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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. 5712

12 **IGNACIO CAMARGO**

13 2134 E. 19th Street, Apt. B  
San Bernardino, CA 92404

**ACCUSATION**

14 Pharmacy Technician Registration No. TCH  
15 79780

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, Department of Consumer Affairs (Board).

22 2. On or about December 19, 2008, the Board issued Pharmacy Technician Registration  
23 Number TCH 79780 to Ignacio Camargo (Respondent). Said registration was in full force and  
24 effect at all times relevant to the charges brought herein and will expire on October 31, 2016,  
25 unless renewed.

26 3. On or about April 15, 2016, pursuant to a decision in the administrative proceeding  
27 entitled *In the Matter of the Petition for Interim Suspension Order Against: Ignacio Camargo*  
28 (Case No. 5712), Respondent's registration as a pharmacy technician was suspended and he was

1 prohibited from engaging in any act or activity requiring licensure or registration as a pharmacy  
2 technician pending the filing of the Accusation and issuance of a decision on the Accusation.

3 **JURISDICTION AND STATUTORY PROVISIONS**

4 4. This Accusation is brought before the Board under the authority of the following  
5 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
6 indicated.

7 5. Section 4300 of the Code provides, in pertinent part:

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

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

11 (1) Suspending judgment.

12 (2) Placing him or her upon probation.

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

15 (4) Revoking his or her license.

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

17 (c) The board may refuse a license to any applicant guilty of  
18 unprofessional conduct. The board may, in its sole discretion, issue a probationary  
license to any applicant for a license who is guilty of unprofessional conduct and who  
19 has met all other requirements for licensure. The board may issue the license subject  
to any terms or conditions not contrary to public policy, including, but not limited to,  
20 the following:

21 (1) Medical or psychiatric evaluation.

22 (2) Continuing medical or psychiatric treatment.

23 (3) Restriction of type or circumstances of practice.

24 (4) Continuing participation in a board-approved rehabilitation program.

25 (5) Abstention from the use of alcohol or drugs.

26 (6) Random fluid testing for alcohol or drugs.

27 (7) Compliance with laws and regulations governing the practice of  
pharmacy.

28 (d) The board may initiate disciplinary proceedings to revoke or suspend

1 any probationary certificate of licensure for any violation of the terms and conditions  
2 of probation. Upon satisfactory completion of probation, the board shall convert the  
3 probationary certificate to a regular certificate, free of conditions.

4 (e) The proceedings under this article shall be conducted in accordance  
5 with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the  
6 Government Code, and the board shall have all the powers granted therein. The  
7 action shall be final, except that the propriety of the action is subject to review by the  
8 superior court pursuant to Section 1094.5 of the Code of Civil Procedure.”

9  
10 6. Section 4301 of the Code provides, 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 (f) The commission of any act involving moral turpitude, dishonesty,  
17 fraud, deceit, or corruption, whether the act is committed in the course of relations as  
18 a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

19 ...

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

22 7. Section 4060 of the Code provides, in pertinent part:

23 “A person shall not possess any controlled substance, except that  
24 furnished to a person upon the prescription of a physician, dentist, podiatrist,  
25 optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or  
26 furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to  
27 Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant  
28 pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a  
pharmacist pursuant to Section 4052.1, 4052.2, or 4052.6. This section does not apply  
to the possession of any controlled substance by a manufacturer, wholesaler, third-  
party logistics provider, pharmacy, pharmacist, physician, podiatrist, dentist,  
optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse  
practitioner, or physician assistant, if in stock in containers correctly labeled with the  
name and address of the supplier or producer.

This section does not authorize 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.”

### COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
administrative law judge to direct a licensee found to have committed a violation or violations of  
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

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 **FACTUAL BACKGROUND**

5 9. In October 2015, Respondent was employed as a pharmacy technician at Walgreens  
6 Pharmacy in Redlands, California (Walgreens). On or about October 12, 2015, the Walgreens  
7 asset protection manager noticed a large amount of negative adjustments in the pharmacy's  
8 prescription medication indicating a shortage (and possible theft) of hundreds of controlled  
9 substance pills. On October 19, 2015, Respondent was observed selecting and concealing several  
10 Hydrocodone<sup>1</sup> pills in his coat pocket. An investigation revealed that Respondent took  
11 approximately 1,000 tablets of Hydrocodone and 50 tablets of Carisoprodol<sup>2</sup> from Walgreens.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Unlawful Possession of a Controlled Substance and Dangerous Drug)**

14 10. Respondent is subject to disciplinary action under section 4060 of the Code on the  
15 grounds of unprofessional conduct in that Respondent unlawfully possessed a controlled  
16 substance and a dangerous drug without the prescription of an authorized prescriber. The conduct  
17 is described in more particularity in paragraph 9 above, inclusive and hereby incorporated by  
18 reference.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Act Involving Moral Turpitude, Dishonesty, Fraud, or Deceit)**

21 11. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the  
22 Code on the grounds of unprofessional conduct in that Respondent committed acts involving  
23 moral turpitude, dishonesty, fraud, or deceit. The conduct is described in more particularity in  
24 paragraph 9 above, inclusive and hereby incorporated by reference.

25 ///

26 \_\_\_\_\_  
27 <sup>1</sup> Hydrocodone (Norco) is a Schedule II controlled substance pursuant to Health and Safety Code section  
11055 and is categorized as a dangerous drug pursuant to section 4022 of the Code.

28 <sup>2</sup> Carisoprodol (Soma) is a dangerous drug pursuant to Business and Professions Code section 4022.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Violation of the Statutes Governing Dangerous Drugs)**

3 12. Respondent is subject to disciplinary action under section 4301, subdivision (j) of the  
4 Code on the grounds of unprofessional conduct in that Respondent violated statutes governing  
5 dangerous drugs. Specifically, Respondent violated Health and Safety Code section 11173,  
6 subdivision (a), for unlawfully obtaining controlled substances by fraud, deceit,  
7 misrepresentation, or subterfuge, Health and Safety Code section 11350, for unlawfully  
8 possessing controlled substances without valid prescriptions, and section 4060 of the Code. The  
9 conduct is described in more particularity in paragraph 9 above, inclusive and hereby  
10 incorporated by reference.

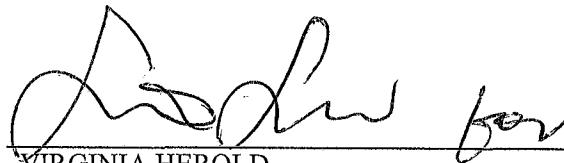
11 **PRAYER**

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

- 14 1. Revoking or suspending Pharmacy Technician Registration Number TCH 79780,  
15 issued to Ignacio Camargo;
- 16 2. Ordering Ignacio Camargo to pay the Board of Pharmacy the reasonable costs of the  
17 investigation and enforcement of this case, pursuant to Business and Professions Code section  
18 125.3;
- 19 3. Taking such other and further action as deemed necessary and proper.
- 20  
21  
22

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

4-29-16



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

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