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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. 4522

13 **JUAN ANGEL GONZALEZ**
11821 Foothill Blvd. #107
Lake View Terrance, CA 91342

A C C U S A T I O N

14 Pharmacy Technician Registration No. TCH
21197

15 Respondent.

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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 January 14, 1997, the Board of Pharmacy issued Pharmacy Technician
22 Registration No. TCH 21197 to Juan Angel Gonzalez (Respondent). The Pharmacy Technician
23 Registration expired on October 31, 2012, and has not been renewed.

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1 **JURISDICTION**

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

4 **STATUTORY PROVISIONS**

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

9 5. Section 490 provides, in pertinent part, that a board may suspend revoke a license on
10 the grounds that the licensee has been convicted of a crime substantially related to the
11 qualifications, functions, or duties of the business or profession for which the license was issued.

12 6. Section 492 states:

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

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

24 7. Section 4060 states:

25 "No person shall possess any controlled substance, except that furnished to a person upon
26 prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
27 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-
28 midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 28361.1, or a

1 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
2 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
3 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not
4 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
5 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
6 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
7 labeled with the name and address of the supplier or producer.

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

11 8. Section 4300 provides, in pertinent part, that every license issued by the Board is
12 subject to discipline, including suspension or revocation.

13 9. Section 4300.1 states:

14 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by
15 operation of law or by order or decision of the board or a court of law, the placement of a license
16 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
17 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
18 proceeding against, the licensee or to render a decision suspending or revoking the license."

19 10. Section 4301 states in pertinent part:

20 "The board shall take action against any holder of a license who is guilty of unprofessional
21 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

22 Unprofessional conduct shall include, but is not limited to, any of the following:

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24 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
25 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
26 whether the act is a felony or misdemeanor or not.

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28 "(j) The violation of any of the statutes of this state, or any other state, or of the United

1 States regulating controlled substances and dangerous drugs.

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3 "(l) The conviction of a crime substantially related to the qualifications, functions, and
4 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
5 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
6 substances or of a violation of the statutes of this state regulating controlled substances or
7 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
8 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
9 The board may inquire into the circumstances surrounding the commission of the crime, in order
10 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
11 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
12 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
13 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
14 of this provision. The board may take action when the time for appeal has elapsed, or the
15 judgment of conviction has been affirmed on appeal or when an order granting probation is made
16 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
17 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
18 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
19 indictment. . . ."

20 **REGULATORY PROVISIONS**

21 11. California Code of Regulations, title 16, section 1770 states, in pertinent part:

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

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1 substance/dangerous drug, as follows:

2 a. The circumstances surrounding the arrest are that on or about April 11, 2011,
3 Respondent was arrested for attempting to enter the San Fernando Court Building with
4 methamphetamine in his sock.

5 b. Subsequently, on or about May 26, 2011, after pleading guilty, the Court placed
6 Respondent on 36 months Deferred Entry of Judgment for violating Health and Safety code
7 section 11377(A) [Possession of a controlled substance] in the criminal proceeding entitled *The*
8 *People of the State of California vs. Juan Angel Gonzalez* (Super. Ct. Los Angeles County, 2011,
9 No. 1GF00164).

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Act Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

12 16. Respondent is subject to disciplinary action under sections 4300 and 4301,
13 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed an act
14 involving moral turpitude, dishonesty, fraud, deceit, or corruption with the intent to substantially
15 benefit himself, or substantially injure another. Complainant refers to, and by this reference
16 incorporates, the allegations set forth above in paragraphs 14-15, inclusive, as though set forth
17 fully.

18 **FOURTH CAUSE FOR DISCIPLINE**

19 **(Unprofessional Conduct)**

20 17. Respondent is subject to disciplinary action under sections 4300 and 4301,
21 subdivision (a), in that Respondent committed and acts of unprofessional conduct. Complainant
22 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 14-16,
23 inclusive, as though set forth fully.

24 **DISCIPLINE CONSIDERATIONS**

25 18. To determine the degree of discipline, if any, to be imposed on Respondent,
26 Complainant alleges that on or about:

27 a. On or about April 3, 2000, Respondent was convicted of one interlineated
28 misdemeanor count of violating Vehicle Code section 23103 [Reckless driving] in the criminal

1 proceeding entitled *The People of the State of California vs. Juan Angel Gonzalez* (Super. Ct. Los
2 Angeles County, 2000). The Court placed Respondent on 24 months probation and ordered him
3 to pay restitution fines.

4 b. The circumstances surrounding the conviction are that on or about March 1, 2000,
5 Respondent was arrested for driving with a tested blood alcohol level of 0.09%.

6 **PRAYER**

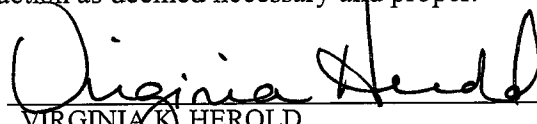
7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
8 and that following the hearing, the Board issue a decision:

9 1. Revoking or suspending Pharmacy Technician Registration No. TCH 21197, issued
10 to Juan Angel Gonzalez;

11 2. Ordering Juan Angel Gonzalez to pay the Board the reasonable costs of the
12 investigation and enforcement of this case, pursuant to section 125.3; and

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

14 DATED: 3/27/14


15 VIRGINIA K. HEROLD
16 Executive Officer
17 California State Board of Pharmacy
18 State of California
19 Complainant

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