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8  
9 **BEFORE THE**  
10 **BOARD OF PHARMACY**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

Case No. 3907

12 In the Matter of the Accusation Against:

13 **ANTHONY ADANI KOUTROULIS**  
14 **16 Sherwood Drive**  
**Aliso Viejo, CA 92656**

**A C C U S A T I O N**

15 **Pharmacy Technician Registration No. TCH**  
16 **90111**

Respondent.

17  
18  
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about March 27, 2009, the Board of Pharmacy issued Pharmacy Technician  
24 Registration Number TCH 90111 to Anthony Adani Koutroulis (Respondent). The Pharmacy  
25 Technician Registration was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on October 31, 2012, unless renewed.

1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Pharmacy (Board), Department of  
3 Consumer Affairs, under the authority of the following laws. All section references are to the  
4 Business and Professions Code unless otherwise indicated.

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

9 5. Section 4300, subdivision (a) of the Code states "Every license issued may be  
10 suspended or revoked."

11 **STATUTORY PROVISIONS**

12 6. Section 482 of the Code states:

13 Each board under the provisions of this code shall develop criteria to  
14 evaluate the rehabilitation of a person when:

15 (a) Considering the denial of a license by the board under Section 480; or

16 (b) Considering suspension or revocation of a license under Section 490.

17 Each board shall take into account all competent evidence of rehabilitation  
18 furnished by the applicant or licensee.

19 7. Section 492 of the Code states:

20 Notwithstanding any other provision of law, successful completion of any  
21 diversion program under the Penal Code, or successful completion of an alcohol  
22 and drug problem assessment program under Article 5 (commencing with Section  
23 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any  
24 agency established under Division 2 (commencing with Section 500) of this code,  
25 or any initiative act referred to in that division, from taking disciplinary action  
26 against a licensee or from denying a license for professional misconduct,  
27 notwithstanding that evidence of that misconduct may be recorded in a record  
28 pertaining to an arrest.

This section shall not be construed to apply to any drug diversion program  
operated by any agency established under Division 2 (commencing with Section  
500) of this code, or any initiative act referred to in that division.

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8. Section 4060 of the Code states:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer.

Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and devices.

9. Section 4301 of the Code states:

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

....

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

....

(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.

....

10. Health and Safety Code section 11350 provides that every person who possesses a controlled substance, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment in the state prison.

1 **COST RECOVERY**

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

6 **DRUG**

7 12. Heroin is a Schedule I controlled substance as designated by Health and Safety  
8 Code section 11054(c)(11), and is a dangerous drug pursuant to Business and Professions Code  
9 section 4022.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct-Violating Laws Regulating Controlled Substances)**

12 13. Respondent is subject to disciplinary action under section 4301(j) of the Code in  
13 that he violated the California Uniform Controlled Substances Act (Health and Safety Code  
14 11000, et seq.) by possessing the controlled substance, heroin. The circumstances are as follows:

15 a. On or about September 16, 2010, officers from the Orange County Sheriff's  
16 Department Special Enforcement Team observed Respondent and two friends walking in an area  
17 of Laguna Hills known as a high crime area. As the officers approached the individuals, the  
18 officers noticed Respondent's friend attempting to conceal something near his waistband. The  
19 officer questioned Respondent's friend and he admitted that he had marijuana and a pipe in his  
20 pocket.

21 b. The officer asked Respondent how he arrived at the location and Respondent  
22 pointed to a nearby vehicle. Officers then looked inside the vehicle through the vehicle's window  
23 and observed loose blue and white pills and a prescription container in the bottom of the open  
24 glove box and a different pill on the driver's seat. The pills had markings on one side and  
25 appeared to be prescription medication. Respondent said that he had a prescription for Ambien.  
26 Officers searched the vehicle and located a bag in the driver's side door pocket. Inside the bag,  
27 they found multiple pieces of tin foil, empty balloons, and a hollow Bic pen tube. The foil had  
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1 burn marks on the bottom and a burnt substance on the top. The pen tube had a dark brown  
2 substance inside.

3 c. When the officer asked Respondent's friend about the contents of the bag, she  
4 began to cry and told the officer that it was used to smoke heroin. She stated that she was  
5 "holding," a slang term often used to describe someone who is in possession of drugs. The  
6 officer inquired how much she had and she replied, "it's a lot." She then admitted it was located  
7 in her purse. Because her purse was located at the other individual's house, the officers escorted  
8 her to the house to retrieve it. Inside her purse, officers discovered 22 balloons of heroin, a  
9 hollow Bic pen tube and multiple pieces of foil. The foil had burn marks and the pen tube had a  
10 dark brown substance inside. Respondent's friend admitted that the heroin belonged to  
11 Respondent and herself. When asked how much heroin she thought she had, she replied, "I don't  
12 know we bought a lot today."

13 d. When officers questioned Respondent about the heroin, Respondent denied  
14 knowing to whom it belonged. When Respondent was asked about the foil and pen tubes,  
15 Respondent claimed the items were for smoking heroin, but he then claimed the items were old.  
16 Later, Respondent admitted to officers that some of the heroin belonged to him. Respondent  
17 admitted that he was trying to get better but that almost all of his friends "smoke." Respondent  
18 and his friend were arrested for possession of a controlled substance and drug paraphernalia.

19 e. On or about September 20, 2010, in a criminal proceeding entitled *People of the*  
20 *State of California v. Anthony Adani Koutroulis*, in Orange County Superior Court case number  
21 10SF0935, Respondent pled guilty to violation of Health and Safety Code section 11350(a),  
22 possession of a controlled substance, heroin, a felony and was granted deferred entry of judgment  
23 pursuant to Penal Code section 1000. On his guilty plea, Respondent admitted that he  
24 "knowingly and unlawfully possessed a usable quantity of heroin, a controlled substance."

### 25 **SECOND CAUSE FOR DISCIPLINE**

#### 26 **(Unprofessional Conduct-Violations of the Chapter)**

27 14. Respondent is subject to disciplinary action under Code section 4301(o) for violation  
28 of the Pharmacy Act in that on or about September 16, 2010, Respondent possessed a controlled

1 substance, heroin, in violation of Code section 4060 as is more fully described in Paragraph 13  
2 above.

3 **PRAYER**

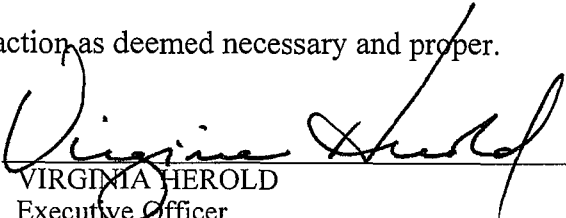
4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
5 and that following the hearing, the Board of Pharmacy issue a decision:

6 1. Revoking or suspending Pharmacy Technician Registration Number TCH 90111,  
7 issued to Anthony Adani Koutroulis;

8 2. Ordering Anthony Adani Koutroulis to pay the Board of Pharmacy the reasonable  
9 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
10 Code section 125.3;

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

12 DATED: 1/4/11



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

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