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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. 3494

12 **ERROL R. GERALDE**
13 16027 E. Ranch Lane
La Mirada, CA 90638

A C C U S A T I O N

14 Pharmacy Technician Registration No. TCH 68671

15 Respondent.

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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 April 18, 2006, the Board issued Pharmacy Technician Registration No.
23 TCH 68671 to Errol R. Geralde (Respondent). The Pharmacy Technician Registration was in full
24 force and effect at all times relevant to the charges brought herein and will expire on February 29,
25 2012, 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 FIRST CAUSE FOR DISCIPLINE

2 (Convictions of Substantially Related Crimes)

3 12. Respondent is subject to disciplinary action pursuant to Code sections 490, 4300,
4 4301, subdivision (1), on the grounds of unprofessional conduct in conjunction with California
5 Code of Regulations, title 16, section 1770, in that on or about October 30, 2006, Respondent was
6 convicted of a crime substantially related to the qualifications, functions or duties of a registered
7 pharmacy technician which to a substantial degree evidence his present or potential unfitness to
8 perform the functions authorized by his registration in a manner consistent with the public health,
9 safety, or welfare, as follows:

10 a. On or about October 30, 2006, after pleading guilty, in the criminal proceeding
11 entitled *The People of the State of California v Errol Ramos Geralde* (Super. Ct. Orange County,
12 2006, No. 06WF3194), Respondent was convicted of two (2) felonies: violating Health and
13 Safety code 11370.1 [possession of a controlled substance with firearm]; and Health and Safety
14 Code 11377(a) [possession of a controlled substance, to wit, methamphetamine]. In conjunction
15 with the felony convictions, Respondent was also convicted of three (3) misdemeanors: violating
16 Penal Code sections 12025(a)(1)/(b)(6) [having a concealed firearm in vehicle]; Vehicle Code
17 section 23152(a) [driving under the influence of alcohol/drugs]; and violating Vehicle Code
18 section 23152(b) [driving with blood alcohol 0.08% or more]. The Court sentenced Respondent
19 to 120 days in jail, placed him on three (3) years probation, ordered him to register as a narcotics
20 offender and submit to DNA testing, ordered him to complete a three (3) month First Offender
21 Alcohol Program and ordered him to seek training, schooling or employment and maintain a
22 residence.

23 b. The circumstances underlying the five (5) convictions are that on or about
24 October 21, 2006, Respondent was involved in a single vehicle non-injury traffic collision.
25 Respondent was driving while under the influence of alcohol and had BAC consecutive test
26 results of 0.106, 0.115 and 0.09. Respondent was found in possession of methamphetamine and a
27 loaded hand gun.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Drug/Alcohol Related Convictions)**

3 13. Respondent is subject to disciplinary action pursuant to Code sections 4300 and 4301,
4 subdivision (k), on the grounds of unprofessional conduct, in that on or about October 30, 2006,
5 Respondent was convicted of misdemeanors and felonies involving methamphetamine and
6 alcohol, their use, consumption or self-administration. Complainant refers to, and by this
7 reference incorporates, the allegations set forth above in paragraph 12, subparagraphs (a) and (b),
8 as though set forth fully.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Dangerous Use of Alcohol/Drugs)**

11 14. Respondent is subject to disciplinary action pursuant to Code sections 4300 and 4301,
12 subdivision (h), on the grounds of unprofessional conduct, in that Respondent used alcohol/drugs
13 to the extent or in a manner as to be dangerous or injurious to himself or others and / or to the
14 extent that his use impairs his ability to conduct with safety to the public the practice authorized
15 by his license. Complainant refers to, and by this reference incorporates, the allegations set forth
16 above in paragraphs 12 and 13 inclusive, as though set forth fully.

17 **FOURTH CAUSE FOR DISCIPLINE**

18 **(Illegal Possession of Controlled Substances)**

19 15. Respondent is subject to disciplinary action pursuant to Code sections 4300 and 4301,
20 subdivision (j), on the grounds of unprofessional conduct in conjunction with section 4060, in that
21 on or about October 21, 2006, Respondent was in possession of a controlled substances without a
22 valid prescription. Complainant refers to, and by this reference incorporates, the allegations set
23 forth above in paragraphs 12 through 14, inclusive, as though set forth fully.

24 **FIFTH CAUSE FOR DISCIPLINE**

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

26 16. Respondent is subject to disciplinary action pursuant to Code sections 4300 and 4301,
27 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts
28 involving moral turpitude, dishonesty, fraud, deceit and / or corruption. Complainant refers to,

1 and by this reference incorporates, the allegations set forth above in paragraphs 12 through 15,
2 inclusive, as though set forth fully.

3 **SIXTH CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct/Violating Pharmacy Law)**

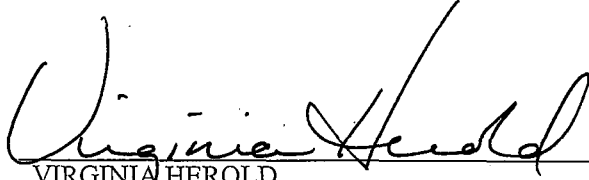
5 17. Respondent is subject to disciplinary action pursuant to Code sections 4300 and 4301,
6 subdivision (o), in that Respondent committed acts constituting unprofessional conduct.
7 Complainant refers to, and by this reference incorporates, the allegations set forth above in
8 paragraphs 12 through 16, inclusive, as though set forth fully.

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10 **PRAYER**

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

- 13 1. Revoking or suspending Pharmacy Technician Registration No. TCH 68671, issued
14 to Respondent;
- 15 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
16 enforcement of this case, pursuant to section 125.3; and
- 17 3. Taking such other and further action as deemed necessary and proper.

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19
20 DATED: 6/10/10


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

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