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

12 In the Matter of the Accusation Against:

Case No. 4448

13 **JEFFREY BALADRO SALAMANCA**
1836 West Canton Street
14 Long Beach, CA 90810

A C C U S A T I O N

15 Pharmacy Technician Registration No.
TCH 62189

16 Respondent.

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 26, 2005, the Board issued Pharmacy Technician Registration No.
23 TCH 62189 to Jeffrey Baladro Salamanca (Respondent). The Pharmacy Technician Registration
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 March 31, 2015, 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 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
2 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
3 of this provision. The board may take action when the time for appeal has elapsed, or the
4 judgment of conviction has been affirmed on appeal or when an order granting probation is made
5 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
6 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
7 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
8 indictment. . . ."

9 **REGULATORY PROVISION**

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

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

17 **COST RECOVERY**

18 9. Section 125.3 provides that the Board may request the administrative law judge to
19 direct a licentiate found to have committed a violation or violations of the licensing act to pay a
20 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Conviction of a Substantially Related Crime)**

23 10. Respondent is subject to disciplinary action under sections 490, 4300, and 4301,
24 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, in that
25 on or about July 14, 2011, Respondent was convicted of a crime substantially related to the
26 qualifications, functions or duties of a licensee which to a substantial degree evidences his present
27 or potential unfitness to perform the functions authorized by his license in a manner consistent
28 with the public health, safety, or welfare, as follows:

1 a. On or about July 14, 2011, after pleading nolo contendere, Respondent was convicted
2 of one misdemeanor count of violating Penal Code section 484e, subdivision (c) [theft of access
3 cards or account information] and one misdemeanor count of violating Penal Code section 647,
4 subdivision (a) [disorderly lewd conduct] in the criminal proceeding entitled *The People of the*
5 *State of California v. Jeffrey Balaora Salamanca* (Super. Ct. Los Angeles County, 2011, No.
6 1LG01085). The Court sentenced Respondent to one (1) year jail, placed him on three (3) years
7 probation, and ordered him to complete 52 weeks of sex compulsion therapy.

8 b. The circumstances underlying the conviction are that on or about February 17, 2011,
9 while working as a pharmacy technician in the pharmacy department of California State
10 University, Long Beach's Student Health Services, Respondent was observed by a female patient
11 twirling his exposed penis while sitting in a chair and staring at her. Respondent was arrested,
12 and during an inventory of his personal property, a note was found in his wallet containing five
13 (5) debit card numbers belonging to others.

14 **SECOND CAUSE FOR DISCIPLINE**

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

16 11. Respondent is subject to disciplinary action under sections 4300 and 4301,
17 subdivision (f), on the grounds of unprofessional conduct, in that on or about February 17, 2011,
18 Respondent engaged in acts involving moral turpitude, dishonesty, fraud, deceit or corruption.
19 Complainant refers to and by this reference incorporates the allegations set forth above in
20 paragraph 10, subparagraphs a and b, inclusive, as though set forth fully.

21 **DISCIPLINE CONSIDERATIONS**

22 12. To determine the degree of discipline, Complainant alleges that:

23 a. On or about October 21, 2009, the Board issued Respondent administrative Citation
24 No. CI 2007 36461 with a \$250.00 civil penalty. The citation alleged a violating of section 4301,
25 subdivision (l) [conviction of a substantially related crime]. That citation is final and
26 incorporated by reference as if fully set forth.

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