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7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 4964

11 **CHRISTIAN STEPHAN LEDET-PEREZ**  
12 **3015 Darson Circle**  
13 **Marina, CA 93933**

**A C C U S A T I O N**

14 **Pharmacy Technician License No. TCH 125007**

15 Respondent.

16 Complainant alleges:

17 PARTIES

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

20 2. On or about July 20, 2012, the Board of Pharmacy issued Pharmacy Technician  
21 License Number TCH 125007 to Christian Stephan Ledet-Perez (Respondent). The Pharmacy  
22 Technician License was in full force and effect at all times relevant to the charges brought herein  
23 and will expire on May 31, 2014, unless renewed.

24 JURISDICTION

25 3. This Accusation is brought before the Board of Pharmacy (Board), Department of  
26 Consumer Affairs, under the authority of the following laws. All section references are to the  
27 Business and Professions Code (Code) unless otherwise indicated.

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1 4. Section 4011 of the Code provides that the Board shall administer and enforce both  
2 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances  
3 Act [Health & Safety Code, § 11000 et seq.].

4 5. Section 4300(a) of the Code provides that every license issued by the Board may be  
5 suspended or revoked.

6 6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or  
7 suspension of a Board-issued license, the placement of a license on a retired status, or the  
8 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to  
9 commence or proceed with any investigation of, or action or disciplinary proceeding against, the  
10 licensee or to render a decision suspending or revoking the license.

11  
12 STATUTORY AND REGULATORY PROVISIONS

13 7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action  
14 against any holder of a license who is guilty of “unprofessional conduct,” defined to include, but  
15 not be limited to, any of the following:

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

19 (h) The administering to oneself, of any controlled substance, or the use of any dangerous  
20 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
21 oneself, to a person holding a license under this chapter, or to any other person or to the public, or  
22 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
23 practice authorized by the license.

24 (j) The violation of any of the statutes of this state, of any other state, or of the United States  
25 regulating controlled substances and dangerous drugs.

26 (l) The conviction of a crime substantially related to the qualifications, functions, and duties  
27 of a licensee under this chapter.

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1 (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
2 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
3 federal and state laws and regulations governing pharmacy, including regulations established by  
4 the board or by any other state or federal regulatory agency.

5 8. Section 490 of the Code provides, in pertinent part, that the Board may suspend or  
6 revoke a license when it finds that the licensee has been convicted of a crime substantially related  
7 to the qualifications, functions or duties of the license.

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

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

15 10. Section 4059 of the Code, in pertinent part, prohibits furnishing of any dangerous  
16 drug or dangerous device except upon the prescription of an authorized prescriber.

17 11. Section 4060 of the Code provides, in pertinent part, that no person shall possess any  
18 controlled substance, except that furnished upon a valid prescription/drug order.

19 12. Health and Safety Code section 11170 provides that no person shall prescribe,  
20 administer, or furnish a controlled substance for himself or herself.

21 13. Health and Safety Code section 11173, subdivision (a), provides that no person shall  
22 obtain or attempt to obtain controlled substances, or procure or attempt to procure the  
23 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,  
24 or subterfuge; or (2) by the concealment of a material fact.

25 14. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess  
26 any controlled substance listed in Schedule II (Health and Safety Code section 11055),  
27 subdivision (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

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1 COST RECOVERY

2 15. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licentiate found to have committed a violation of the licensing  
4 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

5  
6 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

7 16. Section 4021 of the Code states:

8 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section  
9 11053) of Division 10 of the Health and Safety Code.”

10 17. Section 4022 of the Code states, in pertinent part:

11 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self use,  
12 except veterinary drugs that are labeled as such, and includes the following:

13 “(a) Any drug that bears the legend; ‘Caution; federal law prohibits dispensing without  
14 prescription,’ ‘Rx only,’ or words of similar import.

15 ...

16 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on  
17 prescription or furnished pursuant to Section 4006.”

18 18. **Ambien** is a brand name for **zolpidem**, a Schedule IV controlled substance as  
19 designated by Health and Safety Code section 11057(d)(32) and a dangerous drug as designated  
20 by Business and Professions Code section 4022. It is a depressant drug/sleep aid.

21 19. **Phenergan with Codeine** syrup is a brand name for a compound consisting of the  
22 antihistamine **promethazine**, a dangerous drug as designated by Business and Professions Code  
23 section 4022, and **codeine**, a Schedule V controlled substance as designated by Health and Safety  
24 Code section 11058(c)(1) and a dangerous drug as designated by Business and Professions Code  
25 section 4022. This drug is also known generically as **Promethazine with Codeine** syrup. It is an  
26 antihistamine/antitussive, narcotic analgesic, and sleep aid.

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1 FACTUAL BACKGROUND

2 20. Between in or about July 2012 and on or about February 12, 2013, Respondent was  
3 employed as a pharmacy technician at a CVS Pharmacy (PHY 49355) in Carmel, CA, where by  
4 virtue of his employment he had access to controlled substances and dangerous drugs.

5 21. During the tenure of his employment by the CVS Pharmacy in Carmel, Respondent  
6 used his access to divert/steal controlled substances and dangerous drugs, including **Ambien**  
7 and/or **zolpidem** products, and **Promethazine with Codeine** products, for self-use.

8 22. The exact number of instances of diversion/theft by Respondent, and the full quantity  
9 of controlled substances or dangerous drugs diverted/stolen by Respondent, are not known, but in  
10 the course of investigations conducted by the pharmacy, by police, and by the Board of Pharmacy,  
11 the following were among the observations, admissions, and revelations reported:

12 a. On or about February 7, 2013, during an interview conducted pursuant to an  
13 investigation performed by CVS supervisors and/or loss prevention staff, Respondent admitted  
14 both orally and in writing to diverting/stealing and self-using **zolpidem (Ambien)** tablets on  
15 several occasions since in or about September 2012, and to more recently diverting/stealing and  
16 self-using **Promethazine with Codeine** syrup on at least one occasion.

17 b. Respondent admitted to stealing approximately 200 tablets of **zolpidem** and  
18 approximately 180 mls of **Promethazine with Codeine**.

19 c. On or about March 7, 2013, the CVS pharmacy (PHY 49355) submitted a  
20 Report of Theft or Loss of Controlled Substances (DEA Form 106), reporting employee pilferage  
21 of 180 mls of **Promethazine with Codeine** syrup, and 335 tablets of **zolpidem tartrate 10mg**.

22  
23 FIRST CAUSE FOR DISCIPLINE

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

25 23. Respondent is subject to discipline under section 4301(f) of the Code, in that  
26 Respondent, as described in paragraphs 20 to 22 above, committed acts involving moral turpitude,  
27 dishonesty, fraud, deceit, or corruption.

1 SECOND CAUSE FOR DISCIPLINE

2 (Self-Administration of Controlled Substance(s))

3 24. Respondent is subject to discipline under section 4301(h) of the Code, and/or Health  
4 and Safety Code section 11170, in that Respondent, as described in paragraphs 20 to 22 above,  
5 self-administered a controlled substance, and/or conspired and/or assisted or abetted this conduct.  
6

7 THIRD CAUSE FOR DISCIPLINE

8 (Furnishing of Controlled Substance(s))

9 25. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section  
10 4059 of the Code, and/or Health and Safety Code section 11170, in that Respondent, as described  
11 in paragraphs 20 to 22 above, furnished to himself a controlled substance without a valid  
12 prescription, and/or conspired and/or assisted or abetted this conduct.  
13

14 FOURTH CAUSE FOR DISCIPLINE

15 (Possession of Controlled Substance(s))

16 26. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section  
17 4060 of the Code, and/or Health and Safety Code section 11350, in that Respondent, as described  
18 in paragraphs 20 to 22 above, possessed, conspired to possess, and/or assisted in or abetted  
19 possession of, a controlled substance, without a prescription.  
20

21 FIFTH CAUSE FOR DISCIPLINE

22 (Obtaining Controlled Substance by Fraud, Deceit or Subterfuge)

23 27. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,  
24 and/or Health and Safety Code section 11173(a), in that Respondent, as described in paragraphs  
25 20 to 22 above, obtained, conspired to obtain, and/or assisted in or abetted the obtaining of a  
26 controlled substance, by fraud, deceit, subterfuge, or concealment of material fact.

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1 SIXTH CAUSE FOR DISCIPLINE

2 (Conviction of Substantially Related Crime(s))

3 28. Respondent is subject to discipline under section 4301(l) and/or section 490 of the  
4 Code, by reference to California Code of Regulations, title 16, section 1770, in that on or about  
5 March 5, 2014, in the criminal case *People v. Christian Ledet-Perez*, Case No. MS310852A in  
6 Monterey County Superior Court, Respondent was convicted of violating Business and  
7 Professions Code section 4060 (Possession of Controlled Substance), a misdemeanor, as follows:

8 a. On or about February 19, 2013, based on the conduct described in paragraphs  
9 20 to 22 above, Respondent was charged by Complaint in Case No. MS310852A with violating  
10 Penal Code section 508 (Embezzlement by Employee over \$950.00), a misdemeanor.

11 b. On or about ??????????????????????, the Complaint was amended to add a  
12 second count for violation of Business and Professions Code section 4060.

13 c. On or about ??????????????????????, Respondent pleaded guilty to Count 2 and  
14 was granted a Deferred Entry of Judgment (DEJ), whereby . . . Count 1 was dismissed.

15 d. On or about March 5, 2014, Respondent's Deferred Entry of Judgment (DEJ)  
16 was terminated, and Respondent entered a plea of nolo contendere to Count 2. Imposition of  
17 sentence was suspended and Respondent was placed on conditional probation for three (3) years,  
18 on terms and conditions including 40 days in County Jail (1 day CTS), to be served concurrent  
19 with time imposed in MS316615A (see below), with Work Alternative Program available, search  
20 conditions, restitution to CVS Pharmacy, and payment of fines and fees.

21  
22 SEVENTH CAUSE FOR DISCIPLINE

23 (Conviction of Substantially Related Crime(s))

24 29. Respondent is subject to discipline under section 4301(l) and/or section 490 of the  
25 Code, by reference to California Code of Regulations, title 16, section 1770, in that on or about  
26 March 5, 2014, in the criminal case *People v. Christian Ledet-Perez*, Case No. MS316615A in  
27 Monterey County Superior Court, Respondent was convicted of violating Vehicle Code section  
28 23152, subdivision (a) (Driving with BAC of 0.08% or More), a misdemeanor, as follows:

1 a. On or about November 9, 2013, Monterey (CA) Police Department officer(s)  
2 observed Respondent driving at an excessive speed in the City of Monterey. The officer(s) pulled  
3 the car over, observed that Respondent's car and person smelled like alcohol, and subsequently  
4 concluded based on his objective symptoms, responses to questions, and performance on Field  
5 Sobriety Tests (FSTs), that he was under the influence. He was arrested, and subsequent breath  
6 tests measured his blood alcohol content at 0.10% and 0.11%.

7 b. On or about November 18, 2013, Respondent was charged by Complaint in  
8 Case No. MS316615A with violating (1) Vehicle Code section 23152, subdivision (a) (Driving  
9 Under the Influence of Alcohol or Drugs), a misdemeanor; and (2) Vehicle Code section 23152,  
10 subdivision (a) (Driving with BAC of 0.08% or More), a misdemeanor.

11 c. On or about March 5, 2014, Respondent pleaded nolo contendere to Count 2.  
12 Count 1 was dismissed per the plea. Imposition of sentence was suspended and Respondent was  
13 placed on conditional probation for five (5) years, on terms and conditions including 40 days in  
14 County Jail (1 day CTS), to be served concurrent with time imposed by "any other sentence"  
15 (including MS310852A and MS317513A [see below]), with Work Alternative Program available,  
16 chemical testing conditions, completion of a First Offender Alcohol Program, and fines and fees.

17  
18 EIGHTH CAUSE FOR DISCIPLINE

19 (Conviction of Substantially Related Crime(s))

20 30. Respondent is subject to discipline under section 4301(l) and/or section 490 of the  
21 Code, by reference to California Code of Regulations, title 16, section 1770, in that on or about  
22 March 5, 2014, in the criminal case *People v. Christian Ledet-Perez*, Case No. MS317513A in  
23 Monterey County Superior Court, Respondent was convicted of violating Penal Code section 148,  
24 subdivision (a)(1) (Obstructing/Resisting Public Officer), a misdemeanor, as follows:

25 a. On or about December 1, 2013, Monterey (CA) Police Department officer(s)  
26 observed Respondent urinating in the doorway of an area business. When officer(s) contacted  
27 Respondent, he was uncooperative, gave false identifying information, ran away, resisted the  
28 officer(s)' attempts to stop him, and led the officer(s) on a foot chase.



1 b. The officer(s) issued Respondent a Citation/Notice to Appear charging him with  
2 violating (1) Penal Code section 148, subdivision (a)(1) (Obstructing/Resisting Public Officer), a  
3 misdemeanor, (2) Penal Code section 148.9, subdivision (a) (Providing False Identification to  
4 Peace Officer), a misdemeanor, and (3) Penal Code section 243, subdivision (b) (Battery on a  
5 Peace Officer), a misdemeanor, with an initial appearance date of January 22, 2014.

6 c. On or about March 5, 2014, Respondent pleaded nolo contendere to Count 1.  
7 The remaining counts were dismissed per the plea. Imposition of sentence was suspended and  
8 Respondent was placed on conditional probation for three (3) years, on terms and conditions  
9 including 40 days in County Jail (1 day CTS), to be served concurrent with time imposed in  
10 MS316615A (see above), and payment of fines and fees.

11  
12 NINTH CAUSE FOR DISCIPLINE

13 (Dangerous or Injurious Use of Alcohol)

14 31. Respondent is subject to discipline under section 4301(h) of the Code, in that, as  
15 described in paragraph 29 above, Respondent used alcohol in a dangerous or injurious manner.

16  
17 TENTH CAUSE FOR DISCIPLINE

18 (Unprofessional Conduct)

19 32. Respondent is subject to discipline under section 4301 of the Code in that  
20 Respondent, as described in paragraphs 20 to 31 above, engaged in unprofessional conduct.

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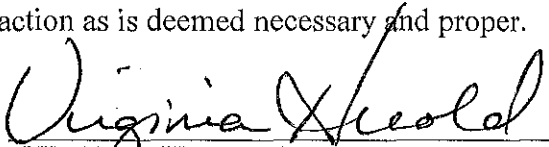
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PRAYER

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

1. Revoking or suspending Pharmacy Technician License Number TCH 125007, issued to Christian Stephan Ledet-Perez (Respondent);
2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as is deemed necessary and proper.

DATED: 6/9/14



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

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