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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 4980

12 **BRYAN EDGARDO CARDONA**
1031 W. 102nd Street, #1
13 Los Angeles, CA 90044

A C C U S A T I O N

14 Pharmacy Technician Registration
No. TCH 97508

15 Respondent.

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18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about May 27, 2010, the Board of Pharmacy ("Board") issued Pharmacy
23 Technician Registration No. TCH 97508 to Bryan Edgardo Cardona ("Respondent"). The
24 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
25 brought herein and will expire on December 31, 2015, unless renewed.

26 **JURISDICTION**

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

1 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
2 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
3 indictment.

4 7. California Code of Regulations, title 16, section 1770, states:

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

11 **COST RECOVERY**

12 8. Section 125.3 states, in pertinent part, that the Board may request the administrative
13 law judge to direct a licentiate found to have committed a violation or violations of the licensing
14 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
15 case.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Criminal Conviction)**

18 9. Respondent is subject to disciplinary action under sections 4301, subdivision (l), in
19 conjunction with California Code of Regulations, title 16, section 1770, in that, Respondent was
20 convicted of a crime which to a substantial degree evidences present or potential unfitness to
21 perform the functions authorized by his pharmacy technician registration in a manner consistent
22 with the public health, safety, or welfare. The circumstances are as follows:

23 a. On or about August 6, 2013, in the criminal proceeding entitled *The People of the*
24 *State of California v. Bryan Cardona* (Super. Ct. Los Angeles County, 2013, No. BA407895),
25 Respondent entered a plea of nolo contendere and was convicted of one felony count of violating
26 Penal Code section 29800, subdivision (a)(1) [felon in possession of a firearm]).

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1 Respondent was sentenced to one day in Los Angeles County Jail and placed on formal probation
2 for a period of 36 months.

3 b. The circumstances surrounding the conviction are that on or about February 10, 2013,
4 the Los Angeles Police Department responded to a call about a man with a gun in an alley near
5 Jefferson Blvd. and 4th Avenue in Los Angeles. When the officers arrived on the scene, they
6 observed Respondent placing what appeared to be a gun in the trunk of a vehicle. Upon opening
7 the trunk, the officers found a loaded black semi-automatic handgun, which was later determined
8 to have been stolen. Respondent was arrested and booked for violating Penal Code section 25400,
9 subdivision (a)(1) [carrying concealed weapon in a vehicle].

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct)**

12 10. Respondent is subject to disciplinary action under section 4301 in that Respondent
13 engaged in unprofessional conduct. Complainant refers to, and by reference incorporates, the
14 allegations set forth above in paragraph 9, subparagraphs a and b, inclusive, as though set forth
15 fully herein.

16 **DISCIPLINE CONSIDERATIONS**

17 11. In order to determine the degree of discipline, if any to be imposed on Respondent,
18 Complainant alleges that:

19 a. On or about July 8, 2010, Respondent was convicted of one misdemeanor count of
20 violating Vehicle Code section 10852 [tampering with a vehicle] in the criminal proceeding entitled
21 *The People of the State of California v. Bryan Edgardo Cardona* (Super. Ct. Los Angeles
22 County, 2010, No. 0CA08679). The Court sentenced Respondent to ten (10) days in Los Angeles
23 County Jail and placed him on 3 years' probation, with terms and conditions.

24 b. On or about August 4, 2006, Respondent was convicted of three felony counts of
25 violating Penal Code section 594, subdivision (a) [vandalism] in the criminal proceeding entitled
26 *The People of the State of California v. Bryan Edgardo Cardona* (Super. Ct. Los Angeles
27 County, 2006, No. VA09640201). The Court sentenced Respondent to two (2) years in jail
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1 (sentence suspended) and placed him on probation for a period of 3 years, with terms and
2 conditions.

3 c. On or about June 21, 2006, Respondent was convicted of one misdemeanor count of
4 violating Vehicle Code section 23152, subdivision (b) [driving while having 0.08% or more, by
5 weight, of alcohol in his blood] in the criminal proceeding entitled *The People of the State of*
6 *California v. Bryan Edgardo Cardona* (Super. Ct. Los Angeles County, 2006, No.
7 6MB0108101). The Court placed Respondent on 3 years' probation, with terms and conditions.

8 d. On or about June 10, 2005, Respondent was convicted of one misdemeanor count of
9 violating Penal Code section 594, subdivision (a) [vandalism] in the criminal proceeding entitled
10 *The People of the State of California v. Bryan Edgardo Cardona* (Super. Ct. Los Angeles
11 County, 2005, No. 4MT1149703). The Court placed Respondent on 3 years' probation, with
12 terms and conditions.

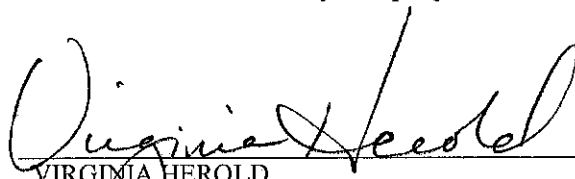
13 **PRAYER**

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

- 16 1. Revoking or suspending Pharmacy Technician Registration No. TCH 97508, issued to
17 Bryan Edgardo Cardona;
- 18 2. Ordering Bryan Edgardo Cardona to pay the Board the reasonable costs of the
19 investigation and enforcement of this case, pursuant to section 125.3; and
- 20 3. Taking such other and further action as deemed necessary and proper.

21
22 DATED: _____

5/10/14



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

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