

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 DIANE DE KERVOR  
Deputy Attorney General  
4 State Bar No. 174721  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2611  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

11 In the Matter of the Petition to Revoke  
12 Probation Against:

Case No. 5209

13 **FILIMON M. LOPEZ**  
29757 Niguel Road, #H  
14 Laguna Niguel, CA 92677

**PETITION TO REVOKE PROBATION**

15 **Pharmacy Technician Registration**  
16 **No. TCH 35419**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about December 11, 2000, the Board of Pharmacy issued Pharmacy Technician  
24 Registration Number TCH 35419 to Filimon M. Lopez (Respondent). The Pharmacy Technician  
25 Registration expired on May 31, 2014, and has not been renewed.

26 3. In a disciplinary action entitled "*In the Matter of Accusation Against Filimon M.*  
27 *Lopez*," Case No. 3314, the Board of Pharmacy issued a decision effective February 17, 2011, in  
28 which Respondent's Pharmacy Technician Registration was revoked. However, the revocation

1 was stayed and Respondent's Pharmacy Technician Registration was placed on probation for a  
2 period of five (5) years with certain terms and conditions. A copy of that decision is attached as  
3 Exhibit A and is incorporated by reference.

#### 4 JURISDICTION

5 4. Section 4300, subdivision (a) of the Business and Professions Code (Code) states  
6 "Every license issued may be suspended or revoked."

7 5. Section 4300.1 of the Code states:

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

14 6. This Petition to Revoke Probation is brought before the Board of Pharmacy (Board),  
15 Department of Consumer Affairs under Probation Term and Condition Number 14 of the  
16 Decision and Order. That term and condition states:

17 **Violation of Probation.** If Respondent has not complied with any term or  
18 condition of probation, the Board shall have continuing jurisdiction over Respondent,  
19 and probation shall automatically be extended, until all terms and conditions have  
20 been satisfied or the Board has taken other action as deemed appropriate to treat the  
21 failure to comply as a violation of probation, to terminate probation, and to impose  
22 the penalty that was stayed.

23 If Respondent violates probation in any respect, the Board, after giving  
24 Respondent notice and an opportunity to be heard, may revoke probation and carry  
25 out the disciplinary order that was stayed. Notice and opportunity to be heard are not  
26 required for those provisions stating that a violation thereof may lead to automatic  
27 termination of the stay and/or revocation of the license. If a petition to revoke  
28 probation or an accusation is filed against Respondent during probation, the Board  
shall have continuing jurisdiction and the period of probation shall be automatically  
extended until the petition to revoke probation or accusation is heard and decided.

#### 23 FIRST CAUSE TO REVOKE PROBATION

#### 24 (Certification Prior to Resuming Work)

25 7. At all times after the effective date of Respondent's probation, Condition 2 stated:

26 Respondent shall be automatically suspended from working as a pharmacy  
27 technician until he is certified as defined by Business and Professions Code section  
28 4202(a)(4) and provides satisfactory proof of certification to the board. Respondent  
shall not resume working as a pharmacy technician until notified by the board.  
Failure to achieve certification within one (1) year shall be considered a violation of

1 probation. Respondent shall not resume working as a pharmacy technician until  
2 notified by the board.

3 During suspension, respondent shall not enter any pharmacy area or any portion  
4 of any other board licensed premises (wholesaler, veterinary food-animal drug retailer  
5 or any other distributor of drugs) any drug manufacturer, or any other location where  
6 dangerous drugs and devices or controlled substances are maintained. Respondent  
7 shall not do any act involving drug selection, selection of stock, manufacturing,  
8 compounding or dispensing; nor shall respondent manage, administer, or assist any  
9 licensee of the board. Respondent shall not have access to or control the ordering,  
10 manufacturing or dispensing of dangerous drugs and devices or controlled substances.  
11 Respondent shall not resume work until notified by the board.

12 Subject to the above restrictions, respondent may continue to own or hold an  
13 interest in any licensed premises by the board in which he holds an interest at the time  
14 this decision becomes effective unless otherwise specified in this order.

15 Failure to comply with this suspension shall be considered a violation of  
16 probation.

17 8. Respondent's probation is subject to revocation because he failed to comply with  
18 Probation Condition 2, referenced above. The facts and circumstances regarding this violation  
19 are as follows:

20 a. On February 22, 2011, Respondent attended an office conference with the  
21 Board to discuss and review the terms and conditions of his probation. Respondent signed a  
22 declaration stating that he appeared before the Board, that the terms and condition of his  
23 probation were fully explained to him, that he understood the terms and conditions, and he  
24 acknowledged that failure to comply could result in further disciplinary action.

25 b. Respondent was told that he was automatically suspended from working as a  
26 pharmacy technician until he provided satisfactory proof that he was certified by the Pharmacy  
27 Technician Certification Board pursuant to Code section 4202(a)(4) within one year of the  
28 effective date of the Order.

c. On July 21, 2011, Respondent attended an office conference with the Board to  
discuss and review his noncompliance with the terms and conditions of his probation.  
Respondent signed a declaration stating that he appeared before the Board, that the terms and  
condition of his probation were fully explained to him, that he understood the terms and  
conditions, and he acknowledged that failure to comply could result in further disciplinary action.

///

1 d. On March 1, 2012, the Board mailed a letter to Respondent stating that he was  
2 noncompliant with Condition 2 because he failed to submit proof of obtaining certification by the  
3 February 17, 2012 deadline. On April 26, 2012, the Board mailed a letter to Respondent and  
4 acknowledged receipt of his PTCB certification, and the suspension on his registration was lifted.

5 **SECOND CAUSE TO REVOKE PROBATION**

6 **(Status of License)**

7 9. At all times after the effective date of Respondent's probation, Condition 10 stated:

8 Respondent shall, at all times while on probation, maintain an active, current  
9 pharmacy technician license with the board, including any period during which  
10 suspension or probation is tolled. Failure to maintain an active, current license shall  
11 be considered a violation of probation.

12 If respondent's pharmacy technician license expires or is cancelled by operation  
13 of law or otherwise at any time during the period of probation, including any  
14 extensions thereof due to tolling or otherwise, upon renewal or reapplication  
15 respondent's license shall be subject to all terms and conditions of this probation not  
16 previously satisfied.

17 10. Respondent's probation is subject to revocation because he failed to comply with  
18 Probation Condition 10, referenced above in that he allowed his pharmacy technician registration  
19 to expire on May 31, 2014.

20 **THIRD CAUSE TO REVOKE PROBATION**

21 **(Attend Substance Abuse Recovery Relapse Prevention and Support Groups)**

22 11. At all times after the effective date of Respondent's probation, Condition 17 stated:

23 Within thirty (30) days of the effective date of this decision, respondent shall  
24 begin regular attendance at a recognized and established substance abuse recovery  
25 support group in California, (e.g., Alcoholics Anonymous, Narcotics Anonymous,  
26 etc.) which has been approved by the board or its designee. Respondent must attend  
27 at least one group meeting per week unless otherwise directed by the board or its  
28 designee. Respondent shall continue regular attendance and submit signed and dated  
documentation confirming attendance with each quarterly report for the duration of  
probation. Failure to attend or submit documentation thereof shall be considered a  
violation of probation.

12. Respondent's probation is subject to revocation because he failed to comply with  
Probation Condition 17, referenced above. The facts and circumstances regarding this violation  
are as follows:

///

1 a. On February 22, 2011, Respondent attended an office conference with the  
2 Board to discuss and review the terms and conditions of his probation. Respondent signed a  
3 declaration stating that he appeared before the Board, that the terms and condition of his  
4 probation were fully explained to him, that he understood the terms and conditions, and he  
5 acknowledged that failure to comply could result in further disciplinary action.

6 b. On April 5, 2011, the Board mailed a letter to Respondent stating that he was  
7 noncompliant with Condition 17 because he failed to submit a substance abuse support group for  
8 approval or begin attendance at a support group by the March 19, 2011 deadline.

9 c. On July 21, 2011, Respondent attended an office conference with the Board to  
10 discuss and review his noncompliance with the terms and conditions of his probation.  
11 Respondent signed a declaration stating that he appeared before the Board, that the terms and  
12 condition of his probation were fully explained to him, that he understood the terms and  
13 conditions, and he acknowledged that failure to comply could result in further disciplinary action.  
14 Respondent has not submitted for approval a substance abuse support group, or provided proof of  
15 attendance at a support group.

#### 16 **FOURTH CAUSE TO REVOKE PROBATION**

##### 17 **(Random Drug Screening)**

18 13. At all times after the effective date of Respondent's probation, Condition 18 stated:

19 Respondent, at his own expense, shall participate in random testing, including  
20 but not limited to biological fluid testing (urine, blood), breathalyzer, hair follicle  
21 testing, or other drug screening program as directed by the board or its designee.  
22 Respondent may be required to participate in testing for the entire probation period  
23 and the frequency of testing will be determined by the board or its designee. At all  
24 times respondent shall fully cooperate with the board or its designee, and shall, when  
25 directed, submit to such tests and samples for the detection of alcohol, narcotics,  
26 hypnotics, dangerous drugs or other controlled substances as the board or its designee  
27 may direct. Failure to timely submit to testing as directed shall be considered a  
28 violation of probation. Upon request of the board or its designee, respondent shall  
provide documentation from a licensed practitioner that the prescription for a detected  
drug was legitimately issued and is a necessary part of the treatment of the  
respondent. Failure to timely provide such documentation shall be considered a  
violation of probation. Any confirmed positive test for alcohol or for any drug not  
lawfully prescribed by a licensed practitioner as part of a documented medical  
treatment shall be considered a violation of probation and shall result in the automatic  
suspension of work by respondent. Respondent may not resume work as a pharmacy  
technician until notified by the board in writing.

1           During suspension, respondent shall not enter any pharmacy area or any portion  
2 of or any other board licensed premises (wholesaler, veterinary food-animal drug  
3 retailer or any other distributor of drugs) any drug manufacturer, or any other location  
4 where dangerous drugs and devices or controlled substances are maintained.

5           Respondent shall not do any act involving drug selection, selection of stock,  
6 manufacturing, compounding or dispensing; nor shall respondent manage, administer,  
7 or assist any licensee of the board. Respondent shall not have access to or control the  
8 ordering, manufacturing or dispensing of dangerous drugs and devices or controlled  
9 substances. Respondent shall not resume work until notified by the board.

10           Respondent shall not direct, control or perform any aspect of the practice of  
11 pharmacy. Subject to the above restrictions, respondent may continue to own or hold  
12 an interest in any licensed premises in which he holds an interest at the time this  
13 decision becomes effective unless otherwise specified in this order.

14           Failure to comply with this suspension shall be considered a violation of  
15 probation.

16           14. Respondent's probation is subject to revocation because he failed to comply with  
17 Probation Condition 18, referenced above. The facts and circumstances regarding this violation  
18 are as follows:

19           a. On February 22, 2011, Respondent attended an office conference with the  
20 Board to discuss and review the terms and conditions of his probation. Respondent signed a  
21 declaration stating that he appeared before the Board, that the terms and condition of his  
22 probation were fully explained to him, that he understood the terms and conditions, and he  
23 acknowledged that failure to comply could result in further disciplinary action.

24           b. On March 22, 2011, Respondent submitted to a hair follicle drug-screening test.  
25 The results of the test were positive for cocaine, opiates, and oxycodone. On March 29, 2011,  
26 the Board mailed Respondent a Notice of Suspension and directed him to submit a written  
27 explanation for the positive drug test, as well as legible copies of any and all recent prescriptions  
28 for dangerous drugs and controlled substances. On April 5, 2011, the Board received a letter  
from Respondent providing a prescription for Vicodin, but he did not provide a legitimate  
explanation for the remaining positive drug tests.

          c. Respondent missed a drug test on April 7, 2011, and failed to call FirstLab on  
June 11, 2011. Respondent received letters from the Board regarding the violations.

///



1 violation of probation. Respondent shall ensure that he is not in the same physical  
2 location as individuals who are using illicit substances even if respondent is not  
3 personally ingesting the drugs. Any possession or use of alcohol, controlled  
4 substances, or their associated paraphernalia not supported by the documentation  
5 timely provided, and/or any physical proximity to persons using illicit substances,  
6 shall be considered a violation of probation.

7 16. Respondent's probation is subject to revocation because he failed to comply with  
8 Probation Condition 21, referenced above. As described in paragraph 14, above, Respondent  
9 tested positive for controlled substances and dangerous drugs that were not lawfully prescribed by  
10 a licensed practitioner as part of a documented medical treatment.

### 11 DISCIPLINARY CONSIDERATIONS

12 17. To determine the degree of discipline, if any, to be imposed on Respondent,  
13 Complainant alleges that on or about September 17, 2009, in a prior disciplinary action entitled *In*  
14 *the Matter of the Accusation Against Filimon M. Lopez*, before the Board of Pharmacy in Case  
15 No. 3314, an Accusation was filed alleging that Respondent's license was subject to discipline  
16 based on a 2005 criminal conviction for driving under the influence of alcohol (under Bus. &  
17 Prof. Code, §§ 4300 and 4301(h), (k), and (l)), a 2005 criminal conviction for second degree  
18 burglary and false representation to a police officer (under Bus. & Prof. Code, §§ 4300 and 4301  
19 (f) and (l)), and a 2005 criminal conviction for petty theft and possession of a controlled  
20 substance without a prescription (under Bus. & Prof. Code, §§ 4300 and 4301(f), (j), (l) and (o)).

### 21 PRAYER

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

24 1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 3314  
25 and imposing the disciplinary order that was stayed thereby revoking Pharmacy Technician  
26 Registration No. TCH-35419 issued to Filimon M. Lopez;

27 2. Revoking or suspending Pharmacy Technician Registration No. TCH 35419, issued  
28 to Filimon M. Lopez;

///

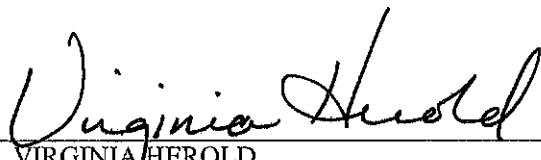
///



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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*

SD2014707319

## **Exhibit A**

**Decision and Order**

**Board of Pharmacy Case No. 3314**

**BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 3314

**FILIMON M. LOPEZ**  
29757 Niguel Road, Apt. H  
Laguna Niguel, CA 92677

Pharmacy Technician Registration No. TCH  
35419

Respondent.

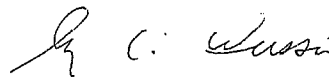
**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on February 17, 2011.

It is so ORDERED on January 18, 2011.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 DIANE DE KERVOR  
Deputy Attorney General  
4 State Bar No. 174721  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2611  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 3314

12 **FILIMON M. LOPEZ**  
13 **29757 Niguel Road, Apt. H**  
14 **Laguna Niguel, CA 92677**  
15 **Pharmacy Technician Registration No. TCH**  
16 **35419**

OAH No. 2010031225

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

Respondent.

17 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
18 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,  
19 the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will  
20 be submitted to the Board for approval and adoption as the final disposition of the Accusation.

21 PARTIES

22 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.  
23 She brought this action solely in her official capacity and is represented in this matter by Edmund  
24 G. Brown Jr., Attorney General of the State of California, by Diane de Kervor, Deputy Attorney  
25 General.

26 2. Respondent Filimon M. Lopez (Respondent) is represented in this proceeding by  
27 attorney Herbert L. Weinberg, whose address is: McGuire Woods, 1800 Century Park East, 8th  
28 Floor, Los Angeles, CA 90067.







1 year shall be considered a violation of probation. Respondent shall not resume working as a  
2 pharmacy technician until notified by the board.

3 During suspension, respondent shall not enter any pharmacy area or any portion of any  
4 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other  
5 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and  
6 devices or controlled substances are maintained. Respondent shall not do any act involving drug  
7 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent  
8 manage, administer, or assist any licensee of the board. Respondent shall not have access to or  
9 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled  
10 substances. Respondent shall not resume work until notified by the board.

11 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
12 licensed premises by the board in which he holds an interest at the time this decision becomes  
13 effective unless otherwise specified in this order.

14 Failure to comply with this suspension shall be considered a violation of probation.

15 **3. Obey All Laws**

16 Respondent shall obey all state and federal laws and regulations.

17 Respondent shall report any of the following occurrences to the board, in writing, within  
18 seventy-two (72) hours of such occurrence:

19 a. an arrest or issuance of a criminal complaint for violation of any provision of the  
20 Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances  
21 laws

22 b. a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
23 criminal complaint, information or indictment

24 c. a conviction of any crime

25 d. discipline, citation, or other administrative action filed by any state or federal agency  
26 which involves respondent's pharmacy technician license or which is related to the practice of  
27 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any  
28 drug, device or controlled substance.



1 Failure to timely report any such occurrence shall be considered a violation of probation.

2 **4. Report to the Board**

3 Respondent shall report to the board quarterly, on a schedule as directed by the board or its  
4 designee. The report shall be made either in person or in writing, as directed. Among other  
5 requirements, respondent shall state in each report under penalty of perjury whether there has  
6 been compliance with all the terms and conditions of probation. Failure to submit timely reports  
7 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency  
8 in submission of reports as directed may be added to the total period of probation. Moreover, if  
9 the final probation report is not made as directed, probation shall be automatically extended until  
10 such time as the final report is made and accepted by the board.

11 **5. Interview with the Board**

12 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews  
13 with the board or its designee, at such intervals and locations as are determined by the board or its  
14 designee. Failure to appear for any scheduled interview without prior notification to board staff,  
15 or failure to appear at two (2) or more scheduled interviews with the board or its designee during  
16 the period of probation, shall be considered a violation of probation.

17 **6. Cooperate with Board Staff**

18 Respondent shall cooperate with the board's inspection program and with the board's  
19 monitoring and investigation of respondent's compliance with the terms and conditions of  
20 his probation. Failure to cooperate shall be considered a violation of probation.

21 **7. Notice to Employers**

22 During the period of probation, respondent shall notify all present and prospective  
23 employers of the decision in case number 3314 and the terms, conditions and restrictions imposed  
24 on respondent by the decision, as follows:

25 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
26 respondent undertaking any new employment, respondent shall cause his direct supervisor,  
27 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
28 tenure of employment) and owner to report to the board in writing acknowledging that the listed

1 individual(s) has/have read the decision in case number 3314 and the terms and conditions  
2 imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or  
3 supervisor(s) submit timely acknowledgement(s) to the board.

4 If respondent works for or is employed by or through a pharmacy employment service,  
5 respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy  
6 of the terms and conditions of the decision in case number 3314 in advance of the respondent  
7 commencing work at each pharmacy. A record of this notification must be provided to the board  
8 upon request.

9 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
10 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
11 service, respondent shall cause his direct supervisor with the pharmacy employment service to  
12 report to the board in writing acknowledging that he has read the decision in case number 3314  
13 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure  
14 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

15 Failure to timely notify present or prospective employer(s) or to cause that/those  
16 employer(s) to submit timely acknowledgements to the board shall be considered a violation of  
17 probation.

18 "Employment" within the meaning of this provision shall include any full-time, part-time,  
19 temporary or relief service or pharmacy management service as a pharmacy technician or in any  
20 position for which a pharmacy technician license is a requirement or criterion for employment,  
21 whether the respondent is considered an employee, independent contractor or volunteer.

#### 22 **8. Reimbursement of Board Costs**

23 As a condition precedent to successful completion of probation, respondent shall pay to the  
24 board its costs of investigation and prosecution in the amount of \$7,921.50. Respondent shall  
25 make said payments as approved by the Board. There shall be no deviation from this schedule  
26 absent prior written approval by the board or its designee. Failure to pay costs by the deadline(s)  
27 as directed shall be considered a violation of probation.

28

1 The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to  
2 reimburse the board its costs of investigation and prosecution.

3 **9. Probation Monitoring Costs**

4 Respondent shall pay any costs associated with probation monitoring as determined by the  
5 board each and every year of probation. Such costs shall be payable to the board on a schedule as  
6 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall  
7 be considered a violation of probation.

8 **10. Status of License**

9 Respondent shall, at all times while on probation, maintain an active, current pharmacy  
10 technician license with the board, including any period during which suspension or probation is  
11 tolled. Failure to maintain an active, current license shall be considered a violation of probation.

12 If respondent's pharmacy technician license expires or is cancelled by operation of law or  
13 otherwise at any time during the period of probation, including any extensions thereof due to  
14 tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all  
15 terms and conditions of this probation not previously satisfied.

16 **11. License Surrender While on Probation/Suspension**

17 Following the effective date of this decision, should respondent cease work due to  
18 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
19 respondent may tender his pharmacy technician license to the board for surrender. The board or  
20 its designee shall have the discretion whether to grant the request for surrender or take any other  
21 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the  
22 license, respondent will no longer be subject to the terms and conditions of probation. This  
23 surrender constitutes a record of discipline and shall become a part of the respondent's license  
24 history with the board.

25 Upon acceptance of the surrender, respondent shall relinquish his pharmacy technician  
26 license to the board within ten (10) days of notification by the board that the surrender is  
27 accepted. Respondent may not reapply for any license, permit, or registration from the board for  
28 three (3) years from the effective date of the surrender. Respondent shall meet all requirements

1 applicable to the license sought as of the date the application for that license is submitted to the  
2 board.

3 **12. Notification of a Change in Name, Residence Address, Mailing Address or**  
4 **Employment**

5 Respondent shall notify the board in writing within ten (10) days of any change of  
6 employment. Said notification shall include the reasons for leaving, the address of the new  
7 employer, the name of the supervisor and owner, and the work schedule if known. Respondent  
8 shall further notify the board in writing within ten (10) days of a change in name, residence  
9 address and mailing address, or phone number.

10 Failure to timely notify the board of any change in employer(s), name(s), address(es), or  
11 phone number(s) shall be considered a violation of probation.

12 **13. Tolling of Probation**

13 Except during periods of suspension, respondent shall, at all times while on probation, be  
14 employed as a pharmacy technician in California for a minimum of ten hours per calendar month.  
15 Any month during which this minimum is not met shall toll the period of probation, i.e., the  
16 period of probation shall be extended by one month for each month during which this minimum is  
17 not met. During any such period of tolling of probation, respondent must nonetheless comply  
18 with all terms and conditions of probation.

19 Should respondent, regardless of residency, for any reason (including vacation) cease  
20 working as a pharmacy technician for a minimum of ten hours per calendar month in California,  
21 respondent must notify the board in writing within ten (10) days of cessation of work and must  
22 further notify the board in writing within ten (10) days of the resumption of the work. Any failure  
23 to provide such notification(s) shall be considered a violation of probation.

24 It is a violation of probation for respondent's probation to remain tolled pursuant to the  
25 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
26 exceeding thirty-six (36) months.

27 "Cessation of work" means calendar month during which respondent is not working for at  
28 least ten hours as a pharmacy technician, as defined in Business and Professions Code section

1 4115. "Resumption of work" means any calendar month during which respondent is working as a  
2 pharmacy technician for at least ten hours as a pharmacy technician as defined by Business and  
3 Professions Code section 4115.

4 **14. Violation of Probation**

5 If a respondent has not complied with any term or condition of probation, the board shall  
6 have continuing jurisdiction over respondent, and probation shall automatically be extended, until  
7 all terms and conditions have been satisfied or the board has taken other action as deemed  
8 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and  
9 to impose the penalty that was stayed.

10 If respondent violates probation in any respect, the board, after giving respondent notice  
11 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
12 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a  
13 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If  
14 a petition to revoke probation or an accusation is filed against respondent during probation, the  
15 board shall have continuing jurisdiction, and the period of probation shall be automatically  
16 extended until the petition to revoke probation or accusation is heard and decided.

17 **15. Completion of Probation**

18 Upon written notice by the board indicating successful completion of probation,  
19 respondent's pharmacy technician license will be fully restored.

20 **16. No Ownership of Licensed Premises**

21 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,  
22 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
23 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell  
24 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)  
25 days following the effective date of this decision and shall immediately thereafter provide written  
26 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
27 documentation thereof shall be considered a violation of probation.

28 ///

1           **17. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

2           Within thirty (30) days of the effective date of this decision, respondent shall begin regular  
3 attendance at a recognized and established substance abuse recovery support group in California,  
4 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board  
5 or its designee. Respondent must attend at least one group meeting per week unless otherwise  
6 directed by the board or its designee. Respondent shall continue regular attendance and submit  
7 signed and dated documentation confirming attendance with each quarterly report for the duration  
8 of probation. Failure to attend or submit documentation thereof shall be considered a violation of  
9 probation.

10           **18. Random Drug Screening**

11           Respondent, at his own expense, shall participate in random testing, including but not  
12 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug  
13 screening program as directed by the board or its designee. Respondent may be required to  
14 participate in testing for the entire probation period and the frequency of testing will be  
15 determined by the board or its designee. At all times respondent shall fully cooperate with the  
16 board or its designee, and shall, when directed, submit to such tests and samples for the detection  
17 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its  
18 designee may direct. Failure to timely submit to testing as directed shall be considered a violation  
19 of probation. Upon request of the board or its designee, respondent shall provide documentation  
20 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is  
21 a necessary part of the treatment of the respondent. Failure to timely provide such documentation  
22 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any  
23 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment  
24 shall be considered a violation of probation and shall result in the automatic suspension of work  
25 by respondent. Respondent may not resume work as a pharmacy technician until notified by the  
26 board in writing.

27           During suspension, respondent shall not enter any pharmacy area or any portion of or any  
28 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other

1 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and  
2 devices or controlled substances are maintained. Respondent shall not do any act involving drug  
3 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent  
4 manage, administer, or assist any licensee of the board. Respondent shall not have access to or  
5 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled  
6 substances. Respondent shall not resume work until notified by the board.

7 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.  
8 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
9 licensed premises in which he holds an interest at the time this decision becomes effective unless  
10 otherwise specified in this order.

11 Failure to comply with this suspension shall be considered a violation of probation.

12 **19. Work Site Monitor**

13 Within ten (10) days of the effective date of this decision, respondent shall identify a work  
14 site monitor, for prior approval by the board, who shall be responsible for supervising respondent  
15 during working hours. Respondent shall be responsible for ensuring that the work site monitor  
16 reports in writing to the board quarterly. Should the designated work site monitor determine at  
17 any time during the probationary period that respondent has not maintained sobriety, he shall  
18 notify the board immediately, either orally or in writing as directed. Should respondent change  
19 employment, a new work site monitor must be designated, for prior approval by the board, within  
20 ten (10) days of commencing new employment. Failure to identify an acceptable initial or  
21 replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be  
22 considered a violation of probation.

23 **20. Notification of Departure**

24 Prior to leaving the probationary geographic area designated by the board or its designee for  
25 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in  
26 writing of the dates of departure and return. Failure to comply with this provision shall be  
27 considered a violation of probation.

28 ///

1           **21. Abstain from Drugs and Alcohol Use**

2           Respondent shall completely abstain from the possession or use of alcohol, controlled  
3 substances, dangerous drugs and their associated paraphernalia except when the drugs are  
4 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon  
5 request of the board or its designee, respondent shall provide documentation from the licensed  
6 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the  
7 treatment of the respondent. Failure to timely provide such documentation shall be considered a  
8 violation of probation. Respondent shall ensure that he is not in the same physical location as  
9 individuals who are using illicit substances even if respondent is not personally ingesting the  
10 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia  
11 not supported by the documentation timely provided, and/or any physical proximity to persons  
12 using illicit substances, shall be considered a violation of probation.

13           **22. Tolling of Suspension**

14           During the period of suspension, respondent shall not leave California for any period  
15 exceeding ten (10) days, regardless of purpose (including vacation). Any such absence in excess  
16 of ten (10) days during suspension shall be considered a violation of probation. Moreover, any  
17 absence from California during the period of suspension exceeding ten (10) days shall toll the  
18 suspension, i.e., the suspension shall be extended by one day for each day over ten (10) days  
19 respondent is absent from California. During any such period of tolling of suspension,  
20 respondent must nonetheless comply with all terms and conditions of probation.

21           Respondent must notify the board in writing within ten (10) days of departure, and must  
22 further notify the board in writing within ten (10) days of return. The failure to provide such  
23 notification(s) shall constitute a violation of probation. Upon such departure and return,  
24 respondent shall not return to work until notified by the board that the period of suspension has  
25 been satisfactorily completed.



09/03/2010 11:16 FAX 310 315 8210

McGUIREWOODS LLP

015/015

ACCEPTANCE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Herbert L. Weinberg. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 09-03-2010

FILIMON M. LOPEZ  
Respondent

*Filimon M Lopez*

I have read and fully discussed with Respondent Filimon M. Lopez the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 9/3/10

HERBERT L. WEINBERG  
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: \_\_\_\_\_

Respectfully Submitted,  
EDMUND G. BROWN JR.  
Attorney General of California  
JAMES M. LEDAKIS  
Supervising Deputy Attorney General

DIANE DE KER VOR  
Deputy Attorney General  
Attorneys for Complainant

SD2009803869; 70341840.docx

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Herbert L. Weinberg. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: \_\_\_\_\_

\_\_\_\_\_  
FILIMON M. LOPEZ  
Respondent

I have read and fully discussed with Respondent Filimon M. Lopez the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: \_\_\_\_\_

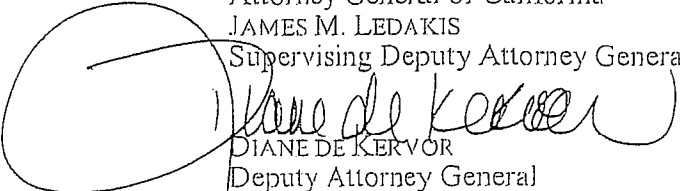
\_\_\_\_\_  
HERBERT L. WEINBERG  
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: Sept 3, 2010

Respectfully Submitted,

EDMUND G. BROWN JR.  
Attorney General of California  
JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
  
DIANE DE KERVOR  
Deputy Attorney General  
*Attorneys for Complainant*

SD2009803869: 70341840.docx

**Exhibit A**

**Accusation No. 3314**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 DIANE DE KERVOR, State Bar No. 174721  
Deputy Attorney General  
4 110 West "A" Street, Suite 1100  
San Diego, CA 92101  
5  
6 P.O. Box 85266  
San Diego, CA 92186-5266  
Telephone: (619) 645-2611  
7 Facsimile: (619) 645-2061  
8 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 3314

13 FILIMON M. LOPEZ  
29757 Niguel Road, Apt. H  
14 Laguna Niguel, CA 92677

ACCUSATION

15 Pharmacy Technician Registration No. TCH  
35419

16 Respondent.  
17

18 Complainant alleges:

19 PARTIES

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

23 2. On or about December 11, 2000, the Board of Pharmacy issued Pharmacy  
24 Technician Registration Number TCH 35419 to Filimon M. Lopez (Respondent). The Pharmacy  
25 Technician Registration will expire on May 31, 2010, unless renewed.

26 ///

27 ///

28 ///

JURISDICTION

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

4. Code section 118, subdivision (b), states, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Code section 482 states:  
Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

6. Section 490 of the Code states, in pertinent part:

A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. . . .

7. Code section 493 states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and 'registration.'

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

8. Section 4022 of the Code states

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

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

9. Section 4060 of the Code states:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer.

Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and devices.

10. Section 4300 of the Code states that "(a) Every license issued may be suspended or revoked."

11. Section 4301 of the Code states:

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

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

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

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

9 (k) The conviction of more than one misdemeanor or any felony involving  
10 the use, consumption, or self-administration of any dangerous drug or alcoholic  
11 beverage, or any combination of those substances.

12 (l) The conviction of a crime substantially related to the qualifications,  
13 functions, and duties of a licensee under this chapter. The record of conviction of  
14 a violation of Chapter 13 (commencing with Section 801) of Title 21 of the  
15 United States Code regulating controlled substances or of a violation of the  
16 statutes of this state regulating controlled substances or dangerous drugs shall be  
17 conclusive evidence of unprofessional conduct. In all other cases, the record of  
18 conviction shall be conclusive evidence only of the fact that the conviction  
19 occurred. The board may inquire into the circumstances surrounding the  
20 commission of the crime, in order to fix the degree of discipline or, in the case of  
21 a conviction not involving controlled substances or dangerous drugs, to determine  
22 if the conviction is of an offense substantially related to the qualifications,  
23 functions, and duties of a licensee under this chapter. A plea or verdict of guilty  
24 or a conviction following a plea of nolo contendere is deemed to be a conviction  
25 within the meaning of this provision. . . .

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

12. California Code of Regulations, title 16, section 1769 states, in pertinent part:

(b) When considering the suspension or revocation of a facility or a  
personal license on the ground that the licensee or the registrant has been  
convicted of a crime, the board, in evaluating the rehabilitation of such person  
and his present eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with all terms of parole, probation,  
restitution or any other sanctions lawfully imposed against the licensee.

1 (5) Evidence, if any, of rehabilitation submitted by the licensee.  
2

3 13. California Code of Regulations, title 16, section 1770 states:

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

8 COST RECOVERY

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

13 DRUG

14 15. Clonazepam, generic name for Klonopin, is a Schedule IV controlled  
15 substance under California Health and Safety Code section 11057(d)(7), a dangerous drug  
16 pursuant to Business and Professions Code section 4022, and is used to treat seizures.

17 FIRST CAUSE FOR DISCIPLINE

18 (January 14, 2005 Criminal Convictions -  
19 Driving Under the Influence on October 20, 2003)

20 16. Grounds exist to revoke Respondent's license pursuant to Code section  
21 4300, section 4301, subdivisions (h), (k) and (l) as well as 490 and 493 for using alcoholic  
22 beverages to an extent or in a manner as to be dangerous to himself or others and for multiple  
23 criminal convictions involving the use of alcoholic beverages and that are substantially related to  
24 the qualifications, functions, and duties of a Pharmacy Technician. On January 14, 2005, in a  
25 case entitled *People vs. Filimon Martin Lopez* (Orange County Superior Court Case No.  
26 03CM08936MA), Respondent was convicted by a plea of guilt to a violation of Vehicle Code  
27 Sections 23152(a) (driving under the influence), a misdemeanor, and 23152(b) (driving under the  
28 influence with a blood alcohol content of .08% or higher), a misdemeanor.





1 either item. Respondent was apprehended by the store's loss prevention officer and  
2 subsequently the police. Respondent had no money or identification on his person when he went  
3 into the store.

4 21. Respondent identified himself as "Martin Gomez" and admitted the theft to the  
5 police. However, he told the officer that he had stolen the items to bring to a man who told him  
6 he would pay him \$20.00 if he performed this very act. He also told the officer that he was an  
7 illegal alien who just paid someone to smuggle him into the country. When questioned why he  
8 had a Volkswagen car key on his person, Respondent told the officer he found it. The officer  
9 went back to the store parking lot, located a Volkswagen, and ran the registration. By tracing the  
10 driver's license back to Respondent, he was able to determine that Martin Gomez was really  
11 Filimon Lopez.

12 22. On May 18, 2005, Respondent was sentenced to 10 days in jail, placed on  
13 three years informal probation under certain terms and conditions, including an order to stay  
14 away from the Ralphs store in Laguna Niguel, and to pay \$130.00 in fines and fees, and to pay  
15 restitution to the store.

16 THIRD CAUSE FOR DISCIPLINE

17 (August 8, 2005 Criminal Convictions - Petty Theft and Possession of a Controlled  
18 Substance Without a Prescription on May 14, 2005)

19 23. Grounds exist to revoke Respondent's license pursuant to Code section  
20 4300, section 4301, subdivisions (f), (j), (l), and (o) as well as 490 and 493 for commission of an  
21 act involving moral turpitude and dishonesty, criminal convictions that are substantially related  
22 to the qualifications, functions, and duties of a Pharmacy Technician, and a violation of drug  
23 laws. On August 8, 2005, in a case entitled *People vs. Filimon Martin Lopez* (Orange County  
24 Superior Court Case No. 05sm02800), Respondent was convicted by a plea of guilt to a violation  
25 of Penal Code section 484(A)-488 (petty theft), a misdemeanor, and Business and Professions  
26 Code section 4060 (possess controlled substance without a prescription), a misdemeanor.

27 ///

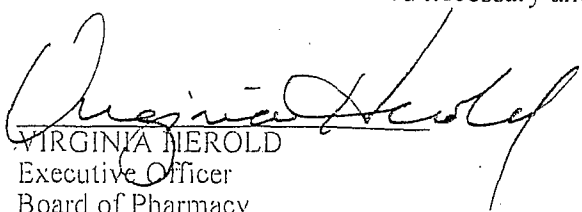
28 ///



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

C: Taking such other and further action as deemed necessary and proper.

DATED: 9/17/09



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