

1 EDMUND G. BROWN JR.
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 BRIAN G. WALSH
Deputy Attorney General
4 State Bar No. 207621
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2535
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 **EBER ISAI SANCHEZ**
6510 Fallon Avenue
13 Long Beach, CA 90805
14 Pharmacy Technician Registration No. TCH 56286
15 Respondent.

Case No. 3505

A C C U S A T I O N

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.
22 2. On or about April 18, 2005, the Board of Pharmacy (Board) issued Pharmacy
23 Technician Registration No. TCH 56286 (the registration) to Eber Isai Sanchez (Respondent).
24 The registration was in full force and effect at all times relevant to the charges brought herein and
25 will expire on June 30, 2011, unless renewed.

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1 substances or of a violation of the statutes of this state regulating controlled substances or
2 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
3 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
4 The board may inquire into the circumstances surrounding the commission of the crime, in order
5 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
6 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
7 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
8 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
9 of this provision. The board may take action when the time for appeal has elapsed, or the
10 judgment of conviction has been affirmed on appeal or when an order granting probation is made
11 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
12 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
13 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
14 indictment.

15 REGULATORY PROVISIONS

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

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

23 COST RECOVERY

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

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1 FIRST CAUSE FOR DISCIPLINE

2 (Substantially-Related Convictions)

3 9. Respondent is subject to disciplinary action under section 4301, subdivision (l), in
4 conjunction with California Code of Regulations, title 16, section 1770, in that Respondent was
5 convicted of crimes that are substantially related to the qualifications, functions, or duties of a
6 pharmacy technician, as follows:

7 a. On or about September 15, 2008, after pleading nolo contendere, Respondent was
8 convicted of one misdemeanor count of violating Penal Code section 273.6(a) [intentional and
9 knowing violation of a protective order], in the criminal proceeding entitled *The People of the*
10 *State of California v. Eber Isai Sanchez* (Super. Ct. Los Angeles County, 2008, No. 8LG06543).
11 Respondent was sentenced to four days in jail, ordered to perform 40 hours of community service,
12 and placed on probation for a period of three years. The underlying arrest occurred on or about
13 April 9, 2008, when officers of the Long Beach Police Department arrested Respondent for
14 approaching his former girlfriend, in violation of a domestic violence restraining order.

15 b. On or about March 7, 2008, after pleading nolo contendere, Respondent was
16 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)
17 [driving with a blood-alcohol content level greater than 0.8%], in the criminal proceeding entitled
18 *The People of the State of California v. Eber Isai Sanchez* (Super. Ct. Los Angeles County, 2008,
19 No. 7LT04476). Respondent was sentenced to four days in jail, and placed on probation for four
20 years. He was also ordered to complete a nine-month first offender's drug and alcohol education
21 program, perform 16 days of Cal Trans service, and pay restitution. The underlying arrest
22 occurred on or about April 18, 2007, when Respondent was arrested by officers of the California
23 Highway Patrol for driving under the influence of alcohol. He displayed involuntary eye
24 movements during an optical field sobriety test, and then refused to submit to any additional field
25 sobriety tests.

26 c. On or about November 9, 2007, after pleading nolo contendere, Respondent was
27 convicted of violating one misdemeanor count of violating Penal Code section 459 [burglary], in
28 the criminal proceeding entitled *The People of the State of California v. Eber Isai Sanchez* (Super.

1 Ct. Los Angeles County, 2007, No. 7BF05590). Respondent was sentenced to 30 days in jail, and
2 placed on three years probation. The underlying circumstances revolve around Respondent's
3 attempt to "return" \$327.32 of electronic merchandise, which he had never really purchased, at
4 the Target Department Store in Lakewood, California. Due to a mismatched stock number, the
5 refund was unauthorized. Respondent then left the store with the merchandise he had attempted
6 to return, even though video surveillance footage revealed that Respondent had entered the store
7 empty-handed. Investigation followed, involving Target security and officers of the Long Beach
8 Police Department. On or about October 16, 2007, admitted his actions to the police, and was
9 formally charged soon after, on or about October 25, 2007.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Dangerous Use of Alcohol)**

12 10. Respondent is subject to disciplinary action under section 4301, subdivision (h), in
13 that Respondent used alcohol in a manner dangerous to himself and others. Complainant refers to
14 and incorporates all the allegations contained in paragraph 9, subparagraph b, as though set forth
15 fully.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Dishonest Acts)**

18 11. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
19 that he has committed dishonest, fraudulent acts. Complainant refers to and incorporates all the
20 allegations contained in paragraph 9, subparagraph c, as though set forth fully.

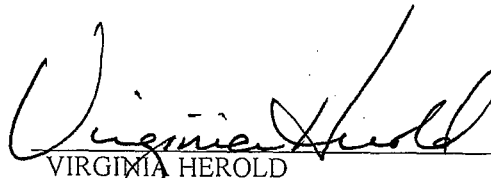
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PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration No. TCH 56286, issued to Respondent;
2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 7/15/10



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