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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 5645

13 **ARMANDO HERNANDEZ**  
439 S. Vancouver Ave.  
Los Angeles, CA 90022

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

14 Pharmacy Technician Registration No. TCH  
122156

15 Respondent.

16  
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 March 27, 2012, the Board of Pharmacy (“Board”) issued Pharmacy  
22 Technician Registration No. TCH 122156 to Armando Hernandez (“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 June 30, 2017, unless renewed.

25 **JURISDICTION**

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 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
2 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
3 included in a stipulated settlement.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Conviction of a Substantially Related Crime)**

6 10. Respondent is subject to disciplinary action under Code section 4301, subdivision (l),  
7 in conjunction with California Code of Regulations, title 16, section 1770, in that Respondent was  
8 convicted of a crime substantially related to qualifications, functions, or duties of a registered  
9 pharmacy technician which to a substantial degree evidence his present or potential unfitness to  
10 perform the functions authorized by his registration in a manner consistent with the public health,  
11 safety, or welfare, as follow:

12 a. On or about July 1, 2015, Respondent was convicted of violating Vehicle Code  
13 section 23103 [wet reckless] pursuant to Vehicle Code section 23103.5 in the criminal proceeding  
14 entitled *The People of the State of California v. Armando Hernandez* (Super. Ct. L.A. County,  
15 2015, No. 5EA02212). The court placed Respondent on 36 months summary probation, ordered  
16 him to attend an alcohol education program, and pay fines.

17 b. The circumstances surrounding the convictions are that on or about January 20, 2015,  
18 California Highway Patrol officers stopped Respondent's vehicle for traffic violations. Upon  
19 contact, the officers smelled the odor of alcohol and observed Respondent had slurred speech, and  
20 red and water eyes. Respondent admitted to drinking alcohol before driving while on a break  
21 from work. Respondent failed to satisfactorily perform Field Sobriety Tests as explained and  
22 demonstrated. Respondent's blood alcohol concentration was 0.08%.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Dangerous Use of Alcohol)**

25 11. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),  
26 on the grounds of unprofessional conduct, in that on or about January 20, 2015, Respondent used  
27 an alcoholic beverage to the extent or in a manner as to be dangerous or injurious to himself or  
28 others when he drove a vehicle while being under the influence of alcohol. Complainant refers to

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and by this reference incorporates the allegations set forth above in paragraph 10, subparagraph b, inclusive, as though set forth fully.

**PRAYER**

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

- 1. Revoking or suspending Pharmacy Technician Registration No. TCH 122156, issued to Armando Hernandez;
- 2. Ordering Armando Hernandez to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
- 3. Taking such other and further action as deemed necessary and proper.

DATED: 6/13/16

*Virginia Herold*

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

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06/06/2016