocaine in a  
baggie hidden in the vehicle's four-wheel drive stick shift rubber liner. Respondent admitted  
that the cocaine was his and that he had been using cocaine on and off due to emotional trouble.  
Respondent was arrested for possession of a narcotic in violation of Health and Safety Code

1 section 11350.

2           b       On or about July 14, 2006, in the proceeding entitled *People vs. Juan*  
3 *Carlos Renderos*, Orange County Superior Court, Case Number 06CF1817, Respondent pled  
4 guilty to possession of a narcotic controlled substance (cocaine) in violation of Health and Safety  
5 Code section 11350(a). Entry of the judgment was deferred pursuant to Penal Code section 1000  
6 and Respondent was ordered to enroll in a diversion program.

7           c.       On or about October 26, 2006, the court ordered that proceedings pursuant  
8 to Penal Code section 1000 be terminated. Sentence was suspended and Respondent was placed  
9 on three years formal probation and ordered to submit to drug testing; complete a drug treatment  
10 program pursuant to Penal Code section 1210; pay \$200 restitution and pay various costs to the  
11 court.

12           d.       On or about December 7, 2006, the court found Respondent had violated  
13 his probation. Respondent's probation was revoked and the court ordered Respondent's  
14 probation to be reinstated with modified terms of no alcohol consumption, enroll in a Penal Code  
15 section 1210 program at La Familia; obtain employment by December 13, 2006 and provide  
16 proof to the probation officer.

17           e.       On or about January 10, 2007, a probation violation petition was filed with  
18 the court.

19           f.       On or about January 16, 2007, a probation violation hearing was held and  
20 the court found that Respondent violated his probation. The probation order was revoked and  
21 the court ordered Respondent's probation reinstated with the modified terms of no alcohol  
22 consumption, resume attendance in the Penal Code section 1210 program, enroll in Diversified  
23 Level 2 program and provide proof to the court on January 20, 2007.

24           g.       On or about January 22, 2007, the court held a dismissal hearing wherein  
25 the court set aside Respondent's guilty plea and vacated the probation imposed on October 26,  
26 2006 due to Respondent's successful completion of his drug treatment program.

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**SECOND CAUSE FOR DISCIPLINE**

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**(Unprofessional Conduct: Administering of a Controlled Substance to Oneself)**

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13. Respondent's license is subject to discipline for unprofessional conduct under section 4301(j) and Health and Safety Code section 11170 for administering controlled substances to himself in violation of state statues regulating controlled substances in that on or about June 9, 2006, Respondent admitted to a police officer that he uses cocaine. The circumstances are more specifically set forth in paragraph 12 above and incorporated herein by reference.

**THIRD CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct: Violating State Law Governing Pharmacy)**

14. Respondent's license is subject to discipline for unprofessional conduct under sections 4301(o) and Health and Safety Code section 11350(a) for violating state law governing pharmacy in that on July 14, 2006 Respondent was in possession of cocaine in violation of the law as set forth in paragraph 12 above and incorporated herein by reference.

**FOURTH CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct: Act of Moral Turpitude)**

15. Respondent's license is subject to discipline for unprofessional conduct under section 4301(f) for an act of moral turpitude in that on July 14, 2006 Respondent was in possession of cocaine as set forth in paragraph 12 above and incorporated herein by reference.

**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 Designated Representative Certificate Number EXC 16578 issued to Juan C. Renderos;

2. Ordering Juan C. Renderos to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case pursuant to Business and Professions

1 Code section 125.3; and

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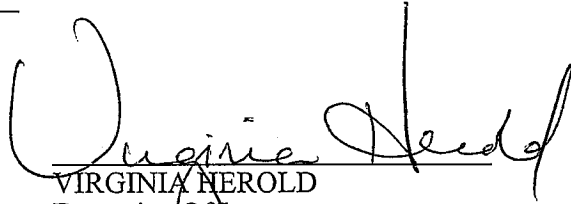
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4 3. Taking such other and further action as deemed necessary and proper.

5 DATED: 12/8/08

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

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