

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EDMUND G. BROWN JR.
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General
M. TRAVIS PEERY
Deputy Attorney General
State Bar No. 261887
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-0962
Facsimile: (213) 897-2804

Attorneys for Complainant

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

In the Matter of the Petition to Revoke
Probation Against:

Case No. 3616

DAVID DONNY CANTERO
1840 Amy Way
Santa Maria, CA 93458

PETITION TO REVOKE PROBATION

Pharmacy Technician Registration No.
TCH 10551

Respondent.

Complainant alleges:

PARTIES

1. Virginia Herold (Complainant) brings this Petition to Revoke Probation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

2. On or about November 15, 1993, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 10551 to David Donny Cantero (Respondent). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2011, unless renewed.

///

1 **PETITION TO REVOKE PROBATION**

2 8. Grounds exist for revoking the probation and reimposing the order of revocation of
3 Respondent's Pharmacy Technician Registration in that Respondent has failed to comply with
4 several conditions of his probation.

5 **FIRST CAUSE TO REVOKE PROBATION**

6 **(Failure to Report to the Board Quarterly)**

7 9. At all times after the effective date of Respondent's probation, Probation Condition
8 No. 3 stated:

9 "Respondent shall report to the Board or its designee on a quarterly basis. The report shall
10 either be made in person or in writing, as directed. If the final probation report is not made as
11 directed, then probation shall be extended automatically until such time as the final report is
12 made."

13 10. Respondent's probation is subject to revocation because he failed to comply with
14 Probation Condition No. 3, referenced above, in that Respondent failed to report to the board
15 quarterly as follows:

16 On or about October 13, 2009, the Board received a Quarterly Report from Respondent for
17 the month of October 2009. This was the first Quarterly Report received by the Board since
18 March 2008. Prior to this period of time, Respondent had failed to submit Quarterly Reports on
19 the dates required between December 2, 2003 and October 19, 2004, and on the dates required
20 between February 19, 2005 and August 25, 2006.

21 **SECOND CAUSE TO REVOKE PROBATION**

22 **(Failure to Submit Cost Recovery Payments)**

23 11. At all times after the effective date of Respondent's probation, Probation Condition
24 No. 7 stated:

25 "Respondent shall pay to the Board its costs of investigation and prosecution in the amount
26 of \$5,000.00. Respondent shall make payments as follows:

27 "At least \$100.00 per month beginning thirty days after the effective date of this
28 decision, with the entire amount to be paid prior to the completion of the probation term.

1 "Failure to comply with this provision shall be deemed a violation of probation."

2 12. Respondent's probation is subject to revocation because he failed to comply with
3 Probation Condition No. 7, referenced above, in that Respondent failed to submit cost recovery
4 payments to the Board as follows:

5 Respondent has not made a payment to the Board since a partial payment was received on
6 or about March 3, 2008. Prior to the March 3, 2008 payment, Respondent failed to make monthly
7 payments between the dates February 19, 2005 and August 25, 2006 and between the dates
8 December 2, 2003 and October 19, 2004. Respondent still owes the Board \$4,165.00 and
9 indicated in his Quarterly Report for October 2009 that due to financial hardship, he was not
10 currently able to make any payments.

11 **THIRD CAUSE TO REVOKE PROBATION**

12 **(Failure to Submit Costs Associated with Probation Monitoring)**

13 13. At all times after the effective date of Respondent's probation, Probation Condition
14 No. 8 stated:

15 "Respondent shall pay the costs associated with probation monitoring as determined by the
16 Board each and every year of probation. Such costs shall be payable at the end of each year of
17 probation. Failure to pay such costs shall be considered a violation of probation."

18 14. Respondent's probation is subject to revocation because he failed to comply with
19 Probation Condition No. 8, referenced above, in that Respondent failed to submit costs associated
20 with probation monitoring as follows:

21 On or about November 15, 2004, the Board notified Respondent by letter that he owed the
22 Board \$130.00 in probation monitoring costs incurred during the probationary period, May 23,
23 2003 to May 22, 2004. The letter stated that Respondent had 15 days to remit these costs. Over
24 seven months later, on or about June 29, 2005, Respondent had still not submitted any payments
25 to the Board.

26 On or about June 23, 2009, the Board sent a letter to Respondent, via First Class mail to his
27 residential address, indicating that he owed \$650.00 in probation monitoring costs and that
28 payment was required by July 8, 2009. On or about October 13, 2009, Respondent replied in his

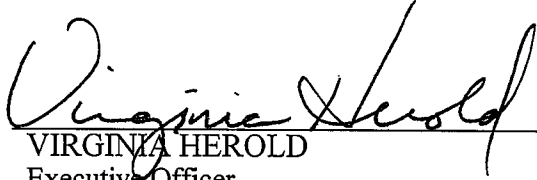
1 Quarterly Report for October 2009 that due to financial hardship, he was not currently able to
2 make any payments to the Board.

3 **PRAYER**

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

- 6 1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 2048
7 and imposing the disciplinary order that was stayed thereby revoking Pharmacy Technician
8 Registration No. 10551, issued to Respondent;
- 9 2. Revoking or suspending Pharmacy Technician Registration No. 10551, issued to
10 Respondent; and
- 11 3. Taking such other and further action as deemed necessary and proper.

12
13 DATED: 4/6/10



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

14
15
16
17 LA2010600230