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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. 4504

13 **JOSE LUIS CORNELIO**

5501 Lavinia Ave.  
14 Lynwood, CA 90262

**ACCUSATION**

15 Pharmacy Technician Registration No. TCH  
115350

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Virginia K. Herold (Complainant) brings this Accusation solely in her official  
20 capacity as the Executive Officer of the California State Board of Pharmacy.

21 2. On or about October 17, 2011, the Board of Pharmacy issued Pharmacy Technician  
22 Registration No. TCH 115350 to Jose Luis Cornelio (Respondent). The Pharmacy Technician  
23 Registration was in full force and effect at all times relevant to the charges brought herein and  
24 will expire on September 30, 2013, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following  
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 STATUTORY PROVISIONS

2 4. Section 118, subdivision (b) provides that the expiration of a license shall not deprive  
3 the Board of jurisdiction to proceed with a disciplinary action during the period within which the  
4 license may be renewed, restored, reissued or reinstated.

5 5. Section 492 states:

6 "Notwithstanding any other provision of law, successful completion of any diversion  
7 program under the Penal Code, or successful completion of an alcohol and drug problem  
8 assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of  
9 Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2  
10 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that  
11 division, from taking disciplinary action against a licensee or from denying a license for  
12 professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a  
13 record pertaining to an arrest.

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

17 6. Section 4060 states:

18 "No person shall possess any controlled substance, except that furnished to a person upon  
19 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
20 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-  
21 midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician  
22 assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a  
23 pharmacist pursuant to either Section 4052.1 or 4052.2. This section shall not apply to the  
24 possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist,  
25 physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-  
26 midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled  
27 with the name and address of the supplier or producer."

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1 a. On or about April 1, 2012, Respondent admittedly was in possession of Cocaine, a  
2 controlled substance and dangerous drug.

3 b. Subsequently, on or about April 23, 2012, after pleading guilty, Respondent was  
4 placed on Deferred Entry of Judgment for 18 months for violating Health and Safety Code  
5 section 11350, subdivision (a) [possession of a controlled substance] in the criminal proceedings  
6 entitled *The People of the State of California vs. Jose Luis Corenelio* (Super. Ct. Los Angeles  
7 County, 2012, No. TA122788).

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Violation of a Health and Safety Statute)**

10 11. Respondent is subject to disciplinary action under section 4301, subdivision (j), on  
11 the grounds of unprofessional conduct, in that on or about April 1, 2012, Respondent violated  
12 Health and Safety Code 11350, subdivision (a). Complainant refers to, and by this reference  
13 incorporates, the allegations set forth above in paragraph 10, subparagraphs (a) and (b), inclusive,  
14 as though set forth fully.

15 **PRAYER**

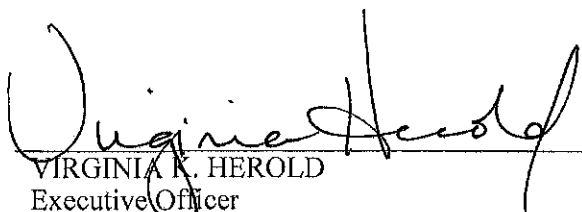
16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
17 and that following the hearing, the Board title issue a decision:

18 1. Revoking or suspending Pharmacy Technician Registration No. TCH 115350, issued  
19 to Jose Luis Cornelio;

20 2. Ordering Jose Luis Cornelio to pay the Board the reasonable costs of the investigation  
21 and enforcement of this case, pursuant to section 125.3; and

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

23  
24  
25 DATED: 7/12/13

  
26 VIRGINIA K. HEROLD  
27 Executive Officer  
28 California State Board of Pharmacy  
State of California  
Complainant

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