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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. 5272

12 **GILBERT AGUILAR**
1123 Ahern Drive
13 Bassett, CA 91746

A C C U S A T I O N

14 Pharmacy Technician Registration
15 No. TCH 99051

16 Respondent.

17
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 (Board), Department of Consumer Affairs.

22 2. On or about March 22, 2010, the Board issued Pharmacy Technician Registration No.
23 TCH 99051 to Gilbert Aguilar (Respondent). The Pharmacy Technician Registration was in full
24 force and effect at all times relevant to the charges brought herein and will expire on May 31,
25 2015, unless renewed.

26 **JURISDICTION**

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

1 **COST RECOVERY**

2 10. Section 125.3 provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not
6 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
7 may be included in a stipulated settlement.

8 **CONTROLLED SUBSTANCE / DANGEROUS DRUG**

9 11. "Methamphetamine," is a schedule II controlled substance as defined in Health and
10 Safety Code section 11055, subdivision (c)(14), and is categorized a dangerous drug pursuant to
11 section 4022.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Illegal Possession of a Controlled Substance / Dangerous Drug)**

14 12. Respondent is subject to disciplinary action under sections 4300 and 4301,
15 subdivision (j), in conjunction with section 4060, on the grounds of unprofessional conduct, in
16 that, Respondent was in possession of methamphetamine, a controlled substance / dangerous
17 drug, as follows:

18 a. On or about April 3, 2014, a West Covina Police Officer conducted a traffic
19 enforcement stop where Respondent was the passenger in the vehicle. When the officer asked
20 both occupants if there was anything illegal in the vehicle, Respondent appeared to be very
21 nervous and would not make eye contact with the officer. Respondent stated, "I have some dope
22 in my pocket." Respondent removed a black cloth sack from his right cargo short pocket and a
23 clear glass Methamphetamine pipe, wrapped in a napkin, from his waistband. The cloth sack
24 contained three clear plastic baggies. One of the baggies was empty and the other two baggies
25 contained a usable quantity of a white crystalline substance consistent with Methamphetamine.
26 The officer conducted a presumptive test on the substance and it tested positive for
27 Methamphetamine. Respondent was subsequently arrested for violating Health and Safety Code
28 section 11377, subdivision (a) [possession of a controlled substance]. During the booking

1 procedure, Respondent stated that he purchased the Methamphetamine the previous Sunday for
2 \$30.00. He also admitted to having a slight problem with abusing Methamphetamine and that he
3 needed to quit.

4 b. Subsequently, on or about April 30, 2014, after pleading guilty, the Court placed
5 Respondent on 18 months Deferred Entry of Judgment for violating Health and Safety code
6 section 11377, subdivision (a) [Possession of a controlled substance] in the criminal proceeding
7 entitled *The People of the State of California v. Gilberto Aguilar* (Super. Ct. L.A. County, 2014,
8 No. KA105309).

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct/ Violation of Licensing Chapter)**

11 13. Respondent is subject to disciplinary action under section 4301, subdivision (o), in
12 that Respondent committed acts of unprofessional conduct and/ or violated provisions of the
13 licensing chapter. Complainant refers to, and by this reference incorporates, the allegations set
14 forth above in paragraph 12, as though set forth fully.

15 **PRAYER**

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

18 1. Revoking or suspending Pharmacy Technician Registration No. TCH 99051, issued
19 to Gilbert Aguilar;

20 2. Ordering Gilbert Aguilar to pay the Board the reasonable costs of the investigation
21 and enforcement of this case, pursuant to section 125.3; and

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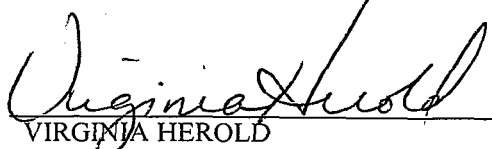
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3. Taking such other and further action as deemed necessary and proper.

DATED: 11/15/14



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

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