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

11 In the Matter of the Accusation Against:

Case No. 4481

12 **JASON PEREZ**
9025 Willis Avenue, Unit 112
13 Panorama City, CA 91402

A C C U S A T I O N

14 Pharmacy Technician Registration
15 No. TCH 73032

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.

22 2. On or about November 9, 2006, the Board of Pharmacy issued Pharmacy Technician
23 Registration No. TCH 73032 to Jason Perez (Respondent). The Pharmacy Technician
24 Registration was in full force and effect at all times relevant to the charges brought herein and
25 will expire on May 31, 2014, 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 federal and state laws and regulations governing pharmacy, including regulations established by
2 the board or by any other state or federal regulatory agency."

3 **REGULATORY PROVISIONS**

4 8. California Code of Regulations, title 16, section 1770 states, in pertinent part:

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

11 **COST RECOVERY**

12 9. Section 125.3 states, in pertinent part, that the Board may request the administrative
13 law judge to direct a licentiate found to have committed a violation or violations of the licensing
14 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
15 case.

16 10. **CONTROLLED SUBSTANCE / DANGEROUS DRUG**

17 a. "Loestrin," is categorized as a dangerous drug pursuant to Business and Professions
18 Code section 4022.

19 b. "Paxil" is categorized as a dangerous drug pursuant to Business and Professions Code
20 section 4022.

21 c. "Vicodin," is a Schedule III controlled substance as defined in Health and Safety
22 Code section 11056, subdivision (e)(7) and are categorized as dangerous drugs according to
23 section 4022.

24 **FIRST CAUSE FOR DISCIPLINE**

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

26 11. Respondent is subject to disciplinary action under sections 4300 and 4301,
27 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts
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1 involving moral turpitude, dishonesty, fraud, deceit, or corruption with the intent to substantially
2 benefit himself, or substantially injure another, as follows:

3 a. On or about December 20, 2010, the Los Angeles Police Department responded to a
4 call from CVS in Hollywood, California where Respondent was employed. The Loss Prevention
5 Manager for CVS informed the officers that she had received information that Respondent was
6 stealing drugs from the pharmacy. When asked about stealing drugs, Respondent admitted to
7 stealing Vicodin, Paxil and Loestrin from the pharmacy. In addition, Respondent stated that he
8 stole Vicodin about once every 2 months, an average of 40-60 pills each time, Paxil once a month
9 for the past 7 months, and Loestrin one time. Respondent was subsequently arrested for violating
10 Penal Code section 487, subdivision (a) [grand theft].

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct/ Violation of Licensing Chapter)**

13 12. Respondent is subject to disciplinary action under section 4301, subdivision (j) and
14 (o), in that Respondent committed acts of unprofessional conduct and/ or violated provisions of
15 the licensing chapter. Complainant refers to, and by this reference incorporates, the allegations
16 set forth above in paragraph 11, subparagraph (a), as though set forth fully.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Possession of a Controlled Substance Without a Prescription)**

19 13. Respondent is subject to disciplinary action for unprofessional conduct under Code
20 section 4301, subdivision (j), in that Respondent stole Vicodin, Paxil and Loestrin from the
21 pharmacy while working as a pharmacy technician at CVS Pharmacy. Complainant refers to, and
22 by this reference incorporates, the allegations set forth above in paragraph 11, subparagraph (a),
23 as though set forth fully.

24 **FOURTH CAUSE FOR DISCIPLINE**

25 **(Substantially Related Act)**

26 14. Respondent is subject to disciplinary action under California Code of Regulations,
27 title 16, section 1770, on the grounds of unprofessional conduct, in that Respondent committed an
28 act substantially related to the qualifications, functions, or duties of a pharmacy technician.

1 Complainant refers to, and by this reference incorporates, the allegations set forth above in
2 paragraph 11, subparagraph (a), as though set forth fully.

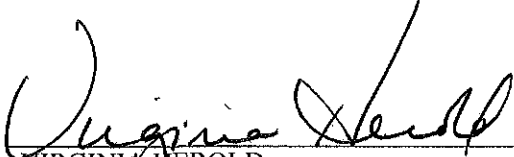
3 **PRAYER**

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 or suspending Pharmacy Technician Registration No. TCH 73032, issued
7 to Jason Perez;
- 8 2. Ordering Jason Perez to pay the Board the reasonable costs of the investigation and
9 enforcement of this case, pursuant to section 125.3; and
- 10 3. Taking such other and further action as deemed necessary and proper.

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DATED: 10/21/13



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

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