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

11 In the Matter of the Accusation Against:  
12 **TARAS PARASHCHAK**  
4408 Bijan Court  
13 Fair Oaks, CA 95628  
14 **Pharmacy Technician Registration**  
15 **No. TCH 133006**  
16 Respondent.

Case No. 5675

**ACCUSATION**

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 ("Board"), Department of Consumer Affairs.  
21 2. On or about November 25, 2013, the Board issued Pharmacy Technician Registration  
22 Number TCH 133006 to Taras Parashchak ("Respondent"). The Pharmacy Technician  
23 Registration was in full force and effect at all times relevant to the charges brought herein and  
24 will expire on September 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 4. Section 4300 states, in pertinent part:

2 (a) Every license issued may be suspended or revoked.

3 (b) The board shall discipline the holder of any license issued by the  
4 board, whose default has been entered or whose case has been heard by the board and  
found guilty, by any of the following methods:

5 (1) Suspending judgment.

6 (2) Placing him or her upon probation.

7 (3) Suspending his or her right to practice for a period not exceeding one  
8 year.

9 (4) Revoking his or her license.

10 (5) Taking any other action in relation to disciplining him or her as the  
board in its discretion may deem proper . . .

11 5. Section 4300.1 states:

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

### 16 STATUTORY PROVISIONS

17 6. Section 4301 states, in pertinent part:

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

21 (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  
22 a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

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

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

27 7. Health and Safety Code section 11170 states that "[n]o person shall prescribe,  
28 administer, or furnish a controlled substance for himself."

1 8. Health and Safety Code section 11350, subdivision (a), states:

2 Except as otherwise provided in this division, every person who possesses  
3 (1) any controlled substance specified in subdivision (b) or (c), or paragraph (1) of  
4 subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of  
5 subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section  
6 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled  
7 substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon  
8 the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to  
9 practice in this state, shall be punished by imprisonment pursuant to subdivision (h)  
10 of Section 1170 of the Penal Code.

11 **COST RECOVERY**

12 9. Section 125.3 provides, in pertinent part, that a 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 **DRUGS**

17 10. "Heroin" is a Schedule I controlled substance as designated by Health and Safety  
18 Code section 11054, subdivision (c)(11).

19 11. "Marijuana" is a Schedule I controlled substance as designated by Health and Safety  
20 Code section 11054, subdivision (d)(13).

21 **FACTUAL ALLEGATIONS**

22 12. At all times alleged herein, Respondent was on court-ordered criminal probation as  
23 more particularly described in paragraph 18 and all of its subparts, below, incorporated herein by  
24 reference.

25 13. On or about September 2, 2014, a California Highway Patrol officer initiated an  
26 enforcement stop on a vehicle for failing to stop prior to the limit line at a stop sign. The officer  
27 made contact with the driver (later identified as Respondent) who admitted that he had no  
28 identification and that the vehicle belonged to his brother; he falsely identified himself and  
provided a false birthdate to the officer. The officer was unable to verify the driver's identify-  
cation through CLETS<sup>1</sup>, the Department of Motor Vehicles, and the Department of Justice Cal-

<sup>1</sup> CLETS refers to the California Law Enforcement Telecommunications System.

1 Photo communications network database. When confronted with this, Respondent admitted that  
2 he had lied to the officer and that he had no driver's license. Respondent was arrested and  
3 charged with violating Penal Code section 148.9, subdivision (a) [false representation of another  
4 to a peace officer]. The driver also admitted that he had a prior conviction for driving under the  
5 influence and was not allowed to operate a motor vehicle; he provided his true identity, that is, the  
6 Respondent. A driver's license status check on Respondent revealed that his license was  
7 suspended and that he was restricted to operating a vehicle equipped with an ignition interlock  
8 device. The vehicle driven by Respondent on or about September 2, 2014, did not have an  
9 ignition interlock device.

10 14. On or about September 2, 2014, after arresting Respondent, the officer conducted an  
11 inventory of the vehicle and found a small zippered bag containing a glass pipe with burnt  
12 Marijuana residue as well as a plastic baggie containing Marijuana. The Marijuana was later  
13 weighed and determined to be 1.0 grams. The officer also found a plastic container with a plastic  
14 baggie containing a black tar-like substance that the officer recognized as Heroin. The Heroin  
15 was later weighed and determined to be 0.8 grams and was confirmed as Heroin pursuant to a  
16 NARK test kit. Respondent admitted to the officer that the Heroin and Marijuana belonged to  
17 him, that he started using Heroin approximately six months prior to the September 2, 2014, stop,  
18 that he is addicted to Heroin, and that he only smokes the Heroin.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Self-Administration of a Controlled Substance)**

21 15. Respondent is subject to disciplinary action on the grounds of unprofessional conduct  
22 pursuant to section 4301, subdivision (h), in that in and between April and September 2014,  
23 Respondent self-administered the controlled substance Heroin, and used Heroin to an extent or in  
24 a manner dangerous or injuries to himself, others and/or the public, as set forth in paragraphs 13  
25 and 14, above, incorporated herein by reference.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Violations of State Laws Regulating Controlled Substances)**

3 16. Respondent is subject to disciplinary action on the grounds of unprofessional conduct  
4 pursuant to section 4301, subdivision (j), in that on or about September 2, 2014, Respondent  
5 unlawfully possessed the controlled substances Heroin and Marijuana in violation of Health and  
6 Safety Code section 11350, subdivision (a), as set forth in paragraph 14, above, incorporated  
7 herein by reference.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

10 17. Respondent is subject to disciplinary action on the grounds of unprofessional conduct  
11 pursuant to section 4301, subdivision (f), in that he committed acts involving moral turpitude,  
12 dishonesty, fraud, deceit, or corruption, in that he falsely identified himself and provided a false  
13 birth date to a law enforcement officer as set forth in paragraph 13, above, incorporated herein by  
14 reference.

15 **MATTERS IN AGGRAVATION**

16 18. To determine the degree of discipline to be assessed against Respondent, if any,  
17 Complainant alleges as follows:

18 a. On or about June 17, 2013, Respondent certified under penalty of perjury on his  
19 Pharmacy Technician Application that he had been arrested on April 26, 2013, for violating  
20 Vehicle Code sections 23152, subdivision (a) [driving under the influence of alcohol and/or  
21 drugs], and 23152, subdivision (b) [driving with a blood alcohol of 0.08 percent and more], and  
22 Penal Code section 148, subdivision (a) [resisting, delaying or obstructing an officer].

23 b. Respondent's criminal conviction records confirm that on or about July 30,  
24 2013, in Sacramento County Superior Court Case No. 13M03357, Respondent was convicted on  
25 his plea of no contest to violating Vehicle Code section 23152, subdivision (b), and Penal Code  
26 section 148, subdivision (a), both misdemeanors. The imposition of Respondent's sentence was  
27 suspended and Respondent was placed on probation for three years on terms and conditions.

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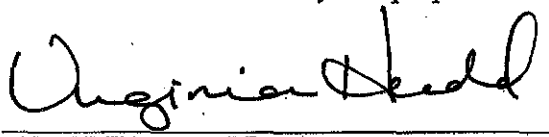
The Board considered the underlying circumstances of Respondent's June 17, 2013, arrest and July 30, 2013, conviction prior to issuing Pharmacy Technician Registration No. TCH 133006 to Respondent on or about November 20, 2013.

**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 Number TCH 133006, issued to Taras Parashchak;
- 2. Ordering Taras Parashchak 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: 3/21/16



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

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