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of the State of California  
2 JOSHUA A. ROOM, State Bar No. 214663  
Deputy Attorney General  
3 California Department of Justice  
455 Golden Gate Avenue, Suite 11000  
4 San Francisco, CA 94102-7004  
Telephone: (415) 703-1299  
5 Facsimile: (415) 703-5480

6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2799

12 PAUL A. GONSALVES  
62 Trinity Drive  
Novato, California 94947-5247

OAH No.

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

13 Pharmacy Technician License No. TCH 23109

14 Respondent.

15  
16 In the interest of a prompt and speedy resolution of this matter, consistent with the  
17 public interest and responsibility of the Board of Pharmacy, Department of Consumer Affairs,  
18 the parties hereby agree to the following Stipulated Surrender of License and Order which will be  
19 submitted to the Board for approval and adoption as the final disposition of the Accusation.

20  
21 PARTIES

22 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of  
23 Pharmacy. She brought this action solely in her official capacity and is represented in this matter  
24 by Bill Lockyer, Attorney General of the State of California, by Joshua A. Room, Deputy  
25 Attorney General.

26 2. Paul A. Gonsalves (Respondent) is represented in this proceeding by  
27 attorney Ivan Weinberg, Weinberg, Hoffman, Casey & Ropers, whose address is 900 Larkspur  
28 Landing Cir. # 155, Larkspur, CA 94939.



1 CULPABILITY

2 8. Respondent agrees that, at a hearing, Complainant could establish a factual  
3 basis for charges and allegations in Accusation No. 2799. Respondent agrees that sufficient  
4 cause exists for license discipline and hereby surrenders his Pharmacy Technician License No.  
5 TCH 23109 for the Board's formal acceptance.

6 9. Respondent understands that by signing this stipulation he enables the  
7 Board to issue an order accepting the surrender of his Pharmacy Technician License without  
8 further process, notice, or opportunity to be heard.

9  
10 CONTINGENCY

11 10. This stipulation shall be subject to approval by the Board of Pharmacy.  
12 Respondent understands and agrees that counsel for Complainant and the staff of the Board of  
13 Pharmacy may communicate directly with the Board regarding this stipulation and surrender,  
14 without notice to or participation by Respondent or his counsel. By signing the stipulation,  
15 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind  
16 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt  
17 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall  
18 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
19 between the parties, and the Board shall not be disqualified from further action by having  
20 considered this matter.

21 11. The parties understand and agree that facsimile copies of this Stipulated  
22 Surrender of License and Order, including facsimile signatures thereto, shall have the same force  
23 and effect as the originals.

24 12. In consideration of the foregoing admissions and stipulations, the parties  
25 agree that the Board may, without further notice or formal proceeding, issue and enter the  
26 following Order:

27 ///

28 ///

**ORDER**

IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 23109, issued to Respondent Paul A. Gonsalves, is surrendered and accepted by the Board of Pharmacy.

13. The surrender of Respondent's Pharmacy Technician License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

14. Respondent shall lose all rights and privileges as a Pharmacy Technician in California as of the effective date of the Board's Decision and Order.

15. Respondent shall cause to be delivered to the Board his License, wall and pocket license certificate(s), on or before the effective date of the Decision and Order.

16. Respondent may not apply or reapply for any licensure or registration of the Board for three (3) years from the effective date of the Decision and Order.

17. Respondent understands and agrees that if he ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 2799 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

18. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 2799 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

19. Respondent shall pay the Board its costs of investigation and enforcement in the amount of \$5,000.00 prior to issuance of a new or reinstated license.

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ACCEPTANCE

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

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

\_\_\_\_\_  
PAUL A. GONSALVES  
Respondent

I have read and fully discussed with Respondent Paul A. Gonsalves the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

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

\_\_\_\_\_  
IVAN WEINBERG  
Attorney for Respondent

ENDORSEMENT

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

DATED: 2/9/06.

BILL LOCKYER, Attorney General  
of the State of California

  
\_\_\_\_\_  
JOSHUA A. ROOM  
Deputy Attorney General

Attorneys for Complainant

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

In the Matter of the Accusation Against:

PAUL A. GONSALVES  
62 Trinity Drive  
Novato, California 94947-5247

Pharmacy Technician License No. TCH 23109

Respondent.

Case No. 2799

OAH No.

**DECISION AND ORDER**

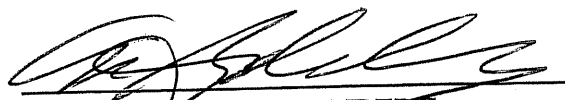
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on April 12, 2006.

It is so ORDERED March 13, 2006.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



STANLEY W. GOLDENBERG  
Board President



**Exhibit A**  
**Accusation No. 2799**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 JOSHUA A. ROOM, State Bar No. 214663  
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8 **BOARD OF PHARMACY**  
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10 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2799

11 PAUL A. GONSALVES  
62 Trinity Drive  
12 Novato, California 94947-5247

OAH No.

**ACCUSATION**

13 Pharmacy Technician License No. TCH 23109

14 Respondent.

15  
16 Complainant alleges:

17 PARTIES

- 18 1. Patricia F. Harris (Complainant) brings this Accusation solely in her  
19 official capacity as Executive Officer, Board of Pharmacy, Department of Consumer Affairs.
- 20 2. On or about July 7, 1997, the Board of Pharmacy issued Pharmacy  
21 Technician License Number TCH 23109 to Paul A. Gonsalves (Respondent). The License was  
22 in full force and effect at all times relevant to the charges brought herein. On or about September  
23 3, 2004, on request from the Board of Pharmacy under Penal Code section 23, an order entered in  
24 Marin County Superior Court, Case No. SC136490A, set as a condition of bail that Respondent  
25 would be prohibited from practicing as a Pharmacy Technician and would surrender his License  
26 to the Board during pending criminal proceedings. The License expired on November 30, 2004,  
27 and has not been renewed.

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1           12. Health and Safety Code section 11351, in pertinent part, makes it unlawful  
2 for any person to possess for sale or purchase for sale any controlled substance classified in  
3 Schedule III, IV, or V which is a narcotic drug.

4           13. Health and Safety Code section 11357, in pertinent part, makes it unlawful  
5 for any person to possess **marijuana** or concentrated cannabis.

6           14. Health and Safety Code section 11375, in pertinent part, makes it unlawful  
7 for any person to possess, or to possess for sale, or to sell, any form of **diazepam**.

8           15. Health and Safety Code section 11377, in pertinent part, makes it unlawful  
9 for any person to possess any controlled substance classified in Schedule III, IV, or V which is  
10 not a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or  
11 veterinarian licensed to practice in this state.

12           16. Health and Safety Code section 11378, in pertinent part, makes it unlawful  
13 for any person to possess for sale any controlled substance classified in Schedule III, IV, or V  
14 which is not a narcotic drug.

15           17. Section 125.3 of the Code provides, in pertinent part, that the Board may  
16 request the administrative law judge to direct a licentiate found to have committed a violation of  
17 the licensing act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

18  
19                           CONTROLLED SUBSTANCES / DANGEROUS DRUGS

20           18. Section 4021 of the Code states:

21                   “‘Controlled substance’ means any substance listed in Chapter 2 (commencing  
22 with Section 11053) of Division 10 of the Health and Safety Code.”

23           19. Section 4022 of the Code states, in pertinent part:

24                   “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for  
25 self-use, except veterinary drugs that are labeled as such, and includes the following:

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

28                   ...

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

3                   20.     **Marijuana** is a Schedule I controlled substance as designated by Health  
4 and Safety Code section 11054(d)(13), and a dangerous drug as designated by Business and  
5 Professions Code section 4022. It is a hallucinogenic drug.

6                   21.     **Cocaine** is a Schedule I (in base form) or Schedule II controlled substance  
7 as designated by Health and Safety Code sections 11054(f)(1) and 11055(b)(6) and a dangerous  
8 drug as designated by Business and Professions Code section 4022. It is a narcotic drug.

9                   22.     **Methamphetamine** is a Schedule II controlled substance as designated by  
10 Health and Safety Code section 11055(d)(2) and a dangerous drug as designated by Business and  
11 Professions Code section 4022. It is a stimulant drug.

12                  23.     **LSD (lysergic acid diethylamide)** is a Schedule I controlled substance as  
13 designated by Health and Safety Code section 11054(d)(12), and a dangerous drug as designated  
14 by Business and Professions Code section 4022. It is a hallucinogenic drug.

15                  24.     **Valium** is a brand name for **diazepam**, which is a Schedule IV controlled  
16 substance as designated by Health and Safety Code section 11057(d)(9) and a dangerous drug as  
17 designated by Business and Professions Code section 4022. It is a depressant drug.

18                  25.     **Dexedrine** and **Adderall** are brand names for **amphetamine** and/or  
19 **dextroamphetamine sulfate**, a Schedule II controlled substance as designated by Health and  
20 Safety Code section 11055(d)(1) and a dangerous drug as designated by Business and Professions  
21 Code section 4022. It is a stimulant drug.

22                  26.     **Cylert** is a brand name for **pemoline**, which is a Schedule IV controlled  
23 substance as designated by Health and Safety Code section 11057(f)(5) and a dangerous drug as  
24 designated by Business and Professions Code section 4022. It is a stimulant drug.

25                  27.     **Lortab** is one of several brand names for compounds of acetaminophen  
26 (APAP) and **hydrocodone bitartrate**, a Schedule III controlled substance as designated by  
27 Health and Safety Code section 11056(e)(4) and a dangerous drug as designated by Business and  
28 Professions Code section 4022. It is a narcotic drug.

1           28.     **Methadone** is a Schedule II controlled substance as designated by Health  
2 and Safety Code section 11055(c)(14) and a dangerous drug as designated by Business and  
3 Professions Code section 4022. It is a narcotic drug.

4           29.     **APAP with Codeine** is a commonly used designation for compounds of  
5 varying dosages of acetaminophen (APAP) and **codeine**, a Schedule III controlled substance as  
6 designated by Health and Safety Code section 11056(e)(2) and a dangerous drug as designated by  
7 Business and Professions Code section 4022. It is a narcotic drug.

8           30.     **Ativan** is a brand name for **lorazepam**, a Schedule IV controlled  
9 substance as designated by Health and Safety Code section 11057(d)(16) and a dangerous drug as  
10 designated by Business and Professions Code section 4022. It is a depressant drug.

11          31.     **Klonopin** is a brand name for **clonazepam**, a Schedule IV controlled  
12 substance as designated by Health and Safety Code section 11057(d)(7) and a dangerous drug as  
13 designated by Business and Professions Code section 4022. It is a depressant drug.

14          32.     **Xanax** is a brand name for **alprazolam**, a Schedule IV controlled  
15 substance as designated by Health and Safety Code section 11057(d)(1) and a dangerous drug as  
16 designated by Business and Professions Code section 4022. It is a depressant drug.

17          33.     **Ambien** is a brand name for **zolpidem tartrate**, a Schedule IV controlled  
18 substance as designated by Health and Safety Code section 11057(d)(32) and a dangerous drug as  
19 designated by Business and Professions Code section 4022. It is a depressant drug.

20          34.     **Restoril** is a brand name for **temazepam**, a Schedule IV controlled  
21 substance as designated by Health and Safety Code section 11057(d)(29) and a dangerous drug as  
22 designated by Business and Professions Code section 4022. It is a depressant drug.

23          35.     **Redux** and **Pondimin** are brand names for **fenfluramine**, a Schedule IV  
24 controlled substance as designated by Health and Safety Code section 11057(e) and a dangerous  
25 drug as designated by Business and Professions Code section 4022. It is a diet drug.

26          36.     **Adipex-P** is a brand name for **phentermine**, a Schedule IV controlled  
27 substance as designated by Health and Safety Code section 11057(f)(4) and a dangerous drug as  
28 designated by Business and Professions Code section 4022. It is a stimulant drug.





1                   47.     On or about September 19, 2002, pursuant to a plea agreement, the 205<sup>th</sup>  
2 District Court of Hudspeth County, Texas entered the following order: further adjudication of  
3 the matter would be deferred for five (5) years, during which time Respondent would be placed  
4 on/under court-ordered community supervision/probation. Respondent was also required to pay  
5 a fine of \$500.00, court costs of \$208.00, and laboratory costs of \$140.00. Respondent was also  
6 required, *inter alia*, to perform 160 hours of community service, to submit to breath analysis or  
7 urinalysis as required, and to participate in alcohol and drug education and treatment as directed.

8                   48.     On or about October 23, 2002, Respondent received permission from the  
9 State of Texas to serve his five (5) years of community supervision, then scheduled to expire on  
10 or about September 19, 2007, in the State of California, where he was then resident.

11                   49.     On or about June 28, 2004, a search warrant executed by the Marin County  
12 Major Crimes Task Force at Respondent's residence in Novato, California led to the seizure of  
13 large quantities of controlled substances and dangerous drugs, including, reportedly, 230 grams  
14 of suspected **marijuana**, 1.7 grams of suspected **methamphetamine**, several doses of suspected  
15 **LSD**, 7.0 grams of suspected **cocaine**, and approximately 6,177 tablets of prescription controlled  
16 substances and dangerous drugs. Included among the prescription drugs seized were: stimulants  
17 **Dexedrine**, **Adderall** (both **amphetamine(s)**), and **Cylert (pemoline)**; narcotics **hydrocodone**,  
18 **methadone**, **APAP with Codeine**, and **Lortab**; tranquilizers/depressants **Valium (diazepam)**,  
19 **Ativan (lorazepam)**, **clonazepam**, and **alprazolam**; sleep aids **Ambien (zolpidem tartrate)** and  
20 **temazepam**; diet drugs **Redux**, **Pondimin** (both **fenfluramine(s)**), and **phentermine**; muscle  
21 relaxants **Soma (carisoprodol)** and **cyclobenzaprine**; the cholesterol-control drug **Lipitor**  
22 (**atorvastatin calcium**); antibiotics **Levaquin (levofloxacin)** and **doxycycline hyclate**; the male  
23 impotence drug **Viagra (sildenafil)**, and the anti-depressant drug **fluoxetine**. Marin County  
24 authorities also recovered various drug paraphernalia including pipes and packaging materials.

25                   50.     On or about October 14, 2004, Respondent's employer, Jack's Drugstore  
26 & Medical Supplies, Inc., completed an audit of controlled substances inventory for the period  
27 October 2002 to July 2004, during which Respondent was employed as a Pharmacy Technician.  
28 That audit revealed substantial shortages in controlled substances and dangerous drugs.

1           51.     On or about August 27, 2004, in the matter of *People v. Paul Anthony*  
2 *Gonsalves*, Case No. SC136490 in Marin County Superior Court, Respondent was charged with  
3 six felony counts: two counts of violating Health and Safety Code section 11351 (possession for  
4 sale of controlled substances); three counts of violating Health and Safety Code section 11378  
5 (possession for sale of controlled substances); and one count of violating Health and Safety Code  
6 section 11375 (sale or possession for sale of controlled substances).

7           52.     On or about September 3, 2004, in response to a request from the Board  
8 pursuant to an appearance under Penal Code Section 23 in *People v. Paul Anthony Gonsalves*,  
9 Case No. SC136490, Respondent was ordered by Marin County Superior Court, as a condition of  
10 bail, to refrain from further practice as a Pharmacy Technician and to surrender his Pharmacy  
11 Technician License to the Board, during the pendency of criminal proceedings.

12           53.     On or about January 28, 2005, a Second Amended Complaint was filed in  
13 the matter of *People v. Paul Anthony Gonsalves*, Case No. SC136490, charging Respondent with  
14 three felonies: (1) violation of Penal Code section 487(b)(3) / Penal Code section 506 (fiduciary  
15 grand theft by embezzlement), for fraudulently appropriating money or property he was entrusted  
16 with or had in his control, between October 3, 2002 and June 28, 2004; (2) violation of Health  
17 and Safety Code section 11375(b)(1) (possession for sale of controlled substance), for possession  
18 for sale of **alprazolam (Xanax)** and **diazepam (Valium)**; and (3) violation of Health and Safety  
19 Code section 11350(a) (possession of controlled substance), for possession of **cocaine**.

20           54.     On or about January 28, 2005, before the Marin County Superior Court in  
21 the matter of *People v. Paul Anthony Gonsalves*, Case No. SC 136490, Respondent entered pleas  
22 of guilty to, and was convicted of, all three above-listed felony counts. On or about March 25,  
23 2005, Respondent was given a sentence including: six (6) months in the custody of the Marin  
24 County Sheriff; probation of three (3) years, through March 25, 2008; abstention from alcohol  
25 during the probation period; prohibition on use, transport, or possession of non-prescribed or  
26 illegal drugs, or associated paraphernalia; chemical testing as directed; search and seizure as  
27 directed; drug and alcohol treatment, as directed; AA or NA attendance, as directed; ongoing  
28 psychotherapy; restitution; fines, fees and court costs; and registration as a narcotics offender.





1 EIGHTH CAUSE FOR DISCIPLINE

2 (Unlawful Possession for Sale of Narcotic Controlled Substances)

3 63. Respondent is subject to discipline under Code section 4301(j) and/or  
4 Code section 4301(o) in that Respondent, as described in paragraphs 49-54 above, possessed,  
5 conspired to possess, and/or assisted in or abetted the possession of narcotic controlled  
6 substances, for purposes of sale, in violation of Health and Safety Code section 11351.

7  
8 NINTH CAUSE FOR DISCIPLINE

9 (Unlawful Possession of Marijuana)

10 64. Respondent is subject to discipline under Code section 4301(j) and/or  
11 Code section 4301(o) in that Respondent, as described in paragraphs 49-54 above, possessed,  
12 conspired to possess, and/or assisted in or abetted the possession of **marijuana**, in violation of  
13 Health and Safety Code section 11357.

14  
15 TENTH CAUSE FOR DISCIPLINE

16 (Unlawful Possession of Diazepam)

17 65. Respondent is subject to discipline under Code section 4301(j) and/or  
18 Code section 4301(o) in that Respondent, as described in paragraphs 49-54 above, possessed,  
19 conspired to possess, and/or assisted in or abetted the possession of **diazepam**, in violation of  
20 Health and Safety Code section 11375.

21  
22 ELEVENTH CAUSE FOR DISCIPLINE

23 (Unlawful Possession of Non-Narcotic Controlled Substances)

24 66. Respondent is subject to discipline under Code section 4301(j) and/or  
25 Code section 4301(o) in that Respondent, as described in paragraphs 49-54 above, possessed,  
26 conspired to possess, and/or assisted in or abetted the possession of non-narcotic controlled  
27 substances, without a valid prescription, in violation of Health and Safety Code section 11377.

28 ///

1 TWELFTH CAUSE FOR DISCIPLINE

2 (Unlawful Possession for Sale of Non-Narcotic Controlled Substances)

3 67. Respondent is subject to disciplinary action under Code section 4301(j)  
4 and/or Code section 4301(o) in that Respondent, as described in paragraphs 49-54 above,  
5 possessed, conspired to possess, and/or assisted in or abetted the possession of non-narcotic  
6 controlled substances, for purposes of sale, in violation of Health and Safety Code section 11378.

7  
8 FOURTEENTH CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct)

10 68. Respondent is subject to disciplinary action under section 4301 of the  
11 Code in that Respondent, by way of the conduct described in paragraphs 44-55 above, engaged in  
12 "unprofessional conduct" not becoming the profession of pharmacy.

13  
14 PRAYER


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

17 A. Revoking or suspending Pharmacy Technician License Number TCH  
18 23109, issued to Respondent Paul A. Gonsalves.

19 B. Ordering Respondent Paul A. Gonsalves to pay the Board of Pharmacy the  
20 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
21 Professions Code section 125.3; and

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

23 DATED: 7/25/05

24   
25 \_\_\_\_\_  
26 PATRICIA F. HARRIS  
27 Executive Officer  
28 Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant