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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. 5062

11 **KRISTON GEORGE PADUA**

A C C U S A T I O N

12 1907 Nolden St.
13 Los Angeles, CA 90041

14 Pharmacy Technician Registration No. TCH
15 67743

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about May 17, 2006, the Board of Pharmacy ("Board") issued Pharmacy
22 Technician Registration No. TCH 67743 to Kriston George Padua ("Respondent"). The
23 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
24 brought herein and will expire on December 31, 2015, unless renewed.

25 **JURISDICTION AND STATUTORY PROVISIONS**

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

1 4. Section 4300 of the Code provides in pertinent part, that every license issued by the
2 Board is subject to discipline, including suspension or revocation.

3 5. Section 4300.1 of the Code states:

4 “The expiration, cancellation, forfeiture, or suspension of a board-issued
5 license by operation of law or by order or decision of the board or a court of law, the
6 placement of a license on a retired status, or the voluntary surrender of a license by a
7 licensee shall not deprive the board of jurisdiction to commence or proceed with any
8 investigation of, or action or disciplinary proceeding against, the licensee or to render
9 a decision suspending or revoking the license.”

10 6. Section 4301 of the Code states, in pertinent part:

11 “The board shall take action against any holder of a license who is guilty
12 of unprofessional conduct or whose license has been procured by fraud or
13 misrepresentation or issued by mistake. Unprofessional conduct shall include, but is
14 not limited to, any of the following:

15 ...

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

21 ...

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

24 ...

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

 7. Section 4060 of the Code provides in pertinent part, that no person shall possess any
controlled substance, except that furnished to a person upon the prescription of a physician,
dentist, podiatrist, optometrist, veterinarian, or other authorized prescriber.

 8. Section 492 of the Code provides:

 “Notwithstanding any other provision of law, successful completion of
any diversion program under the Penal Code, or successful completion of an alcohol
and drug problem assessment program under Article 5 (commencing with Section
23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any
agency established under Division 2 (commencing with Section 500) of this code, or
any initiative act referred to in that division, from taking disciplinary action against a

1 licensee or from denying a license for professional misconduct, notwithstanding that
2 evidence of that misconduct may be recorded in a record pertaining to an arrest.

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

6 **CONTROLLED SUBSTANCE**

7 8. "Methamphetamine," is a Schedule II controlled substance as designated by the
8 Health and Safety Code section 11055, subdivision (d)(2) and is categorized as a dangerous drug
9 pursuant to section 4022 of the Code.

10 **COST RECOVERY**

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

15 **FIRST CAUSE FOR DISCIPLINE**

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

17 10. Respondent is subject to disciplinary action under section 4301, subdivision (j) of the
18 Code in that Respondent violated statutes regulating controlled substances and dangerous drugs
19 when he possessed Methamphetamine, a controlled substance and dangerous drug, in violation of
20 section 4060 of the Code. The conduct underlying the violation is, as follows:

21 11. On or about August 8, 2013, during a traffic enforcement stop, Glendale Police
22 Department Officers observed Respondent's hands shaking uncontrollably. During a search of
23 Respondent's vehicle, an officer located a piece of sealed plastic that contained a white crystalline
24 substance. The officers immediately recognized that the substance was Methamphetamine.
25 Respondent admitted to the officers that he bought the Methamphetamine from a male in
26 Northridge for \$10.00 and that he does not binge on Methamphetamine but uses it occasionally.¹

27 ¹ On or about March 18, 2014, Respondent pled guilty to one misdemeanor count of violating
28 Health and Safety Code section 11377(a) [possession of a controlled substance] in the criminal proceeding
entitled *The People of the State of California v. Kriston George Padua* (Super. Ct. of Los Angeles, 2014,
Case No. 4GN00060). The court accepted the plea and placed Respondent on Deferred Entry of Judgment
for eighteen (18) months.

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SECOND CAUSE FOR DISCIPLINE

(Dangerous Use of Controlled Substance)

12. Respondent is subject to disciplinary action under section 4301, subdivision (h) of the Code in that on or about August 8, 2013, Respondent used Methamphetamine, a controlled substance and dangerous drug. The conduct is described in more particularity in paragraph 11 above, inclusive and hereby incorporated by reference.

THIRD CAUSE FOR DISCIPLINE

(Violations of the Pharmacy Law)

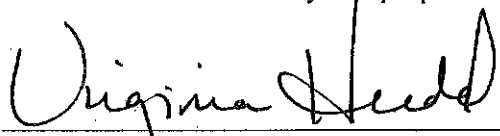
13. Respondent is subject to disciplinary action under section 4301, subdivision (o) of the Code in that Respondent violated provisions of the Pharmacy Law. The violations are described in more particularity in paragraphs 10-12 above, inclusive and hereby incorporated by reference.

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 Registration No. TCH 67743, issued to Kriston George Padua;
- 2. Ordering Kriston George Padua to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
- 3. Taking such other and further action as deemed necessary and proper.

DATED: 7/11/14



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

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