

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

In the Matter of the Accusation Against:

Case No. 3090

LUIS EDUARDO OLIVARES  
422 Chestnut Avenue  
Manteca, California 95336

c/o California State Prison, Corcoran  
CDC #F08953  
4001 King Avenue  
P.O. Box 8800  
Corcoran, California 93212

Pharmacy Technician License No. TCH 53234

Respondent.

**DECISION AND ORDER**

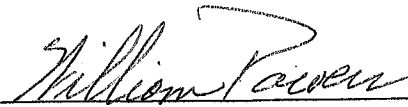
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on November 8, 2007.

It is so ORDERED October 9, 2007.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
\_\_\_\_\_  
WILLIAM POWERS  
Board President

**ORIGINAL**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 STERLING A. SMITH, State Bar No. 84287  
Deputy Attorney General  
4 California Department of Justice  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 323-3795  
Facsimile: (916) 324-5567  
7  
8 Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

Case No. 3090

14 **LUIS EDUARDO OLIVARES**  
422 Chestnut Avenue  
15 Manteca, California 95336

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

16 c/o California State Prison, Corcoran  
CDC #F08953  
17 4001 King Avenue  
P.O. Box 8800  
18 Corcoran, California 93212

**Pharmacy Technician License No. TCH 53234**

Respondent.

19  
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
21 proceeding that the following matters are true:

22 PARTIES

23 1. Virginia Herold (Complainant) is the Executive Officer of the Board of  
24 Pharmacy. She brought this action solely in her official capacity and is represented in this matter  
25 by Edmund G. Brown Jr., Attorney General of the State of California, by Sterling A. Smith,  
26 Deputy Attorney General.

27 2. Luis Eduardo Olivares ("Respondent") is representing himself in this  
28 proceeding and has chosen not to exercise his right to be represented by counsel.



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CULPABILITY

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9. Respondent admits the truth of each and every charge and allegation in Accusation No. 3090, agrees that cause exists for discipline and hereby surrenders his Pharmacy Technician License No. TCH 53234 for the Board's formal acceptance.

7

10. Respondent understands that by signing this stipulation, he enables the Board to issue an order accepting the surrender of his Pharmacy Technician License without further process.

10

CONTINGENCY

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

20

OTHER MATTERS

21

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

24

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

27

ORDER

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IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 53234,

1 issued to Respondent Luis Eduardo Olivares is surrendered and accepted by the Board of  
2 Pharmacy.

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

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

9 3. Respondent shall cause to be delivered to the Board both his Pharmacy  
10 Technician wall and pocket license certificate on or before the effective date of the Decision and  
11 Order.

12 4. Respondent understands and agrees that if he ever applies for licensure or  
13 petitions for reinstatement in the State of California, the Board shall treat it as a new application  
14 for licensure. Respondent may not apply for licensure or petition for reinstatement of his revoked  
15 license certification for three (3) years from the date of this decision. Respondent must comply  
16 with all the laws, regulations and procedures for licensure in effect at the time the application or  
17 petition is filed, and all of the charges and allegations contained in Accusation No. 3090 shall be  
18 deemed to be true, correct and admitted by Respondent when the Board determines whether to  
19 grant or deny the application or petition.

20 5. Should Respondent ever apply or reapply for a new license or certification,  
21 or petition for reinstatement of a license, by any other health care licensing agency in the State of  
22 California, all of the charges and allegations contained in Accusation, No. 3090 shall be deemed  
23 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
24 other proceeding seeking to deny or restrict licensure.

25 6. Respondent shall pay the Board its costs of investigation and enforcement  
26 in the amount of \$2,646.50 prior to issuance of a new or reinstated license.

27 ACCEPTANCE

28 I have carefully read the Stipulated Surrender of License and Order. I understand

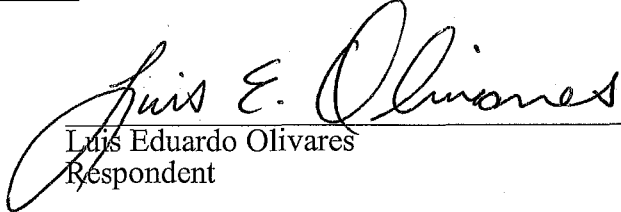
1 the stipulation and the effect it will have on my Pharmacy Technician License. I enter into this  
2 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to

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5 be bound by the Decision and Order of the Board of Pharmacy.

6 DATED: 8-26-07

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9 Luis Eduardo Olivares  
Respondent

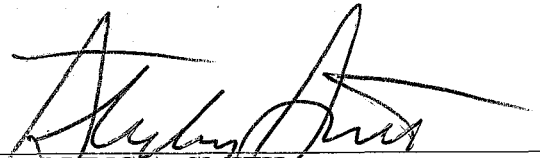
10  
11 ENDORSEMENT

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

14 DATED: 8-30-07

15 EDMUND G. BROWN JR., Attorney General  
of the State of California

16 ARTHUR D. TAGGART  
17 Supervising Deputy Attorney General

18  
19   
20 STERLING A. SMITH  
Deputy Attorney General

21 Attorneys for Complainant

22  
23 DOJ Matter ID: SA2007101366  
24 Surrender of License.wpd

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**Exhibit A**  
**Accusation No. 3090**

1 EDMUND G. BROWN, JR., Attorney General  
of the State of California  
2 ARTHUR TAGGART,  
Lead Supervising Deputy Attorney General  
3 STERLING A. SMITH, State Bar # 84287  
Deputy Attorney General  
4 California Department of Justice  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 323-3795  
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7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 3090

12 **LUIS EDUARDO OLIVARES**

OAH No.

13 422 Chestnut Avenue  
Manteca, California 95336

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

14 c/o California State Prison-Corcoran  
15 CDC #F08953  
4001 King Avenue  
16 P.O. Box 8800  
Corcoran, California 93212

17 Pharmacy License No. TCH 53234

18 Respondent.

19  
20 Complainant alleges:

21 PARTIES

22 1. Virginia K. Herold (Complainant) brings this Accusation solely in her  
23 official capacity as the Executive Officer of the Board of Pharmacy.

24 2. On or about December 16, 2003, the Board of Pharmacy issued Pharmacy  
25 License Number TCH 53234 to Luis Eduardo Olivares (Respondent). Said license will expire on  
26 or about July 31, 2007, unless renewed.

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JURISDICTION

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

5           4.       Section 4300 of the Code states, in pertinent part, that:

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

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

10           "(1) Suspending judgment.

11           "(2) Placing him or her upon probation.

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

13           "(4) Revoking his or her license.

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

16           5.       Section 4301 of the Code states:

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

21           ...

22           "(1) The conviction of a crime substantially related to the qualifications, functions,  
23 and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
24 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
25 substances or of a violation of the statutes of this state regulating controlled substances or  
26 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
27 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
28 The board may inquire into the circumstances surrounding the commission of the crime, in order



1 violation of Penal Code section 288(a), a felony, and is incarcerated in the State prison for a term  
2 of eight years. Said criminal conviction is substantially related to the qualifications, functions  
3 and duties of a pharmacy technician.

4 PRAYER

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

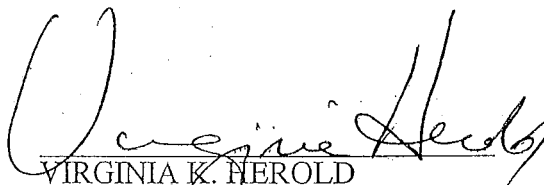
7 A Revoking or suspending Pharmacy License Number TCH 53234, issued to  
8 Luis Eduardo Olivares.

9 B. Ordering Luis Eduardo Olivares to pay the Board of Pharmacy the  
10 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
11 Professions Code section 125.3.

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

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14 DATED: 6/22/07

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

SA2005104417

Accusation.wpd