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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. 4674

12 **FREDDY ERNESTO VASQUEZ**
15015 Anola St.
13 Whittier, CA 90604
14 Pharmacy Technician Registration No. TCH
58537

A C C U S A T I O N

15
16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about September 10, 2004, the Board issued Pharmacy Technician Registration
22 No. TCH 58537 to Freddy Ernesto Vasquez (Respondent). On or about November 15, 2013, the
23 Pharmacy Technician Registration was automatically suspended, pursuant to Business and
24 Professions Code section 4311, subdivision (a). The Registration will expire on June 30, 2014,
25 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 fix the degree of discipline or, in the case of a conviction not involving controlled substances or
2 dangerous drugs, to determine if the conviction is of an offense substantially related to the
3 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
4 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
5 of this provision. The board may take action when the time for appeal has elapsed, or the
6 judgment of conviction has been affirmed on appeal or when an order granting probation is made
7 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
8 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
9 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
10 indictment. . . . "

11 **REGULATORY PROVISION**

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

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

19 **COST RECOVERY**

20 9. Section 125.3 provides that the Board may request the administrative law judge to
21 direct a licentiate found to have committed a violation or violations of the licensing act to pay a
22 sum not to exceed the reasonable costs of the investigation and enforcement of the case, with
23 failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a
24 case settles, recovery of investigation and enforcement costs may be included in a stipulated
25 settlement.

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1 **FIRST CAUSE FOR DISCIPLINE**

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

3 10. Respondent is subject to disciplinary action under sections 490 and 4301,
4 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the
5 grounds of unprofessional conduct, in that Respondent committed a crime substantially related to
6 the qualifications, functions or duties of a registrant which to a substantial degree evidences his
7 present or potential unfitness to perform the functions authorized by his registration in a manner
8 consistent with the public health, safety, or welfare, as follows:

9 a. On or about June 21, 2013, after being found guilty by a jury, Respondent was
10 convicted of two (2) felony counts, Count 1, violating Penal code section 269(a)(1) [aggravated
11 sexual assault of a child] and Count 2, violating Penal Code section 288(a) [lewd act upon a child]
12 in the criminal proceeding entitled *The People of the State of California v. Freddy E. Vasquez*
13 (Super. Ct. Los Angeles County, 2013, VA128403). The Court sentenced Respondent to 15 years
14 to life in prison.

15 b. The circumstances underlying the conviction are that on or between December 27,
16 2000 and December 26, 2003, Respondent, while in his mid-twenties sexually molested his
17 daughter's neighborhood friend, who was approximately four (4) or five (5) years old at the time,
18 in the presence of his daughter of approximately the same age. According to the victim, she was
19 playing with her friend (Respondent's daughter) at the friend's house on a hot summer day.
20 Respondent began spraying them with a water hose. The two young girls were dressed in bathing
21 suits. While they were playing, Respondent, his daughter and the victim went into the garage of
22 the residence. While inside the garage, Respondent told the victim to take off her bathing suit.
23 After the victim refused, Respondent picked up the victim and placed her on a table in the garage.
24 Respondent then removed the victim's bathing suit and began to insert his penis into the victim's
25 vagina, at which point the victim managed to free herself from Respondent and run to her home
26 nearby while still naked and wet. The victim had pain in her vaginal area for days afterward. The
27 victim kept the incident to herself for years. Both young girls experienced nightmares of the
28 molestation for many years. At the age of 15, the victim was encouraged to tell her mother about

1 the incident after revealing what had happened to a couple of her high school girlfriends. The
2 matter was reported to local law enforcement and an investigation was launched, which ultimately
3 led to Respondent's arrest.

4 **SECOND CAUSE FOR DISCIPLINE**

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

6 11. Respondent is subject to disciplinary action under section 4301, subdivision (f), on the
7 grounds of unprofessional conduct, in that Respondent committed acts involving moral turpitude,
8 dishonesty, fraud, deceit, or corruption. Complainant refers to and by this reference incorporates
9 the allegations set forth above in paragraph 10, subparagraphs a and b, inclusive, as though set
10 forth fully.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct)**

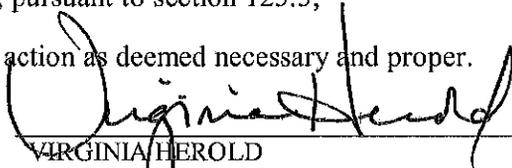
13 12. Respondent is subject to disciplinary action under section 4301, in that Respondent
14 committed acts of unprofessional conduct. Complainant refers to and by this reference
15 incorporates the allegations set forth above in paragraphs 10 and 11, inclusive, as though set forth
16 fully.

17 **PRAYER**

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

- 20 1. Revoking or suspending Pharmacy Technician Registration No. TCH 58537, issued to
21 Freddy Ernesto Vasquez;
- 22 2. Ordering Freddy Ernesto Vasquez to pay the Board the reasonable costs of the
23 investigation and enforcement of this case, pursuant to section 125.3;
- 24 3. Taking such other and further action as deemed necessary and proper.

25 DATED: 7/2/14


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