

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 SUSAN MELTON WILSON
Deputy Attorney General
4 State Bar No. 106902
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-4942
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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. 4951

13 **JORGE EDUARDO SANCHEZ a.k.a.**
14 **GEORGE EDUARDO SANCHEZ**
10315 Western Ave., #A7
Downey, CA 90241

A C C U S A T I O N

15 Pharmacy Technician Registration
16 No. TCH 100708

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about May 12, 2010, the Board of Pharmacy (Board) issued Pharmacy
24 Technician Registration No. TCH 100708 to Jorge Eduardo Sanchez a.k.a. George Eduardo
25 Sanchez (Respondent). The pharmacy technician registration was in full force and effect at all
26 times relevant to the charges brought herein and will expire on March 31, 2014, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following laws.

3 All section references are to the Business and Professions Code unless otherwise indicated.

4 **STATUTORY PROVISIONS**

5 4. 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 initiative
16 act referred to in that division."

17 5. Section 4060 states, in pertinent part:

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
21 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
22 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
23 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
24 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply
25 to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
26 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
27 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
28 labeled with the name and address of the supplier or producer."

1 **COST RECOVERY**

2 10. Section 125.3 states, in pertinent part, that the Board may request the administrative
3 law judge to direct a licentiate found to have committed a violation or violations of the licensing
4 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
5 case.

6 11. **CONTROLLED SUBSTANCES/DANGEROUS DRUGS**

7 a. "Marijuana," is a schedule I controlled substance as defined in Health and Safety Code
8 section 11054, subdivision (d)(13) and is categorized a dangerous drug pursuant to section 4022.

9 b. "Xanax," is the brand name for Alprazolam. It is a Schedule IV controlled substance
10 as designated by Health and Safety Code section 11057, subdivision (d) and is categorized as a
11 dangerous drug pursuant to section 4022.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Illegal Possession of a Controlled Substance)**

14 12. Respondent is subject to disciplinary action under section 4301, subdivision (j) in
15 conjunction with section 4060, on the grounds of unprofessional conduct, in that Respondent was
16 found to be in illegal possession of a controlled substance, as follows:

17 a. On or about April 26, 2013, Los Angeles County Sheriff's Department officers
18 conducted an enforcement stop of a vehicle after observing its passengers not wearing seatbelts.
19 While speaking to the driver, the officers detected a strong odor of burnt Marijuana emitting from
20 the vehicle, and observed that a passenger in the rear seat was holding an open bottle of beer. All
21 the occupants were asked to exit the vehicle. When Respondent exited the vehicle he was
22 observed removing a plastic pill container from his right jacket pocket and attempting to drop the
23 unlabeled container into the front seat of the vehicle. When asked what was in the pill container,
24 Respondent stated, "It's just Zanax." Respondent later admitted that he did not have a prescription
25 for the "Zanax"/Alprazolam (10 tablets) in the container. Officers further found a small rolled
26 Marijuana cigarette in the center ashtray. Respondent was arrested for illegal possession of a
27 controlled substance.

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